

Atwood City Council
July 16, 2015
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** July 16, 2015 at City Hall. The meeting was called to order by the Honorable Mayor Tim Colgan at 7:00 PM. Others present were Councilmembers Gary Fisher, Dietrich Kastens, Mark Mosley, Sandy Mulligan and Mark Vrbas; City Clerk Keri Riener; City Attorney Charles Peckham; Chief of Police Brian Withington; and Rosalie Ross from the Rawlins County Square Deal. City Superintendent Rick Kramer was absent.

The **Agenda** was approved as presented on motion of Councilman Dietrich Kastens, seconded by Councilman Gary Fisher, approved by all.

The **Minutes** of June 18, 2015 were approved as circulated on motion of Councilman Mark Vrbas, seconded by Councilwoman Sandy Mulligan, approved by all.

The **Bills** were approved as read on motion of Councilman Kastens, seconded by Councilman Vrbas, approved by all.

Public Comments:

JD Schmechel appeared before Council to follow-up on the 5th Street and Plumb Street intersection that was discussed at the May 21, 2015 meeting. He would appreciate consideration for a stop sign to slow traffic, as he feels 30 mph is too fast for that area. This street serves as a main street from downtown to Highway 36 and many children also walk through this area to and from school.

Scott Beims addressed the Council concerning nuisance enforcement. Scott hires someone to mow and trim the property and shared photos he had taken of the property.

Rosalie Ross shared that the legacy of the Atwood Ten Mile Race is known outside our city limits. International runners participate and hold records.

Appearances:

Atwood City Librarian Pam Luedke presented her budget for 2016 and presented statistics of library usage. The library held 28 child programs and 33 adult programs and 850 people used the meeting room last year. There are two public internet computers available and will soon be a gaming console. The library is open six days a week. They are still one member short on their board. Pam thanked the city for continued snow removal and assistance with building maintenance.

Compliance Officer Jan Ackerman presented her council report. Seven yards are being mowed compared to 17 yards last year at this time. Building permits continue to be submitted. About \$2 million in new construction in the city has been calculated in just over four years.

Alan Reuber appeared before Council about notices he received from the city's compliance officer. He shared photos he has taken of his property. Councilman Mosely stated he would like to see a spirit of compromise on both sides of this complaint, hoping for a positive resolution that would be in everyone's best interest. Alan said that if the officer had a personal discussion with citizens before sending notices

there might be less need for unnecessary documents. The mayor expressed an interest in seeing a compromise that would lead to positive change.

John Mapes with Mapes & Miller presented the 2014 audit to Council. Copies of the audit were provided to council members. Councilman Vrbas moved to **accept the audit report and authorize filing it with the state**, seconded by Gary Fisher, approved by all. The auditor then presented the 2016 Budget in the State format for approval to publish. Councilman Vrbas moved to **approve the 2016 budget for publication**, seconded by Councilman Kastens, approved by all. The auditor will publish the budget in the local newspaper. Due to higher property valuations, this mil levy rate will cause the budgeted revenue to exceed the tax lid. After the budget hearing in August, a resolution will need to be adopted before the 2016 budget can be approved. The public **budget hearing is set for 7:00 PM, August 20th** at the regular council meeting.

Larry Aldrich appeared to request expanded hours for liquor sales. Currently, state statute requires stores to close by 10 pm and prohibits liquor sales on Sundays and holidays. Cities in Kansas have authority to decide on expanded hours on an individual basis. Larry requested consideration to open until 11 pm on Friday and Saturday, at least the three summer holidays of Memorial Day, Independence Day and Labor Day and have Sunday business hours from 1 pm to 5 pm. He feels they are losing sales and therefore tax revenue for the city to neighboring towns. City Attorney Charles Peckham stated the business hours can be modified by city ordinance and state law indicates no sales may happen between midnight and 6 am. Within these state parameters, cities can modify hours. Councilman Kastens **motioned to allow expanded hours of liquor sales on Friday and Saturday nights until 11 pm, Sunday sales from 1 to 5 pm and holiday sales with hours based on the day of the week**. Councilman Mosley seconded the motion. Councilman Fisher said he would vote based on their personal religious beliefs about liquor sales on Sunday. However, if an edited form of the ordinance left out Sunday sales, he wouldn't be opposed to extended hours or holiday sales if not on Sunday. Councilman Vrbas agreed with these points, stating that for him religious and political beliefs are not separated. Mayor Colgan called for a roll call vote. Voting yes were Councilmembers Kastens, Mosley and Mulligan. Voting no were Councilmen Fisher and Vrbas. Motion carried. City Attorney Peckham will prepare the new ordinance for the August council meeting.

Nancy and Jim Kanak came before council to request repair to the **intersection of North 6th Street and Logan Street**. Nancy handed out a letter stating that the city was called to repair the street because rebar was visible at this location when they purchased their home in 1999. The erosion over the past 16 years has produced dangerous conditions, with people driving on the wrong side of the street to avoid the area and water pooling in the winter causing a sheet of ice. These situations may result in an accident. Nancy is not requesting the entire street be reconstructed, just the intersection area. The Mayor reminded Council that money has been budgeted for street repair. In 2016, Council plans to add a new fund that will allow unused street repair funds to be carried over to be used in years following the time they are budgeted. This will prevent them from being lost at the end of the year if not used and will allow Council to build funds in preparation for inevitable future street projects. The Mayor and City Superintendent Rick Kramer will take measurements of the intersection area at North 6th Street and Logan Street. They can then research the associated cost to see if it's a possibility at this time. Nancy expressed appreciation for consideration.

Old Business:

City Attorney Peckham presented Resolution 15-03 dissolving the Kelley Park Improvement Board. Board members appeared at the June City Council meeting to inform Council their main goals have been attained and they were ready for the board to dissolve. Councilman Vrbas moved to **pass Resolution 15-03 dissolving the Kelley Park Improvement Board**, Councilman Fisher seconded, approved by all. Funds raised by this board will remain in the Park Reserve Fund to be used for future projects in Kelley Park. The Tree Board will take on oversight and maintenance of Kelley Park.

New Business:

A request from the Housing Authority Board to **appoint David Howland** to fill a board vacancy on the Housing Authority Board was approved on motion of Councilman Vrbas, seconded by Councilwoman Mulligan, approved by all.

City Police Chief, Brian Withington indicated current city firework discharge hours are from 10 am to 10 pm from June 27th through July 3rd and on July 5th. Hours on July 4th are from 10 am to midnight. Discussion followed about sunset times being around 9:30 pm and realistic expectations of allowable firework times. Councilman Kastens moved to **extend City firework discharge hours to 10 am to midnight from June 27th through July 5th**, Councilman Vrbas seconded, approved by all. City Attorney Peckham will prepare the new ordinance for the August council meeting.

Department Reports:

City Clerk Keri Riener reported the Kansas Department of Labor inspection of city buildings went well. We will receive a written report of findings and make necessary changes. Our next inspection will be in three to five years. The printer in Keri's office malfunctioned last week, printing black pages. Office Works is sending someone to check it. If it is not fixable, a new printer will cost about \$500. Keri will be attending a payroll law seminar in Colby in August. Keri and Paul will travel to Scott City for a Data Tech regional meeting to learn more about the new city software capabilities.

A data file error occurred in July, when the City's handheld meter reader software corrupted the file sent to the Data Tech Software. It inserted May readings (read June 1st) for July's billing statement, when it should have been June readings that were read on July 1st. This caused base rates to be used, as no water usage was conveyed. The error has been corrected and June usage will be reflected on next month's bill.

Due to recent occurrences of individuals shutting off/turning on water meters on their property, a notice will be included on next month's water bills as a reminder of the City Ordinance 789 and 837. Ordinance 789, Section 9, states "That no meter shall be removed or repaired except by employees of the City under the direction of the city superintendent." Ordinance 837 was an amendment to Ordinance 789. Section 14 of Ordinance 837 states "It shall be unlawful for any person to turn off or turn on a water meter, make modifications to any water meter or to in anywise interfere with the City's control or use of the water meter unless he is duly authorized in writing in advance to do so by the City. A violation of this section of the Ordinance is a Class A violation punishable by up to a year in the county jail and/or a fine of up to \$2500.00. Any violator shall also be responsible for the cost of any repairs to the water meters..."

City Attorney Charles Peckham presented his handout to Council. He sent out letters concerning bad checks, issued a number of bench warrants and discussed tickets and payments with defendants on various cases. Charles has been working with the nuisance/zoning officer on several issues. Charles is

still working on the airport title opinion, appraisal and zoning. July's court date is busy, with a special setting on two cases with a replacement judge.

Police Chief Brian Withington presented his report from June 19, 2015 through July 15, 2015. His department worked 18 reports. There were 12 arrests made, a number of warnings given and 47 tickets issued. Other patrol activity included 464 public relations, 140 business checks and 72 miscellaneous complaints. The police department has been running radar on East Hill Drive, checking speeds of 32 cars in a two hour period. After issuing citations, speeds were checked later in the week resulting in no speed violations.

Brian reviewed the previous appearance of JD Schmechel regarding the **5th Street and Plumb Street intersection**. The speeds of 447 cars were checked in the last month with the average speed being 20.82 mph, showing many people are obeying speed laws in that area. Mayor Colgan stated that by law, a stop sign cannot be placed at a location without a street assessment by an engineer. JD repeated his concern that many children are active in the area and with school starting, it will only get busier. With cars parked on the sides of the streets, visibility is reduced for drivers and 30 mph seems too fast. Mayor Colgan urged parents to be attentive and educate children that the street is not a playground area and skateboarding/biking out of driveways is dangerous. Councilman Vrbas added that he feels many people are aware of the kids in that area, slowing down to be watchful as they drive through. The Mayor will ask Rick for an estimated cost of a street study through Miller and Associates and further discuss the issue when more information is available.

The Police Department's new Dodge Ram has arrived and is being outfitted. Brian provided a list outlining equipment needed and costs. The estimated cost for a cage, gun rack, console, radar and light bar is approximately \$5450.00. The 2003 Dodge Dakota will be listed for sale soon.

City Superintendent Rick Kramer was not able to attend the meeting, but provided handouts. The first detailed where the city crew has spent their time since the last meeting. The water report shows the amount of water pumped and sold for the month. The depth to the wells and water draw down has remained consistent. The last page was the equipment condition report.

Council Reports:

Councilman Gary Fisher had nothing to report for the Housing Authority. The tree board has accepted Kerry Dunker's resignation, leaving four members on their seven member board. Gary asked if the Council would expand the parameters of tree board members to outside city limits. Councilmembers discussed many people use the city park and downtown area, so it would be logical to allow people outside city limits to serve on this board. The City Attorney will **draft an ordinance for approval at the August council meeting that will allow tree board members to be a resident of Rawlins County**, not limited to a certain number of miles within the city limits.

Councilman Dietrich Kastens reported the City Fire Department meeting will be next Monday night. A training seminar with a burn trailer was being held in Colby tonight.

Councilman Mark Mosely reported the Library Board met this week. The Bethel Stolte estate donated funds that will be used for a gaming system, flat screen television and new chairs. Mark attended the Theater Board meeting. They discussed the need for a bike rack and success of the 2015 Summer Recreation free Thursday matinee lineup. The airport board meets next week.

Councilwoman Sandy Mulligan reported the Economic Development Board met to consider an E-Loan. It was approved, passing with Sandy and her daughter, Linde Hagler abstaining from action as it was for Mulligan's on Main.

Councilman Mark Vrbas reported he has coordinated with Rick for a tour of the city's facilities. It will happen on Wednesday, August 19th at 5 pm. The group will leave from City Hall and the tour should take two hours or less. The public is invited to join the group.

Mayors Notes:

The mayor commented on the inspection made by the Kansas Department of Labor, commending our city crew for the spotless conditions of our facilities. In regard to nuisance and zoning letters being sent out by the city's enforcement officer, a courtesy letter is the first step of the process. If someone receives a letter and has weeds taller than eight inches, spraying is an option, but dead weeds that are over eight inches tall are still a violation of the ordinance. The draws in the City are owned by individual land owners. The city mows the draws, but the land owners are technically responsible and anything not mowed that could be a code violation. We have discussed going back to notices on doors as the first line of communication. Personal contact might be a way to better facilitate short term complaints.

With no further business to come before Council, Councilman Kastens moved to adjourn, seconded by Councilman Mosley. The **meeting adjourned at 9:55 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor