

Atwood City Council
July 21, 2016
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** July 21, 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 Clerk Keri Riener; Chief of Police Brian Withington; City Superintendent Rick Kramer; Rosalie Ross of the Rawlins County Square Deal. City Attorney Charles Peckham was absent.

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

The **Minutes** of the regular meeting on June 16, 2016 were approved as circulated on motion of Councilman Mark Vrbas, seconded by Councilman Kastens, approved by all.

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

Public Comments: none.

Appearances:

Tiffany Kershner appeared before Council **representing Options Domestic and Sexual Violence Services**. Options has a main office in Hays, a satellite office in Colby and a safe shelter in our area. They have a 24 hour crisis line and on call staff members when needed. They also offer community presentations on various topics. A handout illustrated Rawlins County Options coverage in 2015. She expressed gratitude for past donations and requested continuance of funding in the 2017 budget.

Jan Ackerman, Atwood Code Enforcement/Zoning Director, informed the council that the zoning board has approved allowing 109 State Street, which is in a highway business district, to be used as a daycare facility. In addition, Ackerman would like to allow daycares in any district in the city since they are in high demand and impose no major issues to neighboring residences or businesses. Councilman Kastens moved to **accept the zoning board's recommendation of allowing 109 State Street to be zoned for a daycare facility**, Councilwoman Mulligan seconded, approved by all. Councilman Kastens moved to **allow daycare facilities in all zoning districts in the jurisdiction of the city of Atwood, including the three mile radius**, seconded by Councilwoman Mulligan, approved by all. This decision will be communicated to the zoning board for their approval before being enacted.

The code enforcement notification process was discussed. Currently, the code enforcement officer hangs two door notices about a week apart, if the issue isn't resolved after the first notice. Photographs of the door notices are on file to document delivery. If no results are evident, a letter notice of violation is mailed to the address and the city contracts to take care of the issue and then submits the amount due as a special assessment for payment. Ackerman would like to streamline this process by serving only one door notice followed by a notice of violation letter. If no results are seen, the Atwood Police Department would issue a citation for the property owner to appear in court. If the case is heard in municipal court, a judgement will be decided. An ordinance drafted by City Attorney, Charles Peckham, making weed violations a Class C violation and outlining the process of notification was discussed. Councilman Gary

Fisher moved to have **Section 26-71 (a) sentence two changed to eliminate the italicized portion of that reads, "a second courtesy written notice of violation shall be left upon the property by door hanger."** The motion was seconded by Councilman Vrbas, approved by all. The City Attorney will make changes and present the edited ordinance at the August council meeting.

David Blau with Miller & Associates presented a handout highlighting completed portions of the sewer project, as well as bills for the project. Miller & Associate's Invoice #16-0497 for the amount of \$15,792.50 covers professional services including construction observation, meeting agenda preparation, distribution of minutes and coordination with USDA-RD for the month of May 2016 as outlined in the Engineering Service Agreement. Contractor's Application for Payment #3 for Midland's Contracting, Inc. for the amount of \$272,554.20 for work completed through July 11, 2016 including approximately 16,500 lineal feet of 8" Cure In Place Pipe Liner with service reconnections. Contractor's Application for Payment #2 for BSB Construction, Inc. in the amount of \$117,802.89 for work completed by BSB Construction through July 19, 2016 including the installation of approximately 660 lineal feet of 8" sewer main and 800 feet of 10" sewer main with service lines and manholes. Councilman Vrbas moved to **pay the total due on Miller and Associate's Invoice #16-0497 in the amount of \$15,792.50**, Councilwoman Mulligan seconded, approved by all. Councilman Kastens moved to **pay the total due on Midland's Contracting, Inc. Application for Payment #3 in the amount of \$272,554.20**, seconded by Councilman Mark Mosley, approved by all. Councilman Mosley moved to **pay the total due on BSB Construction, Inc. Application for Payment #2 in the amount of \$117,802.89 for services rendered**, Councilman Fisher seconded, approved by all. The mayor signed the pay applications. The invoice and pay applications will be reviewed by David Barber of USDA for approval before being paid.

John Mapes with Mapes & Miller presented the 2017 Budget in the State format for approval to publish. According to current legislation, in 2018 mil levy increases must be voter approved. Following discussion, Councilman Kastens moved to **approve the 2017 budget, set at 49.019 mils, for publication**. The motion was seconded by Councilman Mosley, 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 2017 budget can be approved. The public **budget hearing is set for 7:00 PM, August 18th** at the regular council meeting. The auditor then presented the 2015 audit to Council, giving an overview of each area of the audit by fund. Copies of the audit were provided to council members. It was noted that although the ending cash balance of the General Fund was lower than normally expected, a new Street Improvement fund was established and \$24,750 was transferred to it from the General Fund. Also, the water and sewer loan savings funds increased \$43,822.00 and \$60,887.00, respectively. Councilman Vrbas moved to **accept the audit report and authorize filing it with the state**, seconded by Councilwoman Mulligan, approved by all.

Old Business: none.

New Business:

City Clerk Keri Riener explained **Ordinance #863**, amending section 28.3 of the city code concerning prohibited marijuana use or possession. The amendment changes possession of marijuana to a class B violation upon first conviction and a class A violation upon second violation and according sentencing. A new section 28.5 is also added to the code of ordinances in this document. Section 28.5 prohibits expectorating, urinating or defecating on any public place not intended or so designated; on private property when such conduct is visible to any other person or on private property without the owner's consent. Fines and jail terms were listed for these violations. Councilman Vrbas moved to **adopt**

Ordinance #863, amending Chapter 28. Article 1, Section 28.3 of the City Code, changing possession of marijuana to a class B violation on first conviction and class A violation on second conviction, with listed sentencing changes and adding Section 28.5 making it unlawful for any person to expectorate, urinate or defecate in public places or on private property without owner consent or where visible to others. Councilwoman Mulligan seconded, approved by all.

Department Reports:

City Clerk Keri Riener shared a letter of appreciation from Western Kansas Child Advocacy Center for support and funding this year. Keri attended the budget overview presented by Adams, Brown, Beran and Ball Accountants on July 20th. County, city and school district budgets for 2016 were reviewed and mil levy calculations were explained. Four council members attended as well. Keri helped with the summer recreation free movie, Finding Dory. She handed out tickets at the door to control the flow of traffic in the lobby and make sure the number of people attending did not exceed the number of available seats. This is the first year new releases have been shown as the summer rec movie and it was a success, with only five seats left at the time the movie started. There are not always new animated features out at the time that summer rec has free movies, but if it happens next year, it is likely that theater manager, Ana Vargas will book the movie for Thursday and hold it through the weekend, allowing it to be viewed free of charge for one showing.

City Attorney Charles Peckham was absent.

Police Chief Brian Withington presented his report. His department worked 15 reports from June 16, 2016 to July 21, 2016. There were 11 arrests made, 8 warnings given and 9 tickets issued. Other patrol activity included 504 public relations, 11 business checks and 161 miscellaneous complaints. Conditional job offers have been extended to two job applicants for the full time police positions. They have accepted and both have passed required background checks and psychological exams. One applicant will need to attend the Kansas Law Enforcement Training Center. They are expected to begin working for the city in August or September.

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. The depth to the wells has remained consistent. Rick reported losing power to all four wells at the well field about a week ago. Wind blew a power pole over, a calf stepped on the wires, causing a short that threw the well field breakers and started a fire in the pasture. Rick had to go to the well field, clear the alarms and manually start the generator.

Council Reports:

Councilman Gary Fisher shared that the Housing Authority was designated as a “high performer”, which will allow them to receive additional funding and they continue to renovate the property and apartments. The Tree Board is still active and the trees that were planted in the spring are thriving.

Councilman Dietrich Kastens had nothing to report.

Councilman Mark Mosley reported the library received a memorial for \$1000. City Librarian, Pam Luedke, reported having issues with the air conditioner, which may need to be replaced. Mayor Tim Colgan advised putting the project out to bid with local contractors. The City Council could have a special meeting to review bids if necessary. The airport board land acquisition project that has been ongoing for many years has been completed. The project ended with three easements rather than land tract purchases,

with a fourth easement /purchase not being completed due to failure to reach an agreement on price. A conversation about future projects including hangar access taxiway improvements, construction of a storage hangar, pavement maintenance and other ideas was held. The board discussed mapping out tracts for future economic development at the airport, to quicken the process if a business approaches them in the future. Councilman Mosley asked when the park restroom construction will start. Mayor Tim Colgan expects construction to begin within the next two months. Councilman Kastens stated the tentative pool closing date is August 21st, but if staff is available, pool manager, Jen Melia plans to keep the pool open on weekends through Labor Day.

Councilwoman Sandy Mulligan informed council that the city was awarded a grant for \$100,000 from the Dane G. Hansen Foundation. Economic Development is researching another grant possibility that would require 40% matching funds. The funds received from the Hansen Foundation could be used for that match.

Councilman Mark Vrbas observed his first school board meeting this week and shared that the new superintendent listed the thriving downtown, successful businesses and active community as reasons he chose Atwood as a job location. It speaks well of our city and the work that is being done by its citizens.

Mayors Notes:

Mayor Colgan discussed the possibility of a city council and staff barbecue to be held at the new lake pavilion in late August or September. An agreement between the city and Cahoj Earthmoving, Inc. was provided to council members. The total cost of the demolition project outlined in the agreement is \$60,210. A \$50,000 grant from the Dane G. Hansen Foundation received earlier this year will be used to pay for most of the project, with \$10,210 being paid by the city. Councilman Kastens moved to **authorize the mayor to sign the agreement with Cahoj Earthmoving, Inc. concerning the listed properties on behalf of the city.** Councilman Vrbas seconded, approved by all.

With no further business to come before Council, Councilman Vrbas moved to adjourn, seconded by Councilman Kastens. **The meeting adjourned at 9:35 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor