

Atwood City Council
September 20, 2018
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** September 20, 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, 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 Councilman Dietrich Kastens, approved by all.

The **Minutes** of the regular meeting on August 16, 2018 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 Kastens, seconded by Councilman Vrbas approved by all.

Public Comments: none.

Appearances:

David Blau with Miller & Associates updated Council regarding the status of the City Hall Renovation Project timeline. A preliminary opinion of probable construction cost for cement work on the north and east side of the renovated building was discussed. It will not be included in the bids for the project at this time, but can be added as a change order at a later date if it is approved. The bidding process is the next step for the project. Councilman Kastens moved to **authorize Miller & Associates to publish the bid deadlines for the City Building Renovation Project. Sealed bids will be received at the City Clerk's Office on October 24, 2018 at 2 PM;** then publicly opened and read aloud. Councilwoman Sandy Mulligan seconded, approved by all.

Next, David presented documents to close the Sewer Project. BSB Construction Change Order #2, reflecting an adjustment of final contract quantities due to the additional amount for the two manholes that were installed. Councilman Kastens moved to **approve BSB Change Order #2 with a total adjusted change order price of \$11,819.69 to the original contract amount.** Councilwoman Mulligan seconded, approved by all. BSB Construction Pay Application #10 in the amount of \$16,500.00 for the installation of two additional manholes was discussed. Councilman Mosley moved to **pay the total due on BSB Pay Application #10 in the amount of \$16,500.00,** Councilman Vrbas seconded, approved by all. BSB Construction submitted a Certificate of Completion for the Sewer Project with a total construction cost of \$1,153,932.69. Councilman Vrbas moved to **accept BSB Construction's Certificate of Substantial Completion of the Sanitary Sewer Improvements Project,** Councilman Gary Fisher seconded, approved by all. M&A invoice #18-0800 in the amount of \$3,072.00 for services regarding the additional manhole installation and preparation of final documents will be the last invoice from M&A for this project. Councilman Kastens moved to **pay the total due on Miller & Associates Invoice #18-0800 in the amount of \$3,072.00,** seconded by Councilman Mosley, approved by all. These documents will be sent to David Barber of USDA-RD for approval.

City Code Enforcement Officer Jan Ackerman and City Attorney Charles Peckham reviewed three structures involved in the Ratcliff Estate property at 412 State Street. City Ordinance states that if the nuisance officer discovers a structure that falls within the definition of unfit or dangerous, evidence of the structure should be presented to Council for review. If Council deems action necessary, the owners have 30 days to fix the situation or appeal Council's determination to district court. This blighted structure issue has been ongoing since 2012 with no significant action. The property was filed as a complaint in municipal court and ordered to be repaired. New roofs have been put on all three buildings, but nothing was done to repair the stairway or deal with the sagging roof and other significant structural issues. After discussion, Councilman Mosley moved to **approve Resolution 18-06 regarding the structures at 412 State Street and the "Carriage House",** Councilwoman Mulligan seconded, approved by all. Documents will be filed with District Court following this action. The Code Enforcement Officer left at this time.

Old Business:

City Attorney Charles Peckham reviewed **Ordinance #878, approved April 19, 2018**, amending requirements for tree height in the City of Atwood. The Amendment to Section 26-106 added 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 changed the height of clear space from ten feet to fifteen feet above the surface of the street or alley. Councilman Kastens stated he has paid particular attention to trees in other cities he’s visited since the original discussion on this topic. He suggested possibly reducing the 15 foot height requirement and measuring the height from the center of the street. City Superintendent Rick Kramer and Mayor Tim Colgan agreed that if trees on the edges of the streets were not tall enough for the street sweeper to pass, the city crew would just go around that area to avoid damage to equipment. Following discussion on heights of various trailers and road equipment, Councilman Fisher moved to **amend Ordinance #878 Section 26-107 (a) to read:** Overhang. All trees shall be pruned so that there shall be a clear space of **twelve feet above the surface of the street or alley as measured at the center of the street or alley.** All trees and shrubs shall be pruned so that the view at a street intersection is unobstructed. Councilwoman Mulligan seconded, approved by all. Councilman Mosley further **moved to allow Mayor Colgan to sign the approved amendment to Ordinance #878 when it has been completed by the City Attorney,** Councilman Fisher seconded, approved by all.

City Attorney Charles Peckham reviewed the **ordinance amending section 40-36 (c) (1) of the Atwood Municipal Code**, discussed previously. Following that discussion, the City Attorney made proposed changes to the amendment detailing the vehicles and timeframes for prohibited idling. Councilman Kastens moved to approve **Ordinance #882, amending section 40-36(c) (1) of the Atwood Municipal Code to read: No semi-tractor or semi-trailer, specifically including but not limited to refrigerated semi-trailers, shall be parked in a residential area with the motor or refrigerator unit operating for a consecutive period of more than one hour and not at all between 10 pm and 5 am.** Councilman Mosley seconded, approved by all. Ordinance #882 and the amendment to Ordinance #878 shall be published one time in the official city newspaper and shall take effect and be enforced from and after said publication.

New Business:

Department Reports:

City Clerk Keri Riener has completed a records retention schedule for city department documents. It has been reviewed by the City Attorney and sent to the City Auditor. It should be on the agenda next month for approval. A complaint form and employee evaluation form have also been drafted in an effort to allow more communication from both the public and department heads.

City Attorney Charles Peckham shared his activities for the month. He reviewed the semi-trailer and tree ordinances, worked with the nuisance officer regarding blighted structures and nuisances, prepared journal entries and talked to defendants. The court date in October has been moved to October 17th, as he will be out of town on the regularly scheduled court date. Charles invited Council and the public to a special Veteran’s Day free movie, Sgt. Stubby about dog that served in World War I. The free showing will be Sunday, November 11th at 2 pm at the Jayhawk Theatre.

Police Chief Brian Withington was absent.

City Superintendent Rick Kramer presented his report showing the 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 August showed a return to a 0% water loss for the month. The depth to the water in city wells has remained consistent. The city crew is winterizing the swimming pool and finishing the Logan Street cement pour. Last week both the hill tower and well field water tank were inspected and cleaned as budgeted. There are some rust issues on the dome of the hill tower tank that will need to be addressed in the next few years. The mowing tractor has mechanical issues. Instead of fixing it, a new tractor will likely be purchased in 2019 as budgeted since one of the other tractors can fill the void until that time.

Council Reports:

Councilman Gary Fisher stated the Housing Authority has received an update, but is waiting for the judge's decision regarding the 2015 case against HUD. Housing Authority Executive Director Cassidy Fanders requested and was granted city assistance with the \$1000 filing fee to move forward with this case in October 2017. The first round of lawsuits had been 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.

Councilman Dietrich Kastens had nothing to report.

Councilman Mark Mosley reported the Library Board has accepted a bid to remodel the children's department. The Airport Board is discussing the preliminary estimate for the runway project and is considering other options as well due to a large cost discrepancy between the current estimate and the one proposed in 2014.

Councilwoman Sandy Mulligan shared that two people may be interested in the last lot at Greason Industrial Park. The Board hopes to keep the lot zoned as industrial to encourage additional job opportunities. The loan provided by Frankie Chvatal in October of 2017 for work at Greason will be repaid next month. Beaver Valley Supply owners were approached as a loan source because some of the culverts directly impacted their business and dirt work was completed to improve conditions near their business location.

Councilman Mark Vrbas had nothing to report.

Mayors Notes:

After hearing the bills and seeing how much was spent on AT&T services, Mayor Colgan requested that local services be researched to see if the price can be matched or reduced while supporting a local business. Mayor Colgan signed a grant application for the library remodeling project. He also walked through Greason Industrial Park with RCED President Jared Hurst. There has been major washing in the ditches and a lot of erosion due to the lack of grass. Greg Cahoj put some gravel in, but not to manhole level, so that will need to be addressed. Town and Country approached the Mayor regarding installing baby changing stations in the new Kelley Park Restrooms. City Superintendent Rick Kramer will measure the available space and let them know that information to possibly move forward in that purchase. Piper Jaffray & Co. contacted City Hall regarding refinancing the 2010 USDA loan at a reduced interest rate. The City Clerk will forward that email to Council so they may evaluate it and possibly discuss it at the next meeting.

City Superintendent Rick Kramer requested Council opinion regarding spraying for mosquitoes prior to next week's Smokin' on the Beaver event. Council discussed options and costs and decided that if there are no direct complaints about mosquitoes between now and next week, it won't be necessary. The City Crew will sweep the streets prior to the event.

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

Keri Riener, City Clerk

Tim Colgan, Mayor