

Atwood City Council
May 18, 2017
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** May 18, 2017 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; Chief of Police Brian Withington; City Superintendent Rick Kramer; Rosalie Ross of the Rawlins County Square Deal.

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

The **Minutes** of the regular meeting on April 20, 2017 were approved as circulated on motion of Councilman Mosley, seconded by Councilman Gary Fisher, approved by all.

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

Public Comments: none.

Appearances:

Jenny Popp, Executive Director, Main Street Foundation, reviewed the organization's request that the property owned by the City behind the Library be deeded to Main Street Foundation. They plan to apply for a grant to redesign the space between those two buildings to be used as an outdoor activity area. Atwood City Library Board President, Carl Dalcher asked if the library would have any liability with the property after ownership change and also expressed concern if the library would decide to add on to their building in the future. Besides these two concerns, the library board is not opposed to the decision. City Attorney Charles Peckham stated the liability with the property would transfer to the new owner, so the library will be free of responsibility if ownership changes. Jenny Popp added that they plan to install a tall fence as part of their project to reduce the possibility of anything coming into contact with the library building. City Attorney Charles Peckham introduced Resolution #17-04 to convey a portion of the tract owned by the City of Atwood to the Main Street Foundation for the purposes of recreation for youth. Councilman Kastens moved to **approve Resolution #17-04 to convey the North Forty (40) feet of the South Half of lots Three (3) and Four (4) of Block Thirty (30) of the original town, now City of Atwood, Kansas to the Main Street Foundation for the purposes of recreation for youth**, Councilman Vrbas seconded, approved by all. Mayor Tim Colgan signed the Resolution and the Warranty Deed for the property change of ownership.

Atwood City Library President, Carl Dalcher presented the proposed 2018 library budget. The library received five applications for the head librarian position and has extended a job offer to one of the applicants.

Old Business:

Charter Ordinance #9, regarding Bed Tax was briefly discussed. The approval of a Charter Ordinance requires a 2/3 vote to pass, so it was not possible to approve it at last month's meeting due to two council absences. Charter Ordinance #9 levies a 3.75% tax upon the gross retail receipts paid by transient guests

for lodging, exclusive of incidental charges, in any hotel or motel in the city. The business must then pay the tax to the state department of revenue. The department of revenue will deduct 2% of the amount remitted for expenses and the city's tourism and convention fund will receive the remaining 1.75%. Councilman Kastens moved to **approve Charter Ordinance #9 modifying the transient guest tax levy for tourism and conventions**, Councilwoman Sandy Mulligan seconded, approved by all. A Charter Ordinance must be published once a week for two consecutive weeks and takes effect 61 days after final publication unless a sufficient petition for a referendum is filed.

Council discussed possibilities for the Recycling Center. Councilman Kastens stated he would like to stimulate the recycling process by trying to keep the center open for more hours on the honor system to see if more products could be recycled for the same expense currently being paid. He proposed this action on a trial basis to see how successful it could be in order to make a long term determination based on the outcome. Mayor Tim Colgan stated his concern of who would be responsible for opening and closing the facility every day. Councilman Kastens stated he'd prefer someone that was already familiar with the building and equipment, as they would likely notice something that was missing or out of place more quickly than an office person that just stopped in to open and close the facility. City Attorney Charles Peckham will contact St. Francis Recycling to inquire about how their manager is currently paid. St. Francis has an individual that manages their Recycling Center, which is open all week. Council opinion is that the facility needs to be open more hours a week to have a chance to be successful. The main concern is the amount of funding that will be necessary to allow the extra hours.

New Business:

A petition for a hearing was filed by Josh Wolters on behalf of Two Homes, LLC to vacate a portion of 9th Street between Sherman Street and Highway 36. When a street is vacated, per statute, half of the property goes to the property owners on each side. Councilman Kastens moved to **publish the statutory notice that a petition has been filed to vacate a portion of 9th Street between Block Two of the Pinegar-Greason Addition to the Original Town (now city) of Atwood and Greason Industrial Park Addition of Atwood.** Councilman Vrbas seconded, approved by all. The City Attorney will publish the Notice that Atwood City Council will review this petition on June 15, 2017 at 7:00 pm at City Hall.

City Attorney Charles Peckham drafted a contract for the sale of the Persinger Property to Creative Movements Gymnastics and Dance Club, Inc. from the City of Atwood. This property was deeded to the City of Atwood for demolition after it was deemed an unsafe structure. A Dane G Hansen Foundation Grant funded the demolition project, which was completed by Cahoj Earthmoving. After discussion of the contract details, it was decided that the agreement will be amended to deed some of the area currently listed as an easement to Mary Ellen Horton, owner of the house just west of the Persinger Property. This will allow them to maintain the east wall structure of their house. There will be a stipulation that no new structure may be constructed on that area. Councilman Kastens moved to **allow Mayor Colgan to sign the revised purchase agreement when it is complete, which will deed 20 feet from Lot 10 to Mary Ellen Horton, including restrictions on the 20 feet as needed to maintain the east wall on Lot 11.** Councilman Vrbas seconded, approved by all.

Ordinance #870 modifying some definitions in section 8-50 of the Atwood City Code was discussed. This ordinance presents clarification of the definition of a blighted structure and adds the definition of blight to the city code. Councilman Vrbas moved to **approve Ordinance #870 modifying the definition of blighted structure to include "exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety and public welfare" and adding the definition of blight in order to clarify the term.** Councilman Fisher seconded, approved by all.

Police Chief Brian Withington and City Attorney Charles Peckham presented a City/County Police Agreement defining duties of both departments while Ken Higley, Rawlins County Sheriff is attending Law Enforcement Academy for 14 weeks. City Police Chief Brian Withington will manage both departments during this period. Duties, expenses and resolutions of disputes are outlined in this agreement. Councilman Mark Mosley moved to **authorize Mayor Tim Colgan to sign the City/County Police Agreement**, Councilman Vrbas seconded, approved by all.

Mayor Colgan presented his **Department Head Appointments** of Keri Riener, City Clerk; Charles Peckham, City Attorney; Rick Kramer, City Superintendent; Brian Withington, Chief of Police; Paul Mews, City Treasurer; Richard Ress, Municipal Judge and Terry Britt, Fire Chief. Councilman Kastens moved to **approve Mayor Colgan's 2017 department head appointments**, seconded by Councilman Mosley, approved by all.

Mayor Colgan suggested appointing Brenda Henry to the library board. Councilman Kastens moved to **accept the Mayor's recommendation of Brenda Henry to the library board**, Councilwoman Mulligan seconded, approved by all.

Department Reports:

City Clerk Keri Riener requested that all budget requests be turned in to her office so the Mayor can review them for 2018 budget preparation. The City Audit will likely be happening in early to mid-June, all requested documents have been forwarded to Mapes & Miller so they may prepare for the audit. The revised water conservation plan will be emailed to council by June 1st for review and will be put on the June agenda. Councilmembers were reminded that the deadline for filing for city council positions is at noon on June 1st. A lifeguard meeting was held earlier this month to discuss expectations for the swimming pool employees. The pool is set to open on Saturday, May 27th.

City Attorney Charles Peckham reviewed his report. Bad checks, tickets, payments and a few cases set for trial have been his main items this month for the city. He has worked with the nuisance/zoning officer on several issues, including the fact that the city will need to clean up one lot if it hasn't been cleared by June 1st. The City Attorney has worked with the sheriff and commissioners regarding the agreement to cover the gap when the sheriff is out of town for law enforcement training. He has applied for a summer intern from Washburn University and has a good chance to get one. This is a program through the university and the Dane G Hansen Foundation to encourage law students to consider rural towns as a location to set up their practice.

Police Chief Brian Withington presented his report. His department worked 19 reports from April 20, 2017 to May 18, 2017. Other patrol activity included 194 public relations, 4 business checks and 81 miscellaneous complaints. Travis Bailey, a police officer in Ness County, has accepted the open full time police officer position. He will start working for the City of Atwood on July 3rd.

City Superintendent Rick Kramer presented his report showing the areas where the city crew has spent their time since the last meeting. Snow removal and dealing with the power outage were significant events this month. The power surges caused damage to the computer hard drive at well #7. A new hard drive should be installed shortly. Will Ginther is back as summer help. He will be doing a lot of the city mowing for the coming months. The water report shows the amount of water pumped and sold for the month. The month of April showed a 12% water loss. The depth to the wells has remained consistent. Mayor Tim Colgan thanked Rick and the city crew for all of their recent work during this busy season:

getting the pool ready, cleaning streets and preparing for Rod Run, snow removal and time spent moving snow during the recent blizzard. The city park looks fantastic.

Council Reports:

Councilman Gary Fisher had nothing to report for the Housing Authority. Tree City USA and Arbor Day activities on May 5th with the 5th graders were successful.

Councilman Dietrich Kastens shared that zoning and code enforcement activity has increased, as is the trend for this season of the year. Eleven new projects have begun in the city in the last two months. **The zoning board approved increasing the variance requirement for a building permit from 30% to 32% of the total property area.** The Fire Department has worked on budget requests and will present them to the city clerk.

Councilman Mark Mosley stated the library has extended a job offer to one of their five applicants. The new automatic front door should be installed very soon. The airport board has discussed budget requests and has emailed them to the city and county clerks. The theater marquee is still waiting to be repaired and the poster display boxes have arrived and will be installed when time allows.

Councilwoman Sandy Mulligan reported that Economic Development has another E-loan request. Economic Development is still working to clean up the issues on the Greason sewer lift station. They are working with Jeff and Linda Vap and Shelby Wright on the first right of refusal and a sewer plan. They will try to sell the lift station after it is removed. Economic Development will request the same budget amount as previous years, but after this project is complete their budget requests should decrease significantly for future years.

Councilman Mark Vrbas questioned the responsible party in a snow removal situation resulting in a broken curb and gutter. City Superintendent Rick Kramer stated the person removing the snow is accountable for costs incurred to repair damage to curb and gutter. Mayor Tim Colgan added that a snow removal permit is required to commercially move snow in the city limits and proof of liability insurance must be provided to obtain that permit.

Mayors Notes:

Mayor Colgan announced that council assignments will remain the same: Councilman Vrbas-Police Commission, Solid Waste, Infrastructure; Councilwoman Mulligan-Economic Development, Recycling and Emergency Management; Councilman Fisher-Housing Authority, and Tree Board/ Kelley Park; Councilman Kastens-Fire Department, Zoning and Pool; Councilman Mosely-Library, Jayhawk Theater and Airport.

The Budget Workshop is scheduled for Tuesday, June 27th at 5:30 pm. Food and drinks will be provided.

The Ambassadors, city and county police departments met to discuss Rod Run events coming up this weekend.

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

Keri Riener, City Clerk

Tim Colgan, Mayor