

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

Atwood City Council met in **regular session** December 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, and Sandy Mulligan; City Clerk Keri Riener; City Attorney Charles Peckham; Chief of Police Brian Withington; City Superintendent Rick Kramer; Rosalie Ross of the Rawlins County Square Deal. Mark Mosley and Mark Vrbas were absent.

Mayor Tim Colgan amended the **agenda**, adding an executive session to the end of the agenda after Council reports. Councilman Dietrich Kastens moved to approve the agenda as amended, seconded by Councilwoman Sandy Mulligan, approved by all.

The **Minutes** of the regular meeting on November 17, 2016 were approved as circulated on motion of Councilman Gary Fisher seconded by Councilman Kastens, approved by all.

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

Public Comments:

Atwood City Librarian Pam Luedke, accompanied by Carl Dalcher, library board chairman appeared before Council requesting approval to approach the Atwood Second Century Board for funds to purchase and install a new automatic swinging single door. A quote was provided, but it did not include the electrical work required to complete the project. Mayor Tim Colgan expressed support for the project, suggesting a return appearance following the Second Century meeting to discuss the next step if necessary.

Appearances:

David Blau with Miller & Associates **presented a sewer project update**. Miller & Associates did not submit an invoice this month. BSB Construction Change Order #1 was presented in the amount of -\$3,214.00 and requested adding 30 days to the completion date, making the substantial completion date February 15, 2017. The existing control manhole north of the lagoon cells had deteriorated, so the proposed influent control structure was replaced with a direct connection to the force main and the existing control manhole was reconstructed. The additional time was requested based upon delay encountered to relocate an existing storm sewer that was in conflict with the new sanitary sewer bore across Hwy 25 and for construction of four additional manholes. Councilman Kastens moved to approve BSB Construction Change Order #1 in the amount of -\$3,214.00 and increase the contract time by 30 days. Councilwoman Mulligan seconded, approved by all. Contractor's Application for Payment #7 for BSB Construction, Inc. in the amount of \$131,132.82 for work completed by BSB Construction through December 15, 2016 included additional construction on the new lift station, 58' of 12" sewer main installation, 103 ' of 6" force main, manhole installation and other miscellaneous items. Councilman Kastens moved to **pay the total due on BSB Construction, Inc. Application for Payment #7 in the amount of \$131,132.82 for services rendered**, Councilman Fisher seconded, approved by all. The mayor will sign the change order and pay application when it arrives in the mail at city hall. The change order and pay application will be reviewed by David Barber of USDA for approval before being paid.

Old Business: none.

New Business:

City Attorney, Charles Peckham introduced **Charter Ordinance #8, which repeals Charter Ordinance #522 and outlines the requirements for the governing body of city council and the election process, occurring in November instead of April, beginning in 2017.** This Charter Ordinance shall be published once each week for two consecutive weeks in the official city newspaper. If no petition opposing the charter ordinance is filed within 60 days following publication, a copy of it will be sent to the Secretary of State's office. Councilman Kastens moved to approve Charter Ordinance #8, seconded by Councilman Fisher, approved by all, which included Mayor Tim Colgan for a 2/3 governing body vote.

City Clerk Keri Riener introduced **Resolution #16-14 authorizing the transfer of up to 25% of the funds budgeted this year for the street department to the Special Highway Improvements Fund,** created last year. If it won't stress the budget, Council was in favor of transferring the full 25% of the Street Department Fund. City Clerk, Keri Riener explained that if the funds are not transferred, there will be more cash to carryover to 2016 in the General Fund. If the transfer is approved, those funds will still be carried over, but in the Special Street Improvement Fund, not the General Fund. It is up to Council to decide how they would like to carry the funds into 2017. Councilwoman Mulligan moved to **adopt Resolution #16-14 authorizing the transfer of 25% of the Street Department Fund in the amount of \$33,026.75 to the Special Highway Improvement Fund subject to budget authority and available cash,** seconded by Councilman Kastens, approved by all.

The **2017 Holiday Schedule** was approved on motion of Councilman Kastens, seconded by Councilwoman Mulligan, approved by all.

The **After Christmas Party** date was discussed. The Council set a date of Thursday, January 5, 2017 beginning at 6:30 PM at Mulligan's on Main. This is an adult only party for the Mayor, Council, employees and their spouses. The City will pay for meals and the attendees are responsible for their own drinks.

Department Reports:

City Clerk Keri Riener reported two snow permits have been issued, more are expected. Two CMB licenses have been issued, with two businesses left to renew their licenses. Dog tags are in at city hall. The cost is \$3.00/dog, proof of vaccinations is required to purchase a tag. City Hall will close at noon on Dec. 30th to allow time to close out books without interruptions.

City Attorney Charles Peckham reviewed his monthly activity handout. A large amount has been collected on bad checks. He has discussed tickets and payments with defendants on various cases. The final title opinion has been presented concerning the airport. A new appeal has been filed for a case concerning transporting an open container, with a request for a jury trial. A motion to suppress has been set for January 3, 2017. A tax appeal regarding Greason Industrial Park and Persinger/Majestic Auto lots has been started. Charles plans to send a report for the Persinger/Majestic Auto lot cleanup project to the Dane Hansen Foundation. He is also researching a wireless printer for municipal court journal entries.

Police Chief Brian Withington presented his report. His department worked 7 reports from November 17, 2016 to December 15, 2016. There were 4 arrests made, 43 warnings given and 8 tickets issued. Other patrol activity included 183 public relations, 23 business checks and 17 miscellaneous complaints.

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. A new generator has arrived at the city shop and is ready for use if needed. Councilman Kastens requested possibly relocating the “Children Playing” signs on 3rd Street to 1st Street since there are now more small children living on that street and the traffic seems to have picked up in that area. Rick said they will move the signs to 1st Street.

Council Reports:

Councilman Gary Fisher reported the Housing Authority is in good shape and the Tree Board is working on end of the year reports.

Councilman Dietrich Kastens informed Council that the fire department meeting is next week and the zoning director is recovering from knee surgery, so there is not a lot of activity in that area at this time.

Councilman Mark Mosley was absent, but sent a report for council to review. The library has new computers for the internet and is discussing more evening hours during the week. The airport held a special meeting on December 5th to choose from three possible consulting firms. Olsson Associates from Lincoln, NE was chosen, with representative Diane Hofer. The next construction project at the airport will be south taxiway improvements.

Councilwoman Sandy Mulligan had nothing to report.

Councilman Mark Vrbas was absent.

Mayors Notes:

Mayor Colgan has been contacted by Code Enforcement officer, Jan Ackerman, regarding the house fire on Plumb Street. The homeowner has contacted her and was given 30 days to determine how they will proceed with the property. The Persinger/Majestic Auto lot has been offered to Creative Movements Gymnastics after they approached the mayor about the property. The price was set at \$10,000 to cover costs associated with the demolition of the building on that property. They will try to respond with a decision by February, 2017.

Councilman Kastens moved that the Council go into executive session at 8:05 PM, not to exceed 15 minutes to discuss nonelected personnel, seconded by Councilwoman Mulligan. City Police Chief Brian Withington, City Clerk Keri Riener and City Attorney Peckham were requested to stay. Council came out of executive session at 8:20 PM and returned to the open meeting. The Council took no action after the executive session.

With no further business to come before Council, Councilman Kastens moved to adjourn, seconded by Councilman Fisher. The **meeting adjourned at 8:25 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor