

Atwood City Council
February 21, 2019
Regular Meeting
City Hall, 7:00 PM

Atwood City Council met in **regular session** February 21, 2019 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 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. Councilmembers Mark Mosley and Sandy Mulligan were absent. Larry Aldrich also attended the meeting.

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

The **Minutes** of the regular meeting on January 17, 2019 were approved as circulated on motion of Councilman Vrbas, seconded by Councilman Dietrich Kastens, 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:

Stephen Powell, owner of 4th Street Grill and Cantina did not attend the council meeting.

Michelle Moses, a member of Town and Country Guild, requested an update concerning the status of the Kelley Park restrooms that were completed last year. Town and Country members would like it open as much as possible. Mayor Tim Colgan reviewed past council discussion to keep it open from March to November, as the winter months see much less park activity. Councilman Kastens added that a sign will be put up to inform park users of the months the bathrooms will be open to reduce confusion. Michelle thanked council for the information and said the posted sign and information would be helpful and appreciated.

Old Business:

City Attorney Charles Peckham discussed revisions to the Cereal Malt Beverage Ordinance, scheduled to change in the state on April 1, 2019. Mayor Colgan shared discussions he'd had with some businesses regarding this ordinance but noted that he'd prefer to table the matter until a full council was in attendance to vote. Councilman Kastens asked Charles if the revised ordinance must be passed to align with the new state requirements or if council could choose to keep the current ordinance for the city. The City Attorney stated that eventually 3.2 beer will phase out and that will leave the 6% beer that is being updated; making a change to the current city ordinance inevitable. The mayor requested Liquor Store owner, Larry Aldrich to share his view on the matter since he was present at the meeting. Larry added that only two other states still have 3.2 beer sales. He'd like to see an "even playing field" in the new ordinance because now the liquor store can't sell their 6% beer until 9 am while the gas station can sell their 3.2 beer at 6 am. One establishment in town is located in close proximity to the grade school, which will need to be considered in the new ordinance as well. Mayor Colgan said the ordinance revision needs to have the same requirements for all establishments to allow fair enterprise. Councilman Fisher stated he'd like the ordinance published in its entirety if approved so more people would be likely to see it. Councilman Vrbas moved to **table the CMB Ordinance discussion until the council meeting on March 21st when a full council might be in attendance**, Councilman Fisher seconded, approved by all.

New Business:

Miller & Associates Architect Todd Boldt and Mayor Tim Colgan discussed progress on the City Hall Building Renovation. Vap Construction Pay Application #2 for the amount of \$52,703.40 for work completed February 11, 2019, including preparation, demolition, framing and interior concrete as well as partial completion of insulation and exterior finishes was presented. Councilman Kastens moved to **pay the total due on Vap Construction Application for Payment #2 in the amount of \$52,703.40**, seconded by Councilman Vrbas, approved by all. Change Order #1 for Vap Construction in the

amount of \$2,400.00 includes replacing TJI's with no sheeting, renaming restroom #104 and reconfiguring restroom #105 to add more space to the attached office. Councilman Vrbas moved to **approve Vap Construction Change Order #1 addition of \$2,400.00 to the original project contract**, Councilman Kastens seconded, approved by all. The mayor signed the pay application and change order.

City Superintendent Rick Kramer presented **Miller & Associates Invoice #19-0045** for the amount of \$402.50 for surveying services necessary for the construction of Logan Street from 10th Street east to 11th Street in Greason Industrial Park. Councilman Fisher moved to **pay the total due on Miller and Associate's Invoice #19-0045 in the amount of \$402.50**, Councilman Kastens seconded, approved by all.

City Clerk Keri Riener discussed the **2018 USDA annual report**, emailed to councilmembers earlier this week, for approval. Councilman Kastens **moved to approve the annual USDA report**, seconded by Councilman Vrbas, approved by all. This is a required report for the length of a USDA loan.

Department Reports:

City Clerk Keri Riener reported she will be attending the spring City Clerks and Municipal Finance Officers Association Conference March 13th – 15th. The Kansas Rural Water Conference is scheduled for March 26th – March 28th. Councilmembers planning to attend should turn their registration forms in to the city clerk by the end of February. An advertisement has been placed in the Square Deal for lifeguards for the 2019 summer season. Mapes & Miller sent their annual letter requesting various documents to start the city audit. The second annual pet vaccination clinic was held at the City Shop on Saturday, February 16th. The snow dampened attendance, but nine pets were vaccinated and/or tagged. Further improvements on more public notification of the date and time will be attempted next year.

City Attorney Charles Peckham shared his report for the past month. The court date in July has been changed due to a conflict with a jury trial already scheduled. Charles has requested a schedule to be set in the Ratcliff building case.

Police Chief Brian Withington presented his report. His department worked 12 reports from January 17, 2019 to February 21, 2019. There were 8 arrests made, 18 warnings given and 9 tickets issued. Other patrol activity included 108 public relations and 26 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 water report shows the amount of water pumped and sold for the month. The month of January showed a 17% water loss, but this increased loss always seems to happen at the beginning of the year and then averages out over time through the end of the year. The depth to the water in city wells has remained consistent. The crew continues to work in the shop when the weather is too cold to be outside. They are currently repairing the water pump on one of the fire trucks and working on the fire barn.

Council Reports:

Councilman Gary Fisher had nothing to report for the Housing Authority. Atwood has been recognized for Tree City USA designation for the 23rd year. Atwood did not have a district conservation poster winner this year. Councilman Fisher requested plans to attend the Arbor Day Tree City USA Recognition Event in Salina with his wife, Millie. It will be at the end of March.

Councilman Dietrich Kastens attended the fire department meeting and everything is good in that department. He also spoke to Jen Melia at a school function regarding her decision to continue working as the pool manager for the summer.

Councilman Mark Mosley was absent.

Councilwoman Sandy Mulligan was absent.

Councilman Mark Vrbas had nothing to report.

Mayors Notes:

Mayor Colgan asked City Attorney Charles Peckham for **more information on the definition of a “junk vehicle”**. According to municode.com, the website listing the ordinances in effect for the city, Section 40-154 defines a disabled or junk vehicle as “a vehicle that lacks a current license plate on the vehicle, is placed on jacks, blocks or other supports, has one or more flat tires, is inoperable or has major parts missing from it. Inoperable means a condition of being wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the function or purpose for which it was originally constructed. A junked vehicle means a vehicle which lacks a current license plate upon the vehicle; is placed upon jacks, blocks or other supports for more than 30 days; or has been inoperable more than 30 days.” Further, “a tarped vehicle is any vehicle covered by a tarp. All tarps used to cover vehicles must be a commercially manufactured motor vehicle tarp and securely fastened at all times. All tarps must be kept in good condition and repair without rips or tears.” As defined in the ordinance, if a vehicle is licensed and insured, but inoperable-which includes being wholly or partially dismantled, discarded or unable to perform its originally intended function, it falls under the category of a junk vehicle. Councilmembers expressed that they are more concerned with vehicles of this nature that are parked in the streets, impeding traffic or multiple vehicles cluttering a publicly visible area, causing neighborhood concern. The police department has been informing citizens of the ordinance requirements and will continue to move forward with enforcement in this area as it has been a topic of discussion when other code enforcement issues are brought up in court.

The mayor noted the fourth quarter library statistic flyer provided to each councilmember. The city library just completed a remodeling project to the children’s room and continues to add programs for the public to encourage patrons to visit and learn at the library.

Due to a possible blizzard forecasted for the weekend, City Clerk Keri Riener asked council to consider extending the special event CMB license granted to Francisco Aguilar last month. The event has not been rescheduled yet, but if council takes action at this meeting, it would allow that to happen before the next council meeting if needed. Councilmembers were in agreement that since they already approved the function for the CMB license, changing the date due to weather was fine. Councilman Kastens moved to **approve submitting a change of date for the CMB license and allowing the Mayor to sign a new permit application if necessary**, Councilman Fisher seconded, approved by all.

With no further business to come before Council, everyone in attendance walked to the new City Hall Building to tour the framed out structure and get an idea of the layout. After the tour was finished, Councilman Fisher moved to adjourn, seconded by Councilman Vrbas, approved by all. The **meeting adjourned at 8:00 PM**.

Keri Riener, City Clerk

Tim Colgan, Mayor