

Atwood City Council
October 19, 2017
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** October 19, 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. Members of the public in attendance were Robert Helmick, Brenda Peterson, Diane Montgomery-Cox, County Commissioners Craig Cox and Wilbur Henry; Jerry Holste from Rawlins County Sanitation and Corey Castens.

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 September 20, 2017 and the Special meeting on October 12, 2017 were approved as circulated on motion of Councilman Gary Fisher, seconded by Councilman Mark Vrbas, approved by all.

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

Public Comments: none.

Appearances:

Atwood Housing Authority Executive Director Cassidy Fanders reviewed funding sources and requested city assistance with a \$1000 filing fee required to move forward in a lawsuit against HUD. The first round of lawsuits were filed by several housing authorities in the area in 2015 to challenge the process by which HUD calculated and managed the monthly operating funds disbursed in 2012. HUD offset a portion of the operating subsidies, based on the amount of excess reserves each housing authority held. This did not comply with federal regulations governing operating subsidies and resulted in housing authorities receiving only about 50% of their operating budgets in 2012. If no appeal is filed by HUD, the Atwood Housing Authority could recoup an estimated amount of \$23,834.00, which could be used for apartment remodeling, door replacement, etc. The filing fee cannot be paid with federal funds, which is all income at the Housing Authority. The filing fee may be reimbursable, but the timeline on that is unknown due to the situation. Councilman Kastens **moved to pay the \$1000 filing fee on behalf of Atwood Housing Authority for the lawsuit against the US Department of Housing and Urban Development.** Councilman Fisher seconded, approved by all. Cassidy thanked Council for their support, both past and present.

Deb Fanders was not present, but plans to attend November's City Council meeting.

Richard Pinalto appeared regarding the ATV/UTV/Golf Cart Ordinance. He expressed approval of the overall changes made to the previously adopted ordinance. He noted details regarding minimum insurance required on various vehicles, conversations with the Sherman County Sheriff's department regarding their allowance of golf cart use at night and their decision to selectively enforce that infraction. Councilman Kastens reviewed the existence of a nationwide effort of golf cart owners seeking more freedom for golf cart use. Citizens concerned about the regulation of their use should contact

representatives at the federal level. A federal law or Standard Traffic Ordinance change would allow local government to move forward by following their guidelines as they are presently doing. This allows the police department to follow all rules and regulations as written instead of making various ethical decisions about which laws should be enforced at any given time.

Old Business:

Following discussion on **previously passed Ordinance #875 and the amended version, Ordinance #876 proposed to replace it**, the following major changes were made: the filing fee was reduced to \$50 annually due on January 1st, the age of driver was reduced to a person with a valid, non-restricted driver's license and the slow vehicle flag must be mounted at a height of six feet instead of four feet. A seven day temporary license may be issued to vehicles subject to this ordinance at a cost of \$15 with proof of necessary documentation. A temporary tag may be issued at no cost if proof of registration in a city with a comparable ordinance and proof of necessary documentation is provided. Any vehicle subject to this ordinance which is garaged or stored in the City of Atwood for more than 30 days in a single year does not qualify for this section. Councilman Kastens **moved to approve Ordinance #876 as amended, Councilman Vrbas seconded, approved by all**. A summary of Ordinance #876 will be published in next week's edition of the Rawlins County Square Deal with the full ordinance being posted online at atwoodkansas.com. Refund checks will be issued next week for those individuals that have already registered their vehicles and paid the previous \$75 fee.

The future of the building currently being used for recycling was discussed. **Councilman Kastens** shared thoughts and opinions from citizens he spoke with on the topic. All grants pertaining to the original intent of the building that is housing recycling were legally "satisfied" about eight years ago. The "spirit" of the grant has been completed as well, in his opinion. The purpose was to spark interest in recycling and introduce a local recycling movement. Recycling is going strong and will continue to do so as long as the ease of access remains, which seems to be a main drawback at the current location. There is minimal parking and in the winter months lack of sunshine creates a hazardous incline for the public to navigate with their recyclables. A six month transition time should facilitate a smooth move to a new location with minimal interruption to the current facility schedule. The overall goal is to improve the recycling process with a larger space and efficient entry, which may increase the number of people that utilize the service. The City is in favor of recycling because the citizens of the City of Atwood support recycling. Saturday access may inspire a new generation of recyclers, as Wednesday is one of the busiest days of the week for families with kids. **Councilman Vrbas** reported that only one person he spoke to did not support moving recycling. The other main comment was the minimal hours of operation. A lot of people would like the opportunity for Saturday drop-off. The consensus of his interviews was in favor of the move, just not a move to the landfill. **Councilwoman Mulligan** reported a portion of those that contacted her would like recycling to stay in its current location, but no reasons were given for that opinion. The majority of citizens she spoke with would like an unmanned center that is accessible any day of the week. She also reiterated that no one was in favor of the landfill location option. **Councilman Mark Mosley** echoed previous statements, noting the entrance to the landfill can be a dangerous area with limited visibility. **Mayor Colgan** received no phone calls regarding this issue since last week's Special Council/Commissioner Meeting. He noted there was one letter to the editor in the newspaper, but otherwise commentary was scarce. **County Commissioner Craig Cox** requested permission to speak, but noted he was speaking as a citizen of the county since the Commissioners were not in an open commission meeting. He expressed appreciation and agreement with Council opinion. The current facility does have some drawbacks. Better hours and more accessibility could be addressed in a different location. He is resigned to the fact that they will need to make changes but requested more time to help with the transition. **County Commissioner Wilbur Henry** asked Council where they would recommend constructing a new building for recycling,

noting the landfill is not a popular option. He shared that the Commissioners have toured the “Old Niswonger Building”, which is an optimal location but would need a lot of rehab. Councilwoman Mulligan stated that one light industrial lot is still available at Greason Industrial Park. Infrastructure is already in place and the lot is 100 feet x 115 feet in size. **Corey Castens** said the building currently being used for recycling is not large enough, so a larger building would be necessary. As the facility builds up enough product to get a full load, the building is packed so tight that it’s hard to walk through it. Corey asked if the city would continue to support recycling once the county takes it over, if that’s the decision. Mayor Colgan said that would be a topic of discussion for the budget workshop. Councilman Kastens said the people he talked to were in favor of continued support as long as the facility is located in the city. Councilman Vrbas **moved to reallocate the use of the building presently housing recycling to be used for city administrative needs. The City will allow County access until June 30, 2018 with a progress review if necessary.** Councilman Mosley seconded, approved by all. Councilman Kastens made a **motion that the City of Atwood will continue to provide and pay a weekly manager for recycling until June 30, 2018 at a shared cost with the County as currently happening,** Councilwoman Mulligan seconded, approved by all. Councilmembers thanked Commissioners for attending the meeting and participating in the discussion. Commissioner Cox thanked Council and stated that if Saturdays became an option, he would be a willing volunteer to man the facility if he’s available. Councilman Kastens agreed that he would be happy to help in that way as well if possible.

New Business:

City Clerk Keri Riener presented Ranson Financial Group LLC Invoice #531 in the amount of \$500.00 for the annual submission of the 2016 Continuing Disclosure Agreement. The purchaser of the City’s General Obligation Refunding Bonds, Series 2013, was required to get an agreement from the City to make annual disclosure of certain financial information and operating data. Councilman Kastens moved to **pay Ranson Financial Group LLC Invoice #531 for the 2016 Continuing Disclosure submission in the amount of \$500.00,** Councilman Mosley seconded, approved by all.

David Blau with Miller & Associates was not present for a sewer project update. Miller & Associates Invoice #17-0783 in the amount of \$6,038.45 for project management from April through August 2017 was submitted for payment. Councilman Mosley **moved to pay Invoice #17-0783 to Miller & Associates in the amount of \$6,038.45,** Councilman Vrbas seconded, approved by all. These invoices will be sent to David Barber of USDA-RD for approval before payment.

Mayor Tim Colgan reviewed Change Order #4 from Cahoj Earthmoving, regarding the installation of the additional culverts, backfill and final grading at Greason Industrial Park in the amount of \$26,017.88. He visited with Jared Hurst, Rawlins County Economic Development Board President about the situation, who requested that the City help fund the change order if possible. The only fund that is available to cover this expense is the Special Street Improvement Fund, established in December of 2015 in an effort to build funds to support future street projects. The current balance of this fund is \$57,776.75. Councilman Kastens asked for alternatives to the city paying this debt for Economic Development. Councilwoman Mulligan said RCED has approached various entities to assist with the payment of this project. Beaver Valley Supply owners were included as an option, as some of the culverts directly impact their business and dirt work was completed to improve conditions near their business location. Frankie Chvatal offered a \$10,000.00 loan to RCED at 0% interest for three years to assist in the effort to pay the debt. The amount received from the sale of other lots and the 2018 city budget funding is already tied up to complete Greason Industrial Park projects. Economic Development is not profiting from Greason projects; every dollar received has been spent to develop the area. Councilman Kastens stated his support of paying the change order now instead of waiting to see if other groups step up so

progress may continue. The work is necessary for construction to continue development currently on hold. Councilman Kastens moved to **pay Cahoj Earthmoving Change Order #4 in full for the amount of \$26,017.88 out of the Special Street Improvement Fund.** Councilman Fisher seconded, approved by Councilmembers Fisher, Kastens, Mosley and Vrbas, with Councilwoman Mulligan abstaining due to a conflict of interest serving on both City Council and Economic Development Board. Abstained vote goes with majority, motion passed 5-0.

John Mapes provided bids for a 3 year and 5 year audit contract. Council had received both documents for review via email prior to the meeting. Councilwoman Mulligan moved to **accept Mapes & Miller LLP Certified Public Accountants 3 year contract,** Councilman Vrbas seconded, approved by all.

Department Reports:

City Clerk Keri Riener discussed recent conferences in the area. The Kansas Association of Court Management Fall Conference was in Dodge City. Data Technologies, Inc. hosted a fall software training update highlighting new features that will be added to current software in the coming months. The City BBQ welcoming new police officer Travis Bailey and his family to the community was this week. It was a nice opportunity to gather and enjoy the company of fellow employees and homemade ice cream provided by Councilman Vrbas. The Revised Employee Handbook has been reviewed by the mayor and is now being read by department heads. A meeting will be held to discuss content after they've had a chance to make suggestions. Following any necessary changes, the handbook will be emailed to councilmembers for their review before approval. The 7th Grade classes will be visiting City Hall at the end of the month for their "Mock City Council". Councilmembers are encouraged to attend. The class will be split into two groups this year in an effort to allow full participation and space for students. Keri will be in Wichita for the third year of City Clerk Institute from November 13th – 17th. City Attorney Charles Peckham will take minutes for the Council Meeting on November 16th. The November court date has been rescheduled to November 28th to avoid Thanksgiving week conflicts.

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. Various contacts have been made concerning the recycling building and zoning. He contacted Diane Sis with Creative Movements Gymnastics and the group plans to purchase the Persinger lot from the city as previously discussed.

Police Chief Brian Withington presented his report. His department worked 14 reports from September 20, 2017 to October 19, 2017. There were 7 arrests made, 32 warnings given and 6 tickets issued. Other patrol activity included 920 public relations and 105 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 crew has been busy sweeping streets recently repaired an alley. A water leak went back to three houses on 2nd Street and the alley was excavated for repair and needed to be filled to allow use. The city crew will be working on a portion of 7th Street in the coming weeks to improve its condition. The water report shows the amount of water pumped and sold for the month. The month of September showed a reduced water loss. The depth to the water in city wells has remained consistent. Mayor Colgan commended the city crew for the condition of the city shop that hosted the recent City BBQ. It is really nice to have facilities that are organized, well maintained and clean.

Council Reports:

Councilman Gary Fisher was reappointed to a four year term on the Upper Republican Regional Advisory Committee. He also reviewed his recent experience at the Arborist Class in Manhattan.

Councilman Dietrich Kastens had nothing to report. Mayor Colgan commented that Fire Chief Terry Britt informed him that the fire department has all the radio issues worked out with county dispatch.

Councilman Mark Mosley reported that the airport board met and the crop land around the airport will be up for lease renewal soon.

Councilwoman Sandy Mulligan had nothing to report.

Councilman Mark Vrbas stated he was unable to make it to the Solid Waste meeting last week.

Mayors Notes:

Mayor Colgan recently attended the Regional League of Kansas Municipalities Dinner in Colby. It was a great opportunity to network with other city officials and learn about current state legislature action. Council is invited to the PDC Thanksgiving Dinner at the Sacred Heart Church Basement on November 22nd. The mayor thanked councilmembers for the work they have put into council, especially in the past two months. The research and time invested in understanding the issues and citizen opinions are appreciated. City council is an elected position and although tough decisions may not always be popular in the short term, the changes and infrastructure improvements that have been made in the city are evident of council commitment and regard for the future of Atwood.

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

Keri Riener, City Clerk

Tim Colgan, Mayor