

Atwood City Council
November 19, 2015
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** November 19, 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, Mark Vrbas; City Clerk Keri Riener; City Attorney Charles Peckham; City Police Chief Brian Withington; City Superintendent Rick Kramer; and Susan Huff of the Rawlins County Square Deal.

The **Agenda** was approved as circulated on motion of Councilman Mark Vrbas, seconded by Councilwoman Sandy Mulligan, approved by all.

The **Minutes** of October 15, 2015 were approved as circulated on motion of Councilwoman Mulligan, seconded by Councilman Vrbas, approved by all.

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

Public Comments:

Mike Griffith appeared before Council to express concern with the additional angled parking spaces painted on the south side of the 500 Block of State Street. Previously there had been no painted parking spaces in this area, so the option of parallel parking or angled parking was left open. Although the dental office on the north side of the street sometimes uses that area for angled parking, Mike would prefer to retain the option of parallel parking as well. Discussion was held by the council about the need for angled parking spaces in that area. City Superintendent Rick Kramer said the lines can be sandblasted off or just allowed to wear off over time. Councilman Gary Fisher moved to **sandblast the angled parking lines off the south side of the 500 Block of State Street in front of Mike Griffith's property and extending back to the Majestic Auto Property**, Councilman Kastens seconded, approved by all.

Appearances:

Charles Peckham represented the Jayhawk Theatre Board, requesting council's opinion on allowing community groups to use the theater stage. Council questions included how a screen protective case could be constructed, the difficulty in moving such a bulky item, costs associated with damage that could occur to the screen and liability issues. City Clerk, Keri Riener, added that when the theater was being used for community or school plays years ago, the actual theater revenue from movies wasn't as much as it is now. If the theater is needed for a full weekend for a play, the movie revenue would be lost. Rent for the space would need to be considered to make up for lost revenue. Mayor Tim Colgan requested the Theatre Board consider this matter in more detail and possibly present a complete plan to the council that would include protection for the screen, revenue replacement for movies that would not be shown while the theater is being used for another event and a policy for community groups to follow.

David Blau with Miller & Associates presented a handout listing the only bid received at the Bid Opening on November 12, 2015 at 3:00 PM. The bid was received from Midlands Contracting, Inc. from Kearney, NE. The bid was split into two parts according to priority encase bids received for the project

exceeded the project budget the lower priority work could be removed. Bid A included the highest priority areas and Bid B covered the lower priority areas. The total bid from Midlands Contracting, Inc. was \$1,032,685.01 for both Bid A and Bid B. The Engineer's Opinion of Probable Construction Cost was \$1,505,591.00. Midlands Contracting, Inc. came in 31.4% below the Engineer's Estimated Cost. A second bid was delivered, but withdrawn, by request of the contractor, prior to opening. The bid was returned to the contractor unopened. David recommended the bids be accepted for both Bid A-Priority 1 Improvements and Bid B-Priority 2 Improvements and the contract awarded to Midlands Contracting, Inc., contingent upon USDA-RD approval. Councilman Vrbas moved to **accept the bids from Midlands Contracting, Inc. for both Priority 1 Improvements and Priority 2 Improvements in the amount of \$1,032,685.01, contingent upon USDA-RD approval and authorized the mayor to sign contract documents to execute agreements**, Councilwoman Mulligan seconded, approved by all.

David added that two new manholes will be constructed by Midlands, as part of the contract, prior to the sewer lining process. He stated that the drawings for Sanitary Sewer Improvements, including the new sewer main and lift station construction, should be complete before Thanksgiving. City Attorney, Charles Peckham, **presented the right of way docket for the mayor and engineer to sign, which will be submitted to USDA-RD for approval.**

Old Business: None.

New Business:

After reviewing October financial statements, it was noted that there is plenty of cash in the funds, but possibly not enough budget to allow for possible expenditures. The **budget amendments needed to finish out 2015** are in the General Fund and the Sewer Fund. Councilman Kastens moved to publish the amendments to the General Fund budget of \$40,000 and the Sewer Fund of \$25,000, seconded by Councilman Vrbas, approved by all. This will in no way affect tax payers. A **public hearing on amending the budget will be held December 17, 2015 at 7:00 PM at City Hall.**

Department Reports:

City Clerk Keri Riener reported the water loan payments were made at the end of October in the amount of \$131,365.95. The 2015 year will end with around \$902,000 in the water savings and \$306,000 in the sewer savings. If all goes well, there should be a cash carryover in the general fund at the end of the year and about \$220,000 carryover in the water fund.

Keri attended the first year of the Municipal Clerk's Certification Institute in Wichita 11/2-11/6. She was granted a scholarship covering registration \$460, half of the hotel and \$100 in travel expenses, which will be reimbursed to the city. While at the conference, she was awarded a scholarship to attend the International Institute of Municipal Clerks Annual Conference which will be held in Omaha, NE in May of 2016. That scholarship will pay for registration and travel expenses up to \$1,000.

Keri presented information on Befria, Inc., a company of benefit consultants/brokers that offer retirement and investment programs, disability insurance, life insurance, long term care coverage, payroll services and major medical coverage. They are based in Lindsborg, KS, with satellite locations throughout the state. Befria, Inc. would be the city's primary agent of record and would revise the current Cafeteria Plan document as well as offer additional employee benefits. This will allow the city to widen the umbrella of payroll withholding options available to employees, giving them a choice of providers. Bob Harper, the city's AFLAC representative would still cover those AFLAC policies currently in existence. Councilman Vrbas moved to **designate Befria, Inc. as the primary agent of record for the**

City of Atwood to provide voluntary employee benefit services, Councilwoman Mulligan seconded, approved by all.

Befria, Inc. provided a proposal for employer paid group life insurance from US Alliance that offers the same accidental death coverage the city currently has for \$51.20/month. The city attorney proofread the proposal. The current amount paid for the same coverage from Advance Insurance Company of KS is \$68.80/month. Following discussion, Councilman Kastens moved **to change the City of Atwood's accidental death coverage from Advance Insurance Company of KS to US Alliance beginning in January, paid in advance in December**, seconded by Councilman Mosley. Voting yes were Councilmembers Kastens, Mosley, Mulligan and Vrbas. Voting no was Councilman Fisher. Motion passed.

Keri reported Roofmasters will start repairing the roof of City Hall before Thanksgiving.

Ordinance #858 Prohibiting the Possession of Marijuana and Paraphernalia was presented by the City Attorney. Currently, without this ordinance, cases are being sent to the county attorney, with the costs associated with the charge, drug kits and time filing affidavits and narratives being paid by the city. These actions occur before the case is ever officially charged and issued a court date. This ordinance allows a first time misdemeanor for possession of marijuana and paraphernalia to be in city jurisdiction. Felony charges will still be taken to district court. If Ordinance #858 is passed, it will go into effect upon publication in the newspaper. Councilman Mosley made a motion to **adopt Ordinance #858, prohibiting the possession of marijuana and paraphernalia**, Councilwoman Mulligan seconded, approved by all.

Ordinance #859 amends the Standard Traffic Ordinance to add the subsection to Section 30, Subsection (b)(1): (C) a Third Conviction of a Class A, Nonperson Misdemeanor to allow the prosecution of a third time DUI case. Chief of Police, Brian Withington, clarified that the Driver Control Bureau has the power to suspend the licenses in these cases; that is not the job of the court. Ordinance #859 allows the Atwood Municipal Court to pursue these cases instead of turning them over to district court. Following discussion, Councilman Kastens moved to **adopt Ordinance #859, amending the STO to add a Third Time DUI**, Councilman Mosley seconded, approved by all.

City Attorney Charles Peckham presented his handout to Council. He sent out letters concerning bad checks, dealt with a number of alcohol related cases, including a second conviction on a DUI case with data forwarded to the new County Attorney, Chris Rohr for the third DUI. A date has been set for a DUI trial in December. Charles has discussed tickets and payments with defendants on various cases. He communicates with the nuisance/zoning officer regularly concerning current cases. Charles has been communicating with the engineer for the airport. Appraisals for the airport should be in shortly and then negotiations can begin. A trial date has been set for the Persinger Building cases in January.

Police Chief Brian Withington presented his report. His department worked 17 reports from October 16, 2015 through November 19, 2015. There were 9 arrests made, a number of warnings given and 8 tickets issued. Other patrol activity included 402 public relations, 41 business checks and 94 miscellaneous complaints. They continue to monitor North 5th Street. Councilwoman Mulligan is still planning to look into the grant for the traffic study.

City Superintendent Rick Kramer did not have a written report for council, due to recent snow removal taking precedence. The water reports are looking typical. The concrete street repair on North 6th Street

and Logan Street is complete. The concrete work on the head of the culvert on Plumb and 8th street is finished. With the massive amount of snowfall in this week's storm, the city crew has been busy moving snow and clearing streets. The mayor took time to acknowledge the extra hours the city crew put in and thank them for the nice job they have done around town. Rick has had a few complaints of driveways being covered in the process of cleaning the snow off the streets. The Kansas Department of Transportation offered loaders to assist with the snow. After educating the operators about fire hydrants and curbs, they were additional help in the effort to clear roadways efficiently. City Clerk, Keri Riener, added that only one snow removal permit has been issued to date this year. Councilwoman Mulligan asked if the city has a Four-Wheel Drive or Tire Chain/Snow Tire Emergency Policy like the City of Colby put into effect during the storm that prohibited certain vehicles from being on the streets. Rick said the city doesn't have a policy concerning vehicles; they just have a Snow Removal Policy they follow under those circumstances. If there is less than six inches of snow, only the downtown area snow is cleared. If there is more than six inches of snow, the residential areas are cleared in addition to the downtown area. There is preference given to the snow route in town being cleared first, followed by the business district and then residential areas, if applicable.

Council Reports:

Councilman Gary Fisher reported the Housing Authority cancelled their meeting tonight. The Tree Board would like council opinion on allowing one or two high school students to participate in tree board activities. They would not be a voting board member, but would be active with the group. Councilmembers were in favor of allowing young people to become involved.

Councilman Dietrich Kastens stated the fire department met Monday evening for about three hours and completed the first phase of a two part Red Cross training. The second session covering CPR will be completed sometime after the holiday season.

Councilman Mark Mosley stated most of the Theater Board meeting information had been covered earlier in the screen discussion. He just wanted to add there will be some free movies during the holiday season that are sponsored by various community groups and will be advertised in the newspaper and on social media. The theater board approved a new policy that at least five people must be at the theater for the movie to be shown. There will be a fifteen minute waiting period from when the movie is set to start to determine if enough people will attend. If less than five people are at the theater, they will be issued a refund ticket and a coupon for one free small popcorn.

The Library Board met and plans to open an account with Modern Woodmen in a conservative mutual fund. Valerie Bearley retired from her part time position and Deb Smethers will cover those hours.

The Airport Board has had some action on the land acquisition. It will be a long process. Councilman Mosley asked for clarification on the Airport Budget for the City. Mayor Tim Colgan reviewed that the city budgets an Airport Match of \$15,000. The city's 5% match (the county matches 5% as well) is included in this total amount. If it is not used in the budget year, it is not carried over to the next year.

Councilwoman Sandy Mulligan had nothing to report.

Councilman Mark Vrbas had nothing to report.

Mayors Notes:

Mayor Tim Colgan asked the council their opinion concerning a need for a policy concerning minimum sewer charges for residents without water services that may be using the sewer. The council discussed this topic and determined that if a water meter is installed on the property within a reasonable amount of time, they wouldn't feel it is necessary to draft a minimum sewer charge policy. No action was taken at this time.

The City Attorney will draft a resolution for a Special Street Improvement Fund to allow the city to transfer leftover street funds to the new fund at the end of the budget year. This will aid in building the balance available for future street repairs. Charles will bring the resolution to next month's meeting.

The mayor attended the Kansas Governor's Water Conference in Manhattan this week. The Governor has a fifty year vision for Kansas water. One interesting topic discussed was a group formed in Sheridan County that had goals to reduce water usage by 20%. In their second year, they have already reduced water usage by 22%. It was an informative conference and an opportunity to meet and have discussions with other groups with similar interests.

With no further business to come before Council, Councilman Vrbas moved to adjourn, seconded by Councilman Fisher, approved by all. The **meeting adjourned at 9:20 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor