Atwood City Council
March 17, 2016
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** March 17, 2016 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 Attorney Charles Peckham; Chief of Police Brian Withington; City Superintendent Rick Kramer; Rosalie Ross of the Rawlins County Square Deal. City Clerk Keri Riener and Police Chief Brian Withington were absent.

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

The **Minutes** of the regular meeting on February 18, 2016 and the special meeting on March 2, 2016 were approved as circulated on motion of Councilman Dietrich Kastens, seconded by Councilman Mark Vrbas, approved by all.

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

Public Comments: none.

Appearances:
Kim Krebs and Allison Kastens appeared before Council seeking approval of a temporary beer license for a beer garden at **Rod Run**, Saturday, May 21, 2016 from 10 AM to 3 PM. The beer garden will be located by Park Hill Restaurant at 4th and State Street. It will be properly fenced and secured, staffed with people that will check IDs and net proceeds will be donated to the Jayhawk Theatre. Councilwoman Mulligan moved to **approve a temporary beer license for the beer garden in the lot south of Park Hill for Rod Run on May 21, 2016,** seconded by Councilman Mark Mosley, approved by all. A temporary beer license will need to be obtained from the City Clerk.

David Blau with Miller & Associates discussed future plans for the Sewer Project.

Old Business:
City Attorney Charles Peckham provided revised versions of the **Ordinance on Dangerous and Blighted** Structures, previously discussed and tabled at February's council meeting. Following discussion on the short and long versions of the ordinance, Councilman Kastens moved to **adopt Ordinance #860, defining a dangerous blighted structure within city limits and establishing the procedure to make the property site safe,** seconded by Councilman Vrbas, passed unanimously.

New Business:
Mayor Colgan signed the proclamation designating May 6th, 2016 as Arbor Day in the City of Atwood. Motion authorizing the mayor to sign the **Arbor Day Proclamation** made by Councilwoman Mulligan, seconded by Councilman Mosley, approved by all.

City Attorney Charles Peckham introduced **Cafeteria Plan Carryover Resolution 16-05.** This resolution is necessary to allow employees with up to $500 of Health Care Flexible Spending Account funds leftover at

the end of the year to carry that balance over to the following year, consistent with terms of IRS Notice 2013-71. Councilman Vrbas moved to **approve Resolution 16-05 allowing employees to carry over up to $500 of their unused Health Care Flexible Spending Account funds to the following year**. Councilman Fisher seconded, approved by all.

The previous resolution should have been recommended in 2013 or 2014 by the previous Cafeteria Plan representative, causing Council to inadvertently fail to pass the resolution at that time. An amendment will correct that error, allowing the City to comply with documentation needs and carry over unused fund balances in employee flexible spending accounts. Councilman Kastens moved to **approve the amendment to the Cafeteria Plan allowing unused Health Care Flexible Spending Account Fund carryover consistent with terms of IRS Notice 2013-71, effective January 13, 2013.** Councilwoman Mulligan seconded, approved by all.

Resolution 16-06 adopts the Northwest Kansas Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan, complying with requirements of the Disaster Mitigation Act and authorizes responsible agencies to carry out their duties under the plan. Councilman Kastens moved to **approve Resolution 16-06 adopting the Northwest Kansas Multi-Hazard, Multi-Jurisdictional Hazard Mitigation Plan**, Councilman Vrbas seconded, approved by all.

Following the last major snowstorm, the necessity of a snow removal ordinance was discussed. **Ordinance # 861 amends Chapter 10, Article III, Snow Removers section of the City Ordinances. Snow moved from private property will not place the snow on the city streets or around fire hydrants.** Violation will be an unclassified misdemeanor with fines and the cost of damage to city property. A suggestion of publishing locations for snow to be piled was made for future discussion. Councilman Mark Mosely moved to **approve Ordinance #861 concerning the disposal and placement of snow in the city,** Councilman Vrbas seconded, approved by all.

Department Reports:
City Clerk Keri Riener was absent, as she was attending the CCMFOA Spring Clerk's Conference in Wichita. She paid the Miller & Associates Invoice approved at February council meeting after receiving USDA approval.

City Attorney Charles Peckham presented his handout to Council. He sent out letters concerning bad checks, issued bench warrants and discussed tickets and payments with defendants on various cases. Ordinance revisions were completed, a tentative settlement on the Persinger building has been discussed and continued meetings are taking place with the airport board.

Police Chief Brian Withington presented his report. His department worked 14 reports from February 19, 2016 through March 17, 2016. There were 11 arrests made, 7 warnings given and 12 tickets issued. Other patrol activity included 113 public relations, 12 business checks and 27 miscellaneous complaints. He attended the Mid States Organized Crime Information Center Conference in St. Louis, MO.

City Superintendent Rick Kramer presented his report showing the areas 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. Rick expressed concern in the discrepancy in water billing versus actual use. Large meters will be studied to see if this is the cause of the issue. The sewer lining project has begun. A semi and trailer is parked in front of the city shop storing the pipe to be used. The truck will run constantly to keep the pipe

cool during this phase of the project. If there is an issue with this parking spot a new location will be discussed.

Council Reports:
Councilman Gary Fisher reported he did not attend the Housing Authority meeting. The Tree Board will hold activities on Arbor Day following the mayor's proclamation.

Councilman Dietrich Kastens missed the Fire Department meeting. The zoning board has not been very active lately. Jan Ackerman is doing well and should be back to work by April 1st. Her husband has driven her to look at properties to monitor progress.

Councilman Mark Mosley stated the monthly Library Board meeting did not occur due to lack of a quorum. There is little activity at the airport to report. Councilman Mosley attended the Simplot Emergency Preparedness Meeting and found it quite informative.

Councilwoman Sandy Mulligan had nothing to report.

Councilman Mark Vrbas had nothing to report. Regarding the police department, Councilman Fisher discussed he may be acting as a reserve police officer and inquired about budget funding possibilities for equipment or uniforms.

Mayors Notes:
Mayor Tim Colgan discussed a citizen complaint regarding a neighbor's overflow pipe onto their property. The police chief, mayor and property owner looked at the area. Mayor Colgan encouraged council members to visit the area since this will be an issue in the future. The individual is diverting water from Hilltop Drive onto another resident's property, with the overflow pipe pointing directly at that person's basement escape window.

With no further business to come before Council, Councilman Vrbas moved to adjourn, seconded by Councilwoman Mulligan. The **meeting adjourned at 8:35 PM.**

Charles Peckham, City Attorney Tim Colgan, Mayor

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