

Atwood City Council  
July 20, 2017  
Regular Meeting  
City Hall, 7:00 PM

Atwood City Council met in **regular session** July 20, 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; City Superintendent Rick Kramer; Rosalie Ross of the Rawlins County Square Deal. Chief of Police Brian Withington was absent.

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

The **Minutes** of the regular meeting on June 15, 2017 and the Special meeting on June 27, 2017 were approved as circulated on motion of Councilman Dietrich Kastens, seconded by Councilman Mark Mosley, approved by all.

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

**Public Comments:** none.

**Appearances:**

**Jenny Popp** did not arrive to speak until after Jared Hurst discussed Rawlins County Economic Development.

**David Howland** was not present. Council discussed the matter of ATV/UTV use within city limits, as it is apparent that these vehicles are becoming more popular in town. Councilman Kastens would like to move forward with allowing their use in town. An ordinance from Wakeeney was provided for Council to review prior to the meeting. City Attorney Charles Peckham will draft an ordinance pertinent to the City of Atwood prior to next month's council meeting. The police department would likely register the vehicles and check insurance. Councilman Fisher expressed support of moving forward as well. Council would like to hear Police Chief Brian Withington's opinion on this issue, since his office would be heavily involved.

**Jared Hurst, President of the Rawlins County Economic Development Board** discussed some confusion between the RCED Board, Cahoj Earthmoving, Inc. and the City of Atwood. Linda Wright, Linde Mulligan and Janet Stice also appeared as members of the RCED Board. Two businesses have verbally applied for lots at Greason Industrial Park. Since the City owns the property, a change last year in preparation for the Dane G Hansen Grant, current RCED Board contracts aren't applicable to complete the property transaction. Details such as this need clarification in the agreement document between RCED and the City of Atwood. Jared requested City Attorney Charles Peckham and Mayor Tim Colgan to attend a meeting scheduled for Wednesday, July 26<sup>th</sup> at 5:00 pm to finish the agreement. Councilmembers are invited to attend. The funding available with respect to the project bids being received from Cahoj Earthmoving, Inc. will also be discussed at this meeting.

**Jenny Popp, Executive Director, Main Street Foundation**, arrived at this time and requested permission to rope off an area of the street in front of 510 Main for a Back to School Block Party on Friday, August 18<sup>th</sup> from around 9:00 pm to just before midnight. Councilman Kastens moved to **allow 510 Main to block Main Street from West Court Street to 6<sup>th</sup> Street by the Library for a block party with a DJ on August 18<sup>th</sup> from 9:00 pm to 12:00 midnight.** Councilwoman Mulligan seconded, approved by all.

Returning to the agenda order, Councilman Kastens moved to **approve paying Cahoj Earthmoving Inc. invoices #3416 in the amount of \$44,750.00, #3418 in the amount of \$25,424.38, #3419 in the amount of \$6,000.00 and #3422 in the amount of \$9,576.00, totaling \$85,750.38 for work at Greason Industrial Park.** Councilman Mosley seconded, approved by all. With previously paid invoice #3394 for \$14,250.00, the total spent on Greason Industrial Park project will be \$100,000.38. This will complete the Dane G Hansen Grant for the project, which awarded \$100,000.00.

Sewer Project Invoices were submitted for payment. Councilman Kastens moved to **pay Central Nebraska Electric Invoice #1738 in the amount of \$147.33 for the hour meter for the grinder at the new lift station located at the Knights of Columbus Hall,** seconded by Councilwoman Mulligan, approved by all. Councilwoman Mulligan moved to **pay HTM Sales Invoice #17-35090-1 in the amount of \$7,623.68 for a spare pump for the sewer lift station,** Councilman Mosley seconded, approved by all. The invoices will be reviewed by David Barber of USDA for approval before being paid.

**John Mapes with Mapes & Miller** presented the 2018 Budget in the State format for approval to publish. Following discussion regarding some wage items included in the 2018 budget, Councilman Vrbas moved to **approve the 2018 budget, set at 49.532 mils, for publication.** The motion was seconded by Councilman Mosley, approved by all. The auditor will publish the budget in the local newspaper. Following the budget hearing in August, the 2018 budget can be approved. The **public budget hearing is set for 7:00 PM, August 17<sup>th</sup>** at the regular council meeting. The 2016 audit was not yet completed to present to Council. It should be ready by the August or September council meeting.

#### **Old Business:**

The future of the **Recycling Center** was discussed. The DSNWK Contract with the City expires September 30, 2017. Commissioners have suggested the city pay an employee to manage the Recycling Center. City Attorney Charles Peckham discussed the state mandated requirement for the county to have a recycling program as part of the landfill agreement. Mayor Tim Colgan and City Clerk Keri Riener have discussed the possibility of a part-time employee for the remainder of 2017, not to exceed the amount budgeted for DSNWK's payment for that time period. The manager would have a spreadsheet to track the users of the recycling center so data could be available to determine how to move forward. Council opinion is that if the recycling center stays open, use of the service must be stimulated. Education on new guidelines and expectations will need to be publicized and the success of the honor system for times when a manager is not present will need to be evaluated.

City Attorney Charles Peckham reviewed the status of the **Creative Movements Gymnastics Agreement.** He has discussed the document with Diane Sis from the Gymnastics Group Board and it seems the group may be waiting to be sure they have funding in place before signing the agreement. The mayor was given authority to sign the documents at the May 18, 2017 Council meeting.

**New Business:**

Mayor Colgan recommended appointing Eric Sattler to the library board. Councilman Mosley moved to **accept the Mayor's recommendation of Eric Sattler to the library board**, Councilman Vrbas seconded, approved by all.

The STO and UPOC Ordinances need to be adopted by the city annually when the new books are published by the League. **Ordinance #872 Standard Traffic Offense Code for Kansas Cities** was adopted and **Ordinance #873 Uniform Public Offense Code for Kansas Cities** was adopted on motion of Councilman Vrbas, seconded by Councilman Fisher, approved by all. These ordinances shall take effect after publication in the city newspaper.

City Attorney Charles Peckham introduced **Ordinance #874, concerning illegal dumping of trash**. Disposing of or placing trash in dumpsters or trash receptacles which are owned or rented by another individual would be an unclassified misdemeanor with corresponding fines. Hazardous substances and waste disposed of or placed in dumpsters or trash receptacles would be a Class A misdemeanor with corresponding fines. Councilman Mosley moved to **approve Ordinance #874 regarding illegal dumping of trash with associated charges and fines**. Councilman Vrbas seconded, approved by all. This ordinance shall take effect after publication in the city newspaper.

**Department Reports:**

**City Clerk Keri Riener** presented a detailed report of activities for July. Monthly and quarterly reports were submitted; a new police officer was hired and entered for payroll. She recently met with FEMA representatives to further complete paperwork for reimbursement of expenses associated with the snowstorm at the end of April. Keri ordered business cards for the amended theater requirement to have a parent sign a permission form for their child to attend R-Rated movies. After the form is completed and signed, the parent will be issued a permission card for their child to present for admission to R-Rated films.

**City Attorney Charles Peckham** reviewed his report. Insufficient fund checks will be handled in county court from now on, as this will allow a better threshold for prosecution. He has drafted a number of documents for Economic Development and revised the contract for Creative Movements Gymnastics group regarding the property available for sale from the city.

**Police Chief Brian Withington** did not attend the meeting.

**City Superintendent Rick Kramer** presented his report showing the areas where the city crew has spent their time since the last meeting. Some street issues are being fixed. Sherman Street is complete to the location of a new home. After the house is built, Sherman Street will be finished to the property line. The water report shows the amount of water pumped and sold for the month. The month of June showed a 1% water loss, which is the lowest so far this year. The depth to the water in city wells has remained consistent. The pool water has cleared considerably since a new computer was installed to regulate the water chemistry. There has been a reduction in chlorine use since the computer has been installed as well. Mayor Tim Colgan commended the city crew on the appearance of the park and pool this summer. It looked spectacular for the regional swimming meet that was held earlier in July. Rick asked about the property owners' responsibility for trimming trees. City Attorney Charles Peckham reviewed Ordinance #739a, which states the city shall have the right to prune, maintain and remove trees within the city right of way of all streets and public grounds as necessary to insure public safety, among other reasons. The City Crew may also remove or cause to be removed any tree or part thereof

which is in an unsafe condition or which by nature is injurious to listed public utilities or improvements. Mayor Colgan stated that the city may notify the property owner of any tree issues and the property owner is responsible for pruning the problematic limbs. The City Clerk will publish a reminder in the newspaper about trimming hanging tree limbs.

**Council Reports:**

**Councilman Gary Fisher** had nothing to report.

**Councilman Dietrich Kastens** had nothing to report.

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

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

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

**Mayors Notes:**

Mayor Colgan had nothing to report.

Before adjournment, City Attorney Charles Peckham took the opportunity to introduce his summer intern Austin Bork from Topeka. Charles intends to give him a taste of small town attorney life, hoping to inspire him to return to build a practice.

With no further business to come before Council, Councilwoman Mulligan moved to adjourn, seconded by Councilman Vrbas. The **meeting adjourned at 8:45 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor