

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

Atwood City Council met in **regular session** March 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, Mark Mosley, 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. Councilwoman Sandy Mulligan was absent.

Mayor Tim Colgan requested two amendments to the Agenda; adding Vap Construction Change Order #3 as item #3 under the subcategory of City Hall Renovation in New Business and adding an executive session following Council Reports. Councilman Dietrich Kastens moved to **approve the agenda as amended**, seconded by Councilman Gary Fisher, approved by all.

The **Minutes** of the regular meeting on February 21, 2019 were approved as circulated on motion of Councilman Mark Vrbas, seconded by Councilman Fisher, approved by all.

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

Public Comments: None.

Appearances:

John, Jim and Tara Dirks appeared to request vacation of the remaining portion of 9th Street from Koel's lot to Hwy 36. Dirks would like to build a storage/shop building behind the home they purchased on 8th Street. Following discussion, Councilman Kastens moved to **vacate the rest of 9th Street, north to Highway 36. The property will be split with half of each side of the vacated alley going to the property owners on each corresponding side.** John Dirks will be responsible for the costs of vacating that portion of the alley. City Attorney Charles Peckham will draft a petition for John to sign and an ordinance for Council approval documenting the area being vacated, which shall be effective after its publication once in the official City newspaper, following approval at the April Council meeting. The City Attorney will contact affected property owners so they may attend the council meeting if they have questions or concerns. If approved and published, a certified copy of the ordinance will be filed with the Rawlins County Register of Deeds.

Larry Aldrich, owner of Atwood Conoco and Atwood Retail Liquor Store, reminded Council of concerns regarding the new CMB Ordinance and how it will impact liquor stores by granting CMB licensees to sell 6% beer three hours earlier than his liquor store opens. Mayor Colgan asked if he could still sell 6% or lower beer at his gas station at the same times as other CMB licensed stores. Larry stated that he does have a CMB license and therefore has that option as well. The mayor pointed out that he really isn't missing out then, since he has both situations covered by owning two establishments. CMB licensees may not sell to private special event licensees, so the retail liquor store has that opportunity as well. Council thanked Larry for his input and attendance.

Old Business:

After further discussion regarding the Cereal Malt Beverage Ordinance, Councilman Mark Mosley moved to **approve Ordinance # 884, regulating the sale of cereal malt beverage and beer containing not more than 6% alcohol by volume within the city and amending portions of Chapter 4 alcoholic beverages.** Councilman Vrbas seconded, approved by all. The ordinance will go into effect upon publication.

New Business:

Mayor Colgan signed the proclamation designating May 3rd, 2019 as Arbor Day in the City of Atwood. **Motion authorizing the mayor to sign the Arbor Day Proclamation** made by Councilman Fisher, seconded by Councilman Vrbas, approved by all.

Mayor Tim Colgan discussed progress on the City Hall Building Renovation. Miller & Associate's Invoice #19-0228 for the amount of \$5,924.40 covers construction services including pre-construction conference, review of drawings and construction administration services from October 2018 through January 2019 as outlined in the Engineering Service Agreement. Councilman Kastens moved to **pay the total due on Miller and Associate's Invoice #19-0228 in the amount of \$5,924.40**, Councilman Vrbas seconded, approved by all. Change Order #2 for Vap Construction in the amount of \$0.00 adds the "box out" light fixtures to allow installation of the fixtures that were ordered according to specs that were incorrectly listed. Miller & Associates has already paid the cost of this change order in the amount of \$4,400.00, eliminating any city expense for this change. Councilman Kastens moved to **approve Vap Construction Change Order #2 noting the addition of the "box out" light fixture to the drawing documents**, Councilman Vrbas seconded, approved by all. Change Order #3 for Vap Construction in the amount of \$464.28 covers the cost of materials and labor to install a security light on the north side of the building to illuminate the building lettering and north parking area of the new city hall. This fixture was not included in the original design. Councilman Kastens moved to **approve Vap Construction Change Order #3 in the amount of \$464.28 for materials and labor to install lighting on the north side of the new City Hall building**, Councilman Fisher seconded, approved by all. The mayor signed the pay application and change orders.

City Clerk Keri Riener introduced an ordinance establishing small cell antenna aesthetic standards. Small cells are a type of wireless technology for broadband infrastructure. Small cell installations generally cover much smaller geographic areas than traditional macro-cell towers that can cover miles in each direction. Antennas are smaller and often attached to buildings, rooftops and structures in public rights-of-way including utility and light poles and other street "furniture". Small cell infrastructure is typically deployed to alleviate capacity constraints in targeted areas, usually in downtown pedestrian areas, parks and office buildings. Small cell facilities may result in clusters that are visually unappealing, detracting from the aesthetic of the community and interfering with existing municipal technology. Following discussion, Councilman Kastens moved to **approve Ordinance # 885, reflecting the desire of the city to maintain the aesthetics within the city while allowing for an increase in the availability of wireless broadband**. Councilman Vrbas seconded, approved by all. This ordinance will go into effect upon publication.

Department Reports:

City Clerk Keri Riener stated that Council Agendas have been posted on the city webpage each month since January. Citizens may see the agendas online shortly after they have been emailed to councilmembers. Council minutes are also posted on the city webpage following approval. She also reported attending the spring City Clerks and Municipal Finance Officers Association Conference earlier this month. The conference included sessions on CMB license changes, recognizing drug trends, LKM legislative updates, effective leadership and multiple other educational topics. Keri learned about the small cell antenna standard ordinance deadline at the conference, which led to a discussion with the city attorney to prompt the draft discussed earlier in the meeting. She also discussed the CMB ordinance with the city attorney after learning that more clarity would be suitable in the previously drafted ordinance. This resulted in the modification from "enhanced cereal malt beverage" terminology to "beer".

City Attorney Charles Peckham shared his report for the past month. He revised the CMB ordinance and small cell infrastructure ordinances, represented the city in a DUI case in district court, worked on the Ratcliff building case and prepared journal entries and letters for nonpaying defendants.

Police Chief Brian Withington presented his report. His department worked 12 reports from February 21, 2019 to March 21, 2019. There were 7 arrests made, 16 warnings given and 15 tickets issued. Other patrol activity included 103 public relations and 21 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 February showed a 16% 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 will be attending the annual KRWA conference next week.

Council Reports:

Councilman Gary Fisher had nothing new to report for the Housing Authority or Tree Board.

Councilman Dietrich Kastens had nothing to report.

Councilman Mark Mosley attended the airport board meeting. The next project to seal the runway is going out to bid next month. He also stated that when the runway is painted, it will be done in one or two days as one job instead of being split, which will require the airport to be closed for a day or two.

Councilwoman Sandy Mulligan was absent.

Councilman Mark Vrbas had nothing to report.

Mayors Notes:

The Mayor had nothing to discuss.

Councilman Kastens moved that the Council go into executive session at 8:00 PM, not to exceed 10 minutes to discuss a topic covered under attorney/client privilege, seconded by Councilman Fisher. City Clerk Keri Riener was requested to stay. Council came out of executive session at 8:10 PM and returned to the open meeting. The Council took no action after the executive session.

With no further business to come before Council, everyone in attendance walked to the new City Hall Building to view progress since last month's tour. Following the tour, Councilman Fisher moved to adjourn, seconded by Councilman Vrbas, approved by all. The **meeting adjourned at 8:30 PM.**

Keri Riener, City Clerk

Tim Colgan, Mayor