

Atwood City Council  
April 19, 2018  
Regular Meeting  
City Hall, 7:00 PM

Atwood City Council met in **regular session** April 19, 2018 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.

The **Agenda** was approved as circulated on motion of Councilman Dietrich Kastens, seconded by Councilman Gary Fisher, approved by all.

The **Minutes** of the regular meeting on March 15, 2018 were approved as circulated on motion of Councilman Fisher, seconded by Councilman Mark Mosley, approved by all.

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

**Public Comments:** none.

**Appearances:**

**Terry Britt, representing the Atwood Ambassadors** requested roping off the downtown streets for the annual Rod Run. Friday, May 18<sup>th</sup>, Lake Road will be roped off from 2<sup>nd</sup> Street to 4<sup>th</sup> Street from 6 pm until after the fireworks. On Saturday, May 19<sup>th</sup>, 4<sup>th</sup> Street from Vine Street to State Street will be roped off, as well as Main Street from 3<sup>rd</sup> Street to 6<sup>th</sup> Street by the library and 5<sup>th</sup> Street from the north side of Main Street to the north side of State Street will be roped off, creating the downtown area for the event. The Ambassadors will contact dispatch and emergency services about the extended areas being roped off to ensure communication between all entities. Councilman Kastens moved to **allow the Ambassadors to rope off the downtown areas as presented**. Councilwoman Mulligan seconded, approved by all.

**Larry and Brigida Aldrich** were not present that this time of the Council Meeting.

**Old Business:** none.

**New Business:**

**City Attorney Charles Peckham** reviewed **Ordinance #878**, amending requirements for tree height in the City of Atwood. The Amendment to Section 26-106 adds that "The city, for public safety reasons, shall have the right to prune any tree or shrub, either on the public right-of-way or on private property, which obstructs the view of any street intersection *or which does not have sufficient clear space above the surface of a street or alley as set forth in Sec. 26-107.*" The Amendment to Section 26-107 changes the height of clear space from ten feet to fifteen feet above the surface of the street or alley. Councilman Mosley moved to **approve Ordinance #878 amending previous Ordinance #766, which adds sufficient clear space above the surface of a street or alley and updates clearance height to fifteen feet above the surface of the street or alley**. Councilwoman Mulligan seconded, approved by all. This ordinance shall take effect after publication in the city newspaper.

City Clerk Keri Riener reviewed **Ordinance #879**, amending the requirements for registration of dogs in the city limits. The Amendment adds section 6.66 to the Municipal Code: *It is a violation for any person who owns, keeps or harbors a dog to fail to register the dog. Any person who fails to register a dog within the time limits set forth in section 6.59 shall pay the fine set forth in Section 6.2. The Court shall also require that the dog be registered.* Councilman Kastens moved to **approve Ordinance #879, amending the Municipal Code, allowing fines to be assessed for failing to register a dog**. Councilwoman Mulligan seconded, approved by all. This ordinance shall take effect after publication in the city newspaper. Councilman Mosley asked how many dogs are allowed per residence in city limits. City Clerk Keri Riener stated that two dogs are allowed per household. However, in the past, citizens with a dog that was aging were told it was okay to have a third dog

for a short, transitional period of time. The City plans to enforce the two dog rule within five years, which should allow ample time for those with more dogs than allowed to make plans for the additional dogs. The City office is registering the extra dogs, so they are documented if they get out and are picked up by law enforcement and to prove they are properly vaccinated, but is verbalizing the change in expectations to comply with the ordinance as written by January of 2023.

**Larry and Brigida Aldrich** arrived at the meeting.

**City Attorney, Charles Peckham** updated Council regarding lots at Greason Industrial Park. Councilman Mosley moved to **grant the Mayor permission to sign and execute the warranty deed conveying the real estate from Lots One (1) through Six (6), Block One (1), Greason Industrial Park, First Addition, of the Original Town (now City) of Atwood, Kansas, EXCEPT AND SUBJECT TO THE LISTED EASEMENT AND RESTRICTIONS OF RECORD AND RESTRICTIONS OF THE FREE LAND AGREEMENT.** Councilman Fisher seconded, approved by Councilmembers Fisher, Kastens and Mosley, 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 4-0. Mayor Colgan signed the warranty deed.

With new business complete, Mayor Colgan allowed **Larry and Brigida Aldrich** to address Council regarding their 106 N 2<sup>nd</sup> St water issue. Larry informed Council that following water being shut off when a renter moved, the city water shutoff valve failed at the address listed, causing water to drip inside the house when the pipes broke during the winter months of 2017. The renter moved in May of 2017 and the city crew shut off the water at the residence. A bill was issued in October showing water usage although no one was living there. City Clerk Keri Riener explained that the utility software is designed to issue bills when water is used. Since water went through the meter, the water usage was billed. City Superintendent Rick Kramer stated that the water shutoff valve had malfunctioned, the first one since he started working for the city thirty years ago. The valve malfunctioned, but the time to check that situation was in October when the bill arrived for the initial water usage. Larry Aldrich asked to be on the Council Agenda in December, but wasn't present at the meeting. He then contacted Rick on March 20<sup>th</sup> to discuss the leak situation and requested to be added to the April Council Agenda. Larry reported that the copper pipes were leaking and water was dribbling on the floor when they assumed the water was shut off. The City Superintendent stated the City is responsible for the water shutoff valve, the meter and the elbow. The owners do not have a water shut off between the meter and the trailer. Councilman Kastens stated that some of the responsibility of what happens at a property does fall on the property owner. Almost all property owners have a personal water shut off valve they can access on their property in case of a leak. If a major leak were to happen without a personal water shut off, owners or renters would have to wait until they were able to contact the city crew to turn water off at the meter. City Clerk Keri Riener stated that the history of this property shows an increased leak probability. There has been high water consumption at varied times throughout the years since Larry has taken ownership, making it the perfect candidate for the owners to have a water shut off, as the majority of property owners in Atwood. Mayor Colgan requested itemized bills for any repair work that was completed in the house. It was the city shutoff that malfunctioned, but the damage because of that is still unknown at this time. The City is willing to work with property owners, but must follow the correct channels of investigation before making a decision. Considering the previous tenant moved out in May because there was a water leak at that time, it may be hard to say what damage is from what incident. City Attorney Charles Peckham suggested that the City insurance adjuster and the property owner's insurance adjuster both assess the situation and then Council can compare their reports to determine the next course of action. The City Superintendent stated that this prompted a new policy of pulling meters at all rental properties when the water is requested to be shut off. The meters will be reinstalled when the new renter pays the meter deposit and establishes an account. Larry thanked Council for their time and asked if he could address another topic. Mayor Colgan stated that the agenda had been approved and therefore additional items could not be added at this time. Larry indicated he may call to request being on the agenda again next month to address his other item at that time.

#### **Department Reports:**

**City Clerk Keri Riener** reported attending the spring City Clerks and Municipal Finance Officers Association Conference in March. Dr. Melody Bearley had a vaccination clinic at the Recycling Building on March 24<sup>th</sup>. Fourteen dogs were vaccinated and tagged at the event and additional pets came for other needs. Dr. Bearley is in favor of doing this on an annual basis to encourage responsible pet ownership. Prizes and discounts for spay/neuter procedures were offered as well. The deadline for lifeguard applications has been extended to April 27<sup>th</sup>. Jen Melia will be the pool manager this year. A lifeguard orientation meeting is scheduled for May 2<sup>nd</sup> at City Hall to discuss requirements and expectations. The Summer

Recreation Board voted to sponsor the Thursday Free movies again this year. This sponsorship allows the theater to have free movies six weeks of the summer and kids only pay for their snacks. The City Clerk's office will be reviewing rental properties with delinquent utility accounts in preparation for sending out notices for payment in the month of May. Ordinances #693 and #836 address landlord liability with regard to account delinquencies.

**City Attorney Charles Peckham** shared his activities for the month. He worked with the nuisance officer regarding a blighted structure, prepared journal entries and talked to defendants. He prepared two draft ordinances for council and reviewed newly proposed community service policies. The City Attorney was contacted by the County Commissioners, expressing interest in owning the land where the county shop is located. Mayor Colgan suggested that they present an offer or more information at a future council meeting. Charles was also contacted by an individual interested in getting city water service just outside city limits and possibly purchasing the land that was used for "the old city dump". Council was in favor of extending water services outside city limits, as it is the property owners expense to hook up to the water main. It would add revenue to the city budget, so if they decide to move forward, they may formally request that service at a future council meeting. The City Attorney will need to check with KDHE about the requirements of land that previously had a city landfill on it, as there may be a statute of limitations on what may be done with it. He will update council next month on his findings.

**Police Chief Brian Withington** presented his report. His department worked five reports from March 15, 2018 to April 19, 2018. There were three arrests made, twelve warnings given and five tickets issued. Other patrol activity included 108 public relations and 44 miscellaneous complaints. Police officers have started referring lockouts to the local locksmith. The police department job opening for a third officer has been advertised in Kansas Press Association affiliated newspapers.

**City Superintendent Rick Kramer** presented his report showing 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 month of March showed a water loss of 8%, lower than the previous two months. The depth to the water in city wells has remained consistent. The Logan Street water main project is complete; curb and gutter work on Logan Street will begin soon. The city crew has begun work on the curb and gutter for the new house on Sherman Street. They have been mowing and have installed the dog waste bag station at Kelley Park. Street patching has been completed on some street potholes and more will happen this month. The crew plans to blade streets following the next forecasted rain. Street sweeping will be a priority leading up to Rod Run as well.

#### **Council Reports:**

**Councilman Gary Fisher** had nothing to report for the Housing Authority. Tree work has begun, with mulch being laid and pruning starting soon.

**Councilman Dietrich Kastens** had nothing to report for the fire department. In zoning news, a house has been approved for construction west of Kelley Park and a large building has been approved on Sherman Street. Zoning/code enforcement officer Jan Ackerman has started working with individuals BEFORE they submit their building permit forms, which increases their understanding of the regulations and process. It has also aided the quality of the permits being submitted, reducing confusion and the need for corrections.

**Councilman Mark Mosley** shared that the library director continues to schedule a lot of great community activities. Town and Country has expressed interest in purchasing a bike rack for the library. He reminded council that teachers offer extra credit for students attending historical/true story movies at the theater and the theater board has offered a discount coupon to participating students to further encourage participation. Teachers give students the voucher, which they turn in for a discount at the snack bar and the theater manager signs the stub to verify their attendance. The airport taxiway project is scheduled to be complete by the end of the week.

**Councilwoman Sandy Mulligan** stated that Rawlins County Economic Development is working with Shelby Wright to complete the deed work for the lots that are west of his previous shop location in Greason Industrial Park. Council approval of the warranty deed this evening will bring that to near completion.

**Councilman Mark Vrbas** was absent.

**Mayors Notes:** Mayor Colgan plans to meet with a bricklayer from Colby that is working on a few projects in Atwood to see if he's interested in working on the Kelley Park restroom project. The need for a bricklayer has been the major delay in the completion of this project. Councilmember Kastens asked about the possibility of making the Kelley Park restrooms available year round instead of just during the summer months. City Superintendent Rick Kramer said it would require a gas line and equipment for heat, insulation, a water meter and a new water line to be installed to connect with the street main. Mayor Colgan said they could look into that possibility. Councilman Kastens lives in that area and sees the park being used very frequently. The lake restrooms get utilized year round and are much appreciated. It would be nice to have that option at Kelley Park as well. Rosalie Ross was granted permission to speak at this time and added that a drinking fountain would be a nice addition. Rick added that currently kids drink out of the hydrants at times and usually leave them on when they are finished. Councilman Kastens stated that he has seen this and stopped multiple times to turn the hydrant off as well. Perhaps a drinking fountain would help this issue.

The mayor reported a section of fence had been knocked down west of the recycling building. An insurance adjuster will be out to assess the damage.

Mayor Colgan shared preliminary drawing of the proposed City Hall to be constructed at the current Recycling Center building. The City Clerk and Police Chief reviewed the first draft and after making a few changes, the current proposed design was created. Miller & Associates Architect Todd Boldt will be working with City officials as plans move forward to on this project.

With no further business to come before Council, Councilman Mosley moved to adjourn, seconded by Councilman Fisher. **The meeting adjourned at 8:15 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor