

Atwood City Council  
September 15, 2016  
Regular Meeting  
City Hall, 7:00 PM

Atwood City Council met in **regular session** September 15, 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; City Clerk Keri Riener; Chief of Police Brian Withington; City Superintendent Rick Kramer; Rosalie Ross of the Rawlins County Square Deal. Councilman Mark Vrbas and City Attorney Charles Peckham were 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 August 18, 2016 and special meeting on August 30, 2016 were approved as circulated on motion of Councilman Kastens, seconded by Councilman Mark Mosley, approved by all.

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

**Public Comments:** none.

**Appearances:**

**Wendy Holmdahl** requested a temporary CMB permit for "Smokin' on the Beaver" in the parking lot of the Columbian Club. The parking lot is within the city limits. This is the 13<sup>th</sup> year of the event and wristbands will be provided as in the past for those of legal drinking age. There will be security personnel for the event. Councilman Kastens moved to **approve the temporary CMB permit to Wendy Holmdahl for Smokin' on the Beaver from 11 am until midnight on September 24, 2016**, seconded by Councilman Mosley, approved by all. A CMB permit form was given to Holmdahl to complete and return. There will be a \$25 fee for the permit.

**Jessica Norris, Regulatory/Legal Analyst for Nex-Tech, Inc.** appeared regarding council approval for a franchise agreement ordinance that City Attorney Charles Peckham introduced at last month's meeting. It is a ten year agreement; with five year renewals after the initial agreement. The fee agreed upon was the same as in previous franchise agreements with other entities. Councilwoman Mulligan moved to **approve Ordinance #868 granting Nex-Tech, Inc. a non-exclusive franchise to erect, maintain and operate a telecommunications system within the city limits of Atwood**. Councilman Fisher seconded, approved by all.

**Chad Hollins** presented information about the **Collection Bureau of KS, Inc.** Council discussed the need for this partnership as well as the current process for collecting past due amounts in court, utility billing and other areas. The City currently submits past due amounts to the Kansas Setoff Program, which collects the funds from the individual's tax return. CBK can collect through garnishments as well as other options, as they have legal services in office as well as the collection center. There is no fee to sign up with CBK and they do not get paid unless they collect a past due debt for the city. Upon collection CBK's agency fee is 30%. The citizen is responsible for all debts owed to the City of Atwood Municipal Court and the collection fees affiliated with the collection of the debt. If council would like the city to

receive 100% of the debt owed for non-municipal court collections (i.e. utility bills, public ordinance violations, etc.), either an ordinance or a resolution must be passed. This would only apply to all debts accrued after the ordinance/resolution is passed; the fee for collecting non-municipal court debts incurred before the ordinance would fall on the city. The city can discontinue the relationship with CBK at any time, with 30 days written notice.

**David Blau with Miller & Associates** was not present for the council meeting, but an invoice and a pay application were submitted for payment approval. Miller & Associate's Invoice #16-0727 for the amount of \$16,249.75 covers professional services including construction observation, meeting agenda preparation, distribution of minutes and coordination with USDA-RD for the month of July 2016 as outlined in the Engineering Service Agreement. Councilwoman Mulligan moved to **pay the total due on Miller and Associate's Invoice #16-0727 in the amount of \$16,249.75**, Councilman Mosley seconded, approved by all. Midland's Contracting, Inc. did not have a pay application to submit at this time. Contractor's Application for Payment #4 for BSB Construction, Inc. in the amount of \$144,520.65 for work completed by BSB Construction through September 9, 2016 including the installation of 690 lineal feet of sanitary sewer main, three new manholes and the completion of the cased bore across Highway 36. Councilman Mosley moved to **pay the total due on BSB Construction, Inc. Application for Payment #4 in the amount of \$144,520.65 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.

**Old Business:** none.

**New Business:**

**DSNWK** sent the recycling contract for September 1, 2016 to September 30, 2017. DSNWK determined no changes are needed at this time. Councilman Kastens moved to **approve the DSNWK recycling contract**, seconded by Councilwoman Mulligan, approved by all.

Mayor Tim Colgan requested permission to **dissolve the Public Building Commission**. This group was formed in 2008 to fund and design a new swimming pool in the city. GO Bonds were issued and are scheduled to be paid off early because sales tax revenues were higher than conservatively estimated. Since their goals have been attained and the pool will be paid in full promptly, the committee is ready to dissolve. Councilman Kastens moved to **pass Resolution 16-13 dissolving the Public Building Commission** as presented by Mayor Tim Colgan in City Attorney Charles Peckham's absence. Councilman Mosley seconded, approved by all.

City Clerk Keri Riener presented **Ordinance #869** concerning collection of debts, fines and other costs owed to the city and allowing credit and debit cards as a payment method. Section One of this ordinance concerning collection of debts authorizes the city to contract with collection agencies for debt collection that cannot be easily collected by usual means. The citizen/debtor shall pay any and all charges related to the reasonable costs of collection of any fine, fee, cost of service as well as any costs or assessments for cleanup of the property for a municipal violation. Section Two allows the city to accept credit and debit cards once proper arrangements have been made. A convenience fee equal to the cost to the city will be assessed; the payer will be advised of the fee amount. Councilman Kastens moved to **approve Ordinance #869 concerning collection of debts, fines and other costs owed to the city and allowing credit/debit cards for payment**, Councilman Mosley seconded, approved by all.

Council revisited earlier discussion about the **Collection Bureau of Kansas**. After discussion about current collection procedures and the benefits CBK would add to that process, Councilman Kastens moved to **authorize Mayor Tim Colgan to sign the Government Collection Contract with the Collection Bureau of Kansas**, Councilman Fisher seconded, approved by all.

**Department Reports:**

**City Clerk Keri Riener** attended the League of Kansas Municipalities Mayor Association North Central Regional Meeting in Colby. Tax lid legislation, Kansas Open Meetings and Kansas Open Records Acts were discussed. LKM will have a regional meeting in Oberlin on October 19<sup>th</sup> to cover upcoming 2017 legislative action. Councilmembers are encouraged to attend. Optional dates for the City barbecue were discussed. The City Clerk will be on vacation in mid-October; the council agenda for October will be sent out earlier than usual on the 12<sup>th</sup>. Atwood Nuisance Officer, Jan Ackerman had no mowing invoices to submit for special assessments this year.

**City Attorney Charles Peckham** was absent. His monthly report was in the council packet.

**Police Chief Brian Withington** presented his report. His department worked 11 reports from August 18, 2016 to September 15, 2016. There were 7 arrests made, 25 warnings given and 6 tickets issued. Other patrol activity included 201 public relations, 18 business checks and 69 miscellaneous complaints. Karla Murguia's start date is Monday, September 19<sup>th</sup>; a second officer is scheduled to start in mid-October. A new police vehicle payment was budgeted for 2016. Brian will contact Jim Beamgard to order a Dodge Charger. Councilman Kastens offered to help the police chief list the older used charger online for sale after the new car arrives.

**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. There is still a substantial water loss, but since that portion of the sewer project has just been completed, there should be a significant reduction in water loss next month. The depth to the wells has remained consistent. The city crew is starting to winterize the pool and is still mowing the draws. The pool paint looks good and will be inspected again in the spring to be sure it's ready for the next season. Midlands Contracting, Inc. has finished their sewer project work in town. Johnson Service Company inspected all the newly installed sewer linings. Logan Street sewer work will be complete in 7-10 days. Sewer work on 5<sup>th</sup> Street from Cedar to Bluff Street is scheduled to begin after Logan Street is complete. This will require a 16 foot trench, so it will take a bit longer than the Logan Street portion. Ricky Kramer has returned to the city shop department, making it a four person crew again.

**Council Reports:**

**Councilman Gary Fisher** had nothing to report for the Housing Authority. The Tree Board is continuing to work with the downtown trees. There are a few trees that will require city crew help to trim when their schedule opens in the fall.

**Councilman Dietrich Kastens** informed Council that the fire department meeting is next week. There was nothing to report for the zoning board.

**Councilman Mark Mosley** had nothing to report.

**Councilwoman Sandy Mulligan** had nothing to report.

**Councilman Mark Vrbas** was absent.

**Mayors Notes:**

Mayor Colgan briefly discussed a tree issue near Pizza Hut that was quickly handled by Councilman Fisher pruning the tree to allow the restaurant sign to be more visible. Since the tree is healthy, it will stay in that location. The mayor attended the LKM Mayor's meeting in Colby and promoted the upcoming meeting in Oberlin. It is a great opportunity to learn about future LKM activities as well as network with other cities and become familiar with their councilmembers and city functions.

With no further business to come before Council, Councilman Fisher moved to adjourn, seconded by Councilman Mosley. The **meeting adjourned at 8:30 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor