

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

Atwood City Council met in **regular session** September 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; 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. Councilman Mark Vrbas was absent. Members of the public in attendance were: Robert Helmick, Kirk Easterday, Mick Moore, Tony Soucek, Radonda Dunker, Rick Oliver, Lamont Fix, Kara Wicke, Garth Griffith, Clayton Griffith, John Buck, Kenny Rummel, Gary Vap and Ken Higley.

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

The **Minutes** of the regular meeting on August 17, 2017 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 Kastens, approved by all.

Public Comments:

Mick Moore addressed Council concerning Ordinance #875, specifically golf cart use in the city. "Why are golf carts being regulated now? What was the cause for the action? Why was another city's ordinance copied instead of writing one pertaining to our specific needs in this town? Why are golf carts not allowed to be driven at night? A lot of older folks use golf carts as a mode of transportation. How was the amount for the fee of \$75 decided? The basic fault of Ordinance #875 is the 18 year old age requirement, when farm permits are issued at 14 years of age. Lumping golf carts with ATVs or UTVs doesn't make sense." Mayor Tim Colgan asked Mick if it would be okay for these questions and others to be addressed altogether, later in the meeting when the other two appearances were heard. Mick was agreeable with all concerns being addressed at the same time.

Rosalie Ross informed Council of an opportunity for FEMA grant money to be used to build a community tornado shelter in town. Cheyenne County has built two shelters with a FEMA grant paying 75% of the building cost. The building must be constructed to FEMA standards, which includes five square feet per person. Cheyenne County locks the building and the sheriff has the key to unlock it if needed in an emergency.

Appearances:

Auditor **John Mapes presented the 2016 city 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 all operating funds ended the year above the beginning balance of the year. Overall, utilities were up \$194,000 in 2016. No statute violations were noted in 2016. The **Sewer Project Special Audit, a Federal Compliance Audit** was conducted for 2016. The City of Atwood was in total compliance for the audit, with the only finding noted being a lack of segregation of duties because of the limited staff size at city hall. Councilman Kastens moved to **accept the audit reports and authorize filing them with the required state and federal entities**, seconded by Councilwoman Mulligan, approved by all. A **proposal for a three or five year contract to**

continue audit services for the City was also delivered to Council for review. A decision will be made at the October City Council meeting regarding the contract.

The **Community Health Needs Assessment** was introduced by Karla Heble and Suzanna Koel. A Committee made of individuals from various Rawlins County Health entities is conducting this process to determine significant health needs for the community. A **stakeholder meeting will be held at Redeemer Lutheran Church on October 19th at 11:30 am**. The public is invited to attend and fill out a survey to give feedback on their areas of concern or suggestions. The committee hopes to have a health improvement plan completed in February based on participation responses.

Linda Vap and Matt Wolters 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 14th 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. Last year, souvenir pitchers were given out to registered teams. This year the souvenir will be BBQ tongs, which should assist in reducing the quantity of beer distributed, since they will be limited to cups. Councilwoman Mulligan moved to **approve the temporary CMB permit to Matt Wolters for Smokin’ on the Beaver from 2:00 pm until midnight on September 23, 2017**, seconded by Councilman Kastens, approved by all. A CMB permit form has been completed. There will be a \$25 fee for the permit. A waiver of the golf cart/ATV/UTV registration was requested for the fleet of six vehicles used by the SOTB Committee since they will only be used for two days in the immediate area surrounding the event. Public use of golf carts will be reduced as only the elderly or handicapped requiring such transportation will be permitted to have them in the area. Last year, each team was permitted to have a golf cart. Councilman Kastens moved to **grant a waiver of the golf cart/ATV/UTV registration fee for the six vehicles used for Smokin’ on the Beaver from 9/22-9/23**, Councilman Mosley seconded, approved by all. Temporary permits will be issued by Friday.

David Blau with Miller & Associates presented a sewer project update. Contractor’s Application for Payment #6 for Midland’s Contracting, Inc. for the amount of \$41,813.00 for work completed through August 29, 2017 including installation of 8” CIPP on eight additional sewer runs. Councilman Kastens moved to **pay the total due on Midland’s Contracting, Inc. Application for Payment #6 in the amount of \$41,813.00**, seconded by Councilman Mosley, approved by all. Change Order #2 for Midland’s Contracting, Inc. for the amount of -\$35,786.00 was an adjusting final change order removing bid items not completed from the contract. Councilman Mosley moved to **approve Midland’s Contracting, Inc. Change Order #2 Reduction of Contract in the amount of -\$35,786.00**, Councilman Kastens seconded, approved by all. The Certificate of Substantial Completion of the Sanitary Sewer Lining Project was presented. Councilman Kastens moved to **accept Midlands Certificate of Substantial Completion of the Sanitary Sewer Lining Project**, Councilwoman Mulligan seconded, approved by all. The mayor signed the pay application, change order and certificate of completion. These documents will be sent to David Barber of USDA-RD for approval.

Richard Pinalto appeared regarding Ordinance #875. He asked where the revenue for the registration fee was deposited and why the ordinance was necessary. “Was it a general safety issue or was there an accident or problem that no one knew about that caused the need for Ordinance 875? I understand the need for insurance for ATVs, but golf carts? One of the perks of living in a small community is being able to use these kinds of vehicles and have less regulation involving that freedom. Farm kids can drive at 14 years old, why is the age of golf cart operation 18 years in the ordinance?” Of the folks he’d polled, ATVs are more widely understood as fast moving and more dangerous, but golf carts are not seen as a cause of danger. Older individuals not able to drive due to eyesight issues, difficulty getting in and out of a standard

vehicle, etc. can operate a golf cart more easily than a heavier vehicle and it would be a safer alternative on the road. Richard asked about the restrictions of non-permitted golf carts being used at the country club. "Can the golf carts cross Lake Road to get in and out of the parking shed area? What about getting gas or washing golf carts?"

Mayor Tim Colgan responded that the fees paid for the registration of ATVs, UTVs, golf carts and other vehicles included in Ordinance #875 are deposited into the general fund, as are the fees associated with dog tags, accident reports and most other payments not associated with utilities.

City Police Chief Brian Withington reviewed state statutes regarding the vehicles in question. According to the Standard Traffic Ordinance, which is adopted by the city each year, the vehicles included in Ordinance #875 may cross a highway if necessary, but it is unlawful for any person to operate an ATV on any highway or within the corporate limits of any city unless authorized by such city (unless owned by county noxious weed department or KDOT) or between sunset and sunrise unless equipped with lights as required by law for motorcycles. Micro Utility Trucks, Low-Speed Vehicles, Golf Carts and Work-Site Utility Vehicles had similar provisions. Cities may be more specific and impose more restrictions than state statute, but if not allowed for variation from state statute, cities may not be more lenient. An example of this is the requirement of a valid driver's license and insurance while operating a motor vehicle. It is a state statute that "no person, except those expressly exempted, shall drive any motor vehicle or motorized bicycle upon any highway in this city unless such person has a valid driver's license." Also, "Every owner shall provide motor vehicle liability insurance coverage in accordance with the provisions of the Kansas Automobile Injury Reparations Act, for every registered motor vehicle owned by such person... No person shall knowingly drive an uninsured registered motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act." The definition of a motor vehicle in the Standard Traffic Ordinance is "every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled." A vehicle is defined as "every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power..." Under state law a municipality may allow the vehicles to operate on city streets under conditions set by the city. These conditions include the fee amount, age of driver and details of where they may be permitted to drive, as long as it is not a major highway.

Radonda Dunker, although not listed as an appearance on the agenda, shared that she personally has no issue with anything regarding the new ordinance except for the 18 year age requirement. "Why should someone be able to drive a regular vehicle, but not a golf cart that goes 20 mph?" Her son purchased a golf cart and under the age requirement, won't be able to drive it legally before he leaves for college.

Councilman Mark Mosley stated that he sees the two main issues that need to be revisited on Ordinance #875 as the age requirement and the fee. Details on where a cart may be driven may also need further discussion. When this ordinance was being reviewed last month for approval, the age was discussed but no citizens had approached him with an opinion one way or another in previous months, so he thought Ordinance #875 was agreeable since nothing was said. He is open to further discussion to work out the details and make it more acceptable to the public.

Scott Beims addressed Council regarding Ordinance #875. He did not know there was a previous golf cart ordinance in effect in Atwood before the current option. "I can register my Chevy pickup for less than a golf cart. Life is so regulated that we can't relax anymore. Ordinance 875 has no exemptions. What about parades? The ordinance also needs to have specificity of where the golf carts can be driven if not

registered, maybe one cop won't write a ticket if someone drives from the country club to the parking shed, but maybe a different cop will write a ticket for that. It should say what's allowed in the ordinance."

City Attorney Charles Peckham reiterated that since parades aren't mentioned in this ordinance, the regulation regarding parades would fall back to state statute, which allows golf cart, ATV, UTV and other vehicle use in parades at city discretion. Cities may be stricter than state laws, but not more lenient, as stated earlier.

Councilman Dietrich Kastens thanked the public for their comments. Like Councilman Mosley, he realized there may be opposing opinions about Ordinance #875, but since none were voiced to him prior to adopting it, he presumed citizens were in agreement about the included restrictions and that if they were not, changes could be made to remedy the situation by amending the original ordinance.

Councilwoman Sandy Mulligan echoed previous thoughts on public involvement in the meeting, saying she hoped the public would return in October to listen to the revision discussion. The public is always welcome at City Council meetings and if they are not present, the Council makes decisions based on what they believe is in the best interest of the city and its citizens. When people don't tell them differently, they assume they are on track in that endeavor. Ordinance #875 is a great example of the community appearing to express their concerns and council will consider tonight's comments when they revise this ordinance for review at next month's meeting.

Old Business: None.

New Business:

Mayor Tim Colgan shared a suggestion given by Roger Prideaux, who currently cleans the Lake Park Restrooms. Some members of the community have requested hand dryers and soap dispensers in the restrooms. Hand dryers are about \$550 each and the cost of soap dispensers wasn't given. Councilwoman Mulligan said the Lake Atwood Craft Show Committee would be interested in supporting this project and if the items are purchased, this group will pay for them. Mayor Colgan graciously accepted Sandy's offer and the city will move forward in ordering those items so they may be installed by the City Crew.

Department Reports:

City Clerk Keri Riener reviewed dates of events coming up in the near future. Registration for the LKM Regional Dinner, scheduled for October 5th in Colby is due next week. The mayor plans to attend. It's a great opportunity to meet other city officials and share ideas while enjoying a fantastic meal. The City Clerk went last year, but due to a schedule conflict with the Kansas Association of Court Management Fall Conference, which she will be attending in Dodge City at that time, she will be unable to go to the LKM Meeting. Datatech/Summit will host a software update seminar in Scott City on October 12th. Both the City Clerk and Deputy Clerk plan to attend this class, so Ana Vargas will fill in at City Hall. The Revised Employee Handbook was emailed to the mayor. After he has finished reading it and offering revisions, it will be emailed to the city attorney and department heads before being added to a council agenda for review and possible adoption. Oberlin's City Administrator and a prospective city councilman visited City Hall this week to discuss operations with the Mayor and City Clerk. The Police Department Facebook page has been more active since Officer Travis Bailey joined the department. Photos of officers at parades, crosswalk duty and involved in other activities have been good for public relations. It has also become a great platform for sharing information, such as ordinance information, possible scams that may affect citizens and other helpful news.

City Attorney Charles Peckham has been preparing journal entries for court, discussed cases with defendants, met with police officers and set trials for some cases. Documents have been drafted for Rawlins County Economic Development; the Hansen Grant report was filed and accepted for the work at Greason Industrial Park. He also reviewed liquor law requirements regarding Smokin' on the Beaver.

Police Chief Brian Withington presented his report. His department worked 14 reports from August 17, 2017 to September 20, 2017. There were 10 arrests made, 32 warnings given and 20 tickets issued. Other patrol activity included 605 public relations and 117 miscellaneous complaints. It was noted that the department keeps track of all stops including the reason for the stop and if enforcement is applicable. The Police Department participated in the 2017 RCHS Homecoming Parade with a student guest rider in the police pickup and the Kansas Law Enforcement Torch Run. Officers were guests at a recent Atwood Rotary Lunch Meeting. It was a great opportunity for Rotary Members to meet the officers and get acquainted. Chief Withington commended Officer Bailey for his improvement of the PD Facebook page. It is a great platform for information and positive community interaction.

City Superintendent Rick Kramer presented his report showing the areas where the city crew has spent their time since the last meeting. The city crew has been mowing, cleaning drainage ditches, trimming trees and painting parking lines downtown. The water report shows the amount of water pumped and sold for the month. The month of August returned to a lower water loss amount. Deputy Clerk Paul Mews now prints a zero consumption report, which the crew uses to check meters that haven't registered any water usage for the previous month. This will help determine changes in meter usage in a faster timeframe than by reviewing the reports manually and trying to see which accounts aren't on the report that should've been listed. The depth to the water in city wells has remained consistent.

Council Reports:

Councilman Gary Fisher had nothing to report for the Housing Authority. The trees in the city could use some rain.

Councilman Dietrich Kastens stated the fire chief would like a status update on the repair of the west door of the fire station. The fire chief reported some computer issues, which Councilman Kastens plans to check before asking for outside assistance. Citizens have asked about the timeline for the Kelley Park Restroom construction. Mayor Colgan hopes to complete the restrooms by next spring if a brick laying crew is available.

Councilman Mark Mosley attended the Airport Board meeting. The taxiway project will not be completed until next spring due to other projects that have delayed the construction crew. The new theater poster signs that have been installed on both sides of the theater doors look very nice.

Councilwoman Sandy Mulligan shared that things are looking good at Greason Industrial Park. The Rawlins County Economic Development Board is currently investigating additional funding options to finish work at Greason. All lots will be spoken for if plans materialize as have been discussed.

Councilman Mark Vrbas was absent.

Mayors Notes:

Mayor Colgan announced the resignation of police officer Jeremiah Thompson, effective September 25th. The City will begin advertising the available police position in October. The recycling position has been listed in the newspaper in an effort to find an interested citizen to monitor recycling for the remainder of

the year. The mayor commended council on their response to the public attendance and comments on Ordinance #875. It is a learning experience and the council makes every effort to represent their community's opinions well, but until citizens speak to a councilmember or attend a meeting, council can only go with their assumptions of public opinion. Revisions to Ordinance #875 will be reviewed at October's meeting and the issues discussed this evening will be considered.

With no further business to come before Council, Councilman Kastens moved to adjourn, seconded by Councilman Fisher, approved by all. The **meeting adjourned at 9:40 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor