

Regular Council Meeting

April 25, 2022

1. **Mayor Scott Schultz called the meeting to order at 7:00.** Present were Council members Kale Dankenbring, Amanda Milne, Dara Carmichael, and Larry Finley. Also present were City Superintendent JR Landenberger, City Clerk Lila Whitmore, and City Attorney Lauren Reyelts. Council member David Butler was absent.
2. **Minutes** from the April 11 Council meeting were distributed and read. It was moved by Dara and seconded by Kale to approve the minutes as written. Motion passed.
3. **Consent Agenda** - none
4. **Sheriff Report** - none
5. **New Business**
 - a. Kendall McVay, attorney and owner of Collections Bureau of Kansas (CBK) presented information to the Council regarding the debt collection services they provide for municipalities. CBK has the ability to submit collection accounts to the Kansas Setoff Program on behalf of clients. This includes outstanding amounts owed for utility services. Thirty percent of the amount collected is retained by CBK with the balance returned to the City. There is no fee to the City until amounts owed are collected. Existing legislation allows municipal courts to chargeback collection costs to those people owing money, which allows CBK to return 100% of this debt back to the City. The Council thanked Mr. McVay for the information. The Council requested Lila provide reports showing the current outstanding debt owed to the City. The topic will be tabled for the next meeting.
 - b. Bruce Swihart, pool board member, spoke to the Council about the proposed increased admission fees for the pool. He does not have a concern with raising the adult admission fee to \$3 but he believes the child admissions should remain at \$1. Mr. Swihart explained his reasons for this and the Council thanked him for his input.
 - c. Drew Kaup, Callicrate Cattle General Manager, spoke to the Council about the possibility of the City bringing the yard waste materials from the recycling center brush pile to them where they could then turn it into compost. They have a bio-char machine at the feedlot that is used to convert waste into fertilizer. They would like to be given the use of the City's chipper and in return would open their facility to the City and the County to bring yard waste there which they would then turn into compost or wood chippings that they would sell back to citizens at cost. There was considerable discussion. The Council agreed that it is a great idea but the primary concern is how to transport the yard waste from the recycling center brush pile to the Callicrate site which is 7 miles south of town. There is not an easy or cost-efficient way to get it there. People are not likely to drive that far to dispose of their yard waste themselves and the City does not have the resources to haul it from the recycling center. The Mayor expressed concern about the nitrate levels and indicated the City would probably require a lease of liability based on previous KDHE requirements. Also, the City needs immediate access to the chipper when weather emergencies cause downed tree limbs. Mr. Kaup will be attending the County Commissioners meeting on Friday to talk with them about how this proposal could help reduce yard waste being brought to the landfill. The Council thanked him for his proposal. The Council is interested in what the Commissioners' input will be. The topic will be tabled for further discussion and consideration.
 - d. A motion was made by Amanda and seconded by Larry to approve the following Mayor Appointments to the Library Board: Pete Davis, Karen Neitzel, Marilyn Hnizdil, Ramona Raile, Nancy Walraven, Sandy Bandel, and Mary Morrow. Motion passed.
 - e. A motion was made by Larry and seconded by Kale to approve the trash waiver renewal application for Ralph and Althea Lebow. Motion passed.
 - f. A motion was made by Amanda and seconded by Kale to approve the Bandshell Rental Application and Special Event Permit for The Way Church for an event they are hosting on June 3 from 5-9 pm and to waive the bandshell rental fee and liability insurance. Motion passed.
6. **Old Business**
 - a. **Property Cleanup** – The Council talked about the current properties that have been issued notices of violations for property cleanup. Two have been abated, one has been issued a citation with a first appearance in May, one is close to being in compliance and was given an additional 2 weeks by the Mayor to become fully compliant, and initial notices have been sent to three additional properties. Attorney

Reyelts has affidavits that JR will need to sign regarding the pictures that he took so that he does not need to be subpoenaed when/if the cases go to Court. Two property owners have had their first appearance in Municipal Court and it was explained to them at that time that they would need to contact City Hall when they believe they are in compliance or if they need assistance determining what needs to be done. The Council agreed that providing a checklist of things needing to be addressed should be provided along with the notices in the future. Amanda and Scott will compile this information and it will be sent to the property owners who were previously notified. The Council also discussed the many abandoned and inoperable vehicles on resident's properties. Article 3 of Chapter 8 of the City Code addresses junk motor vehicles on private property. The Council asked Mande Moberly with the St. Francis Herald to put something in the paper letting people know of the concern and to indicate that the City will start enforcing the code in the fall. This will give people several months to take care of any junk vehicles they have on their properties. The process will be basically the same as the current property cleanup process with the exception of abatement time, which is 10 days for this violation vs. 15 for property cleanup. The Mayor noted that there is a property cleanup from last year that needs follow-up. Lauren will send previous emails regarding the issue to the Mayor.

b. Projects Pending

- Amanda indicated she had received word that the Washington Street Beautification Committee was awarded a grant of \$2,500 from the Cheyenne County Community Foundation for the banners. Amanda will be getting finalized quotes to bring back to the Council. Lila noted that she had not yet been notified of the grant award.
- Amanda spoke to Jeff Stewart with KDOT regarding the cross overs and access road. They both agreed that there is a need to revisit the issue. She let Mr. Stewart know that there are areas that are now a public safety issue and should be blocked off for traffic. She will reach out again to Michael Baxter with Jeter Law firm.
- Jordan Zweygardt was unable to attend the meeting but provided an updated drawing for the billboard signs. The Council liked the design but would prefer a lighter background with bolder colored highlights. Lila will provide the feedback to Mr. Zweygardt.
- The Mayor asked about the recodification. Lila has already reached out two companies and received a quote from one. This will be discussed further during the budget review in June.

- c. Streets Project** – McCormick Excavation is finishing the work on Benton Street which will complete phase 1. Miller & Associates will begin the design work on phase 2. Cobitco was in town today to assess College street between Spencer and North and determined that it is in good shape and should not need to be chip sealed or sand sealed until next year and the new streets will not need anything more done to them for at least a year, at which time they will need fog sealing. This work is necessary to protect the investment that has been made in the streets.

7. Visitors – none

- 8. Pool Report** – The pool will open May 29. There are two private parties already scheduled for May 28. The lifeguards will complete the video training on May 14 and the in-pool training on May 21. Lila indicated that she contacted the American Red Cross and Barb Bedore is now assigned to our facility and authorized to teach the lifeguard training here. There was more discussion about the admissions and the Council agreed to leaving the child admission fees at \$1. The board will work on finalizing fees and Larry will bring this back to the Council. It was moved by Kale and seconded by Amanda to accept and file the pool report. Motion passed.

- 9. Building Permits** – A motion was made by Kale and seconded by Larry to approve the following building permit: Dan Blair – 611 S. Scott, chain link fence. Motion passed.

10. Superintendent Report

- JR shared information regarding the changes that need to be made to the current trash rates. Utility Billing Clerk/City Treasurer Jen Blair was also present for the discussion. JR's recommendation is that the rates be set by capacity and frequency of pickup and be determined based on what is needed to generate the revenue needed to cover the costs of the contract with Hill Trash pickup. The rates can be set once the City knows what the increase from Hill Trash Pickup is going to be. There was considerable discussion. The Council agreed that the concept of capacity and frequency for setting rates makes sense. The Mayor will meet with Gary Hill to negotiate the contract and will bring this information back to the Council for

discussion. Once rates are determined, there will be notification to the public before they are actually increased to give people an opportunity to change their current service.

- The Council decided that the City will no longer pick up cardboard for businesses and notice will be sent to the one business currently utilizing this service.
- JR put together a list of current and future projects and companies the City utilizes. Until a new superintendent is hired, Scott will be the primary contact for these projects along with two employees who have been involved in some of them. These projects include the following:
 - St. Francis Redi Mix/Brock McAtee - Current: alley approaches by Dave Roberson's; Washington Street and Angle Road; City Hall steps; east side of pool; repair barrier fence at Keller Pond; Keller Pond maintenance agreement to be reviewed each year. Future: street and alley concrete work.
 - Ward Electric – Current: 2022 electric work on feeder #3 and #1. The City has materials for this project. Future: Ward electric can assist in identifying work and material list for future work. City should buy material directly to avoid contractor markup.
 - Powerplant – 8-cylinder engine is retired (unfixable), 9-cylinder engine water pump needs replaced, 10- and 12-cylinder engines no known problems
 - Prairie Land Electric – JR provided contact information
 - Miller and Associates - Current: phase one street project; phase 2 street design. Future: rip rap repair sewer ponds; water tower replacement; phase 2 street project bid and construction oversight; design work for streets, water, sewer, and other engineering services
 - Municipal Automation - Water control and sewer monitoring system
 - Architectural Design Associates - Theater renovation project. City paid to have plans put together. Plans are completed and the design engineer, John Hathaway, is working on an estimate. John, along with Robert Grace and Tom Smull, will then present to the Council
 - Johnson Service - Contract for vacuuming sewer mains
 - McCormick Excavation - Contractor used for asphaltting
 - Cobitco - Contractor for fog sealing new streets in 2023. Future: chip sealing oil, fog sealing
 - Sargeant Drilling - Well efficiency testing and maintenance
 - Enrique Lopez - Current: Edging of parks
 - Equipment needs: small bucket truck, digger derrick, small dump truck to replace Jimmy
 - Commercial Sign - will be providing a quote for the repairs of the LED sign and the sign at the Village
- It was moved by Larry and seconded by Kale to accept and file the Superintendent report. Motion passed.

11. Attorney Report

- Attorney Reyelts talked about the lease agreement with the Cheyenne County Wildlife. Lila had found a current contract from 2016 that expires in 2026. However, it too has an incorrect property description. Amanda sent an updated description to Lauren. The Council agreed that a new agreement should be drawn up that will supersede the previous agreement and along with correcting the legal description of the property they would like the lease term changed to be 20 years with automatic 1 year renewal terms. Lauren will work on a new lease agreement.
- Realtor Travis Milne had brought concerns regarding a property on Royce Peter Road that is currently for sale. The prospective buyers are concerned that the structure may or may not be built six feet onto City property and are asking for assurance from the Council that the structure will not have to be moved. Attorney Reyelts stated that, if the City wants to leave the structure where it is and give this assurance, she came up with the following statement for the Council to consider as a motion: "On July 12, 2010 the City of St. Francis, Kansas quitclaimed a certain parcel of real property to Roger L. Jensen and Janet S. Jensen. The deed for such property was recorded with the Office of the Cheyenne County, Kansas Register of Deeds in Book 167 at Page 608 on July 13, 2010. At sometime during the 2010 year, the City also approved a building permit for such property. It has come to the attention of the City that the main structure that sits on the parcel of real property may encroach upon the property of the City or right of way of the City. The city acknowledges and approves the aforementioned structure as it is and where it stands as of April 25, 2022, and shall not take any action against the structure or the owner thereof, now or in the future. Notwithstanding the foregoing, all future improvements or structures must be within the confines of the legal description conveyed on the aforementioned deed, and the costs in connection with

ensuring such shall be the responsibility of the owner of said parcel at such time as said improvements or structures are to be constructed.” A motion was made by Kale and seconded by Larry to approve Attorney Reyelts statement. Kale -yes, Amanda – yes, Dara – yes, Larry – yes. Motion passed.

- Lauren reviewed the Ward Electric contract. She found a few spelling and punctuation errors. She also recommended a change to the section regarding limitation of liability. The contractor is available to begin work in May if the contract is approved. The Council agreed it is important for the contract to be approved as soon as possible so that work can begin. A motion was made by Kale and seconded by Larry to approve the contract with Ward Electric with or without the recommended changes and for the Mayor to then sign the contract. Motion passed. Lauren will contact Ward Electric and work with them on revising the contract. Once a final contract is approved by Ward Electric, she will send it to Lila for the Mayor’s signature.
- A motion was made by Amanda and seconded by Dara to accept and file the Attorney report. Motion passed.

12. Clerk Report

- A budget workshop will be held in Colby on May 9. Assistant City Clerk Leann Lee will attend. There are also webinars on May 16 and 17 and Lila will attend one of these.
- The Council approved adding the sick leave payout policy to the projects pending list.
- The Council approved 2 hours of vacation carryover for Justin Gardner.
- Lila requested 5 minutes of executive session for non-elected personnel to discuss employee wages.
- It was moved by Kale and seconded by Larry to accept and file the Clerk report. Motion passed.

13. Council Comments: **Kale** – none **Amanda** – Expressed concerns about the ATV/golf cart registration process. She will contact Cody and request he attend the next Council meeting. **Dara** – At the last Theater meeting the board talked about bats in the building. JR indicated he had not been contacted about the issue. It will be looked into. **Larry** – none

14. Mayor Comments – Mayor Schultz thanked the City crew for their quick response to the power outage and fire on Friday. He thanked JR for his years of service to the City. *JR and Attorney Reyelts left the meeting.*

15. At 10:00 a motion was made by Larry and seconded by Kale for the Council, Mayor, City Clerk, and Assistant City Clerk to recess into executive session for the non-elected personnel exception to discuss employee wages, the open meeting to resume at 10:05. Motion passed. The open meeting resumed. A motion was made by Amanda and seconded by Kale to approve a cost-of-living adjustment increase of 5.9% for all full-time employees. Motion passed. This increase is based on the social security COLA increase for 2022.

16. Adjournment: It was moved by Amanda and seconded by Larry to adjourn the meeting. Motion passed.

City Clerk