

Regular Council Meeting
May 9, 2022

1. **Mayor Scott Schultz called the meeting to order at 7:00.** Present were Council members Kale Dankenbring, Amanda Milne, and Dara Carmichael. Also present were City Clerk Lila Whitmore, Assistant City Clerk Leann Lee, and City Attorney Lauren Reyelts. Council members David Butler and Larry Finley were absent.
2. **Minutes** from the April 25th Council meeting were distributed and read. It was moved by Amanda and seconded by Kale to approve the minutes as written. Motion passed.
3. **Consent Agenda** – It was moved by Kale and seconded by Dara to approve the following items on the Consent Agenda: Permission for Clerk to pay insurance at time of billing; Permission for Clerk to pay utilities at time of billing; Permission for Clerk to pay utility incentives before the 25th of the month; Permission for Clerk to pay theater bills when due; Permission for Clerk to pay Payment Service Network bills when due. Motion passed.
4. **Sheriff Report:**
 - Sheriff Beeson shared the statistics for April.
 - Troy Zweygart has graduated from the academy. The department is now fully staffed which allows for coverage from 6am to 2am every day of the week and to have more than one deputy on shift at a time. They will be able to provide more patrolling in town.
 - There was discussion about noise complaints. The City does not currently have a noise ordinance. Cody pointed out that some noises that are acceptable during the day become a problem at night. Currently law enforcement can visit the person and give a warning but there is nothing in our code for which a ticket could be written. Lauren pointed out that repeated occurrences where a person has been given warnings could be considered a nuisance violation under the UPOC. Lila will check with other communities regarding noise ordinances.
 - The Council discussed the registration of ATV's and the enforcement of flags. They also talked about the need to ensure that the proof of insurance provided matches the vehicle serial number that is being tagged. Moving forward Cody stated that all vehicles will be inspected, including renewals. Cody would like to set up a Saturday this month at the fairgrounds for ATV/Golf Cart inspections and permit renewals. Cody asked if the Council is expecting the VIN/Serial numbers to be run thru the NCIC database to see if they are stolen. The Council agreed that wasn't necessary. The Council also agreed that the registration records should be kept at City Hall rather than at the Sheriff's Department. Cody will work with Lila on this.
5. **New Business:**
 - a. A motion was made by Amanda and seconded by Kale to approve the Trash Waiver application for Thomas Smull for the building located at 522 E. First that is used for storage. Motion passed.
6. **Old Business:**
 - a. **Property Cleanup** – Lauren stated that there have been two cases that have gone to municipal court. Both parties signed waivers of counsel, and both were sent letters with lists identifying what needed to be done. Neither of them has contacted Lauren. Scott indicated that 409 E. Emerson is in compliance. The property at 417 E. Emerson is almost completed and the Mayor has extended the compliance period an additional week. A citation was issued for 421 E. Emerson but it is now in compliance. Lauren stated that there needs to be a signed statement indicating the date a property is determined to be in compliance. This is particularly important for cases that have been issued citations and are now in municipal court as the fines are based on the length of time a property is out of compliance. The Mayor has looked at other properties and has determined that a first notice needs to be sent to the owner of 206 W. Jackson. Dara let Council members know that Hoagie Carmichael and some

teachers had taken kids up to the Roadside Park to pick up trash. They may try to do the same at Keller Pond. She asked that the Council acknowledge this in some way.

b. Projects Pending –

- The Council discussed the old pool property. The Mayor stated that the Gun Club would like to have the benches and some covers that are at the old pool and the Council agreed they could take whatever they can use. Dave Flemming was not able to attend the meeting but he has some ideas to turn the old pool into either a volleyball court or pickleball court. He suggested polling students at the high school to gauge interest. There have been no bids received yet for the demolition of the pool. Amanda was approached by a citizen asking if there were any city facilities that could be used as an indoor playground for toddlers during winter months and Amanda had mentioned the pool house to them but it would take a lot of work to make it useable for something like that. The City doesn't really have any facilities that would be suitable except the Scout Hut but that is used by Scouts and 4H clubs.
- There was discussion regarding the theater renovation and the topic will be added to the projects pending list to talk about when there is a full Council present.
- Amanda shared the quote from Northern Lights Display for \$5,282 for the Washington Street banners. We received a grant from the CCKCF for \$2,500 for this project which leaves a balance of \$2,782 which could be paid for from the Guest Tax fund. Amanda and Dara would need to abstain from voting to approve this as they are members of the Beautification Committee. The quote will be presented at the next meeting for review and approval.
- Amanda will contact Attorney Michael Baxter to arrange a time for the Council to meet with him to discuss the access road and crossovers. There was discussion on whether the City Attorney would need to be present if an executive session were called. Lila will check with the League. Amanda will coordinate with Attorney Baxter. A special meeting may need to be called.

c. Streets Project – The work for phase 1 of the street project has been completed. There will be one more drawdown request for the CDBG funds and a closeout process will need to be completed by the Department of Commerce.

d. Hill Trash Pickup Contract/Trash Rates – The Council reviewed the spreadsheet that will be used to calculate the new trash rates and there was considerable discussion. The rates will be simplified and will be based on capacity and frequency of pickup. Based on the cost per customer increase proposed by Hill Trash Pickup the annual cost for service will be \$190,512. This cost includes the annual 2% increase plus additional costs for fuel and equipment expenses. Customer rates will need to be increased to cover this plus additional revenue is needed for other refuse costs that the city incurs. Trash rates, along with other utility rates, have not increased since 2012. The Council discussed the rates and determined what would be necessary to generate the revenue needed. Gary Hill has requested a pandemic clause be added to the contract. There was a lot of discussion and Lauren made recommendations that would not only protect Hill Trash Pickup but also the City in the event they are unable to meet their obligations. Scott will contact Gary Hill to discuss this in more details. An ordinance will need to be passed to set new rates. Lauren will work on this along with a draft contract.

7. Visitors – none

8. Pool Report – The city crew has started work on opening the pool.

9. Theater Report – The balcony at the theater has been closed for safety concerns due to inadequate lighting. A motion was made by Amanda and seconded by Kale to approve an estimate of \$1,080.84 from TL Electric for lighting repairs. Motion passed. There is an old light fixture behind the theater that needs to be disposed of. JR had authorized a visit from the Architectural Design Associates engineer in January for the renovation project but had not run this past the Council. A motion was made by Kale and seconded by Amanda to approve the additional work for \$2,000. Motion passed. Jude Faulkender has joined the Theater Board.

10. Building Permits – none

11. Superintendent Report

- Mayor Schultz reported that Ward Electric will begin work on May 31 for this year's electrical infrastructure improvements.
- Scott and Dan Blair met with Gerry Bieker with KMEA recently. Mr. Bieker wanted the City to know that they have two linemen based in Dighton that could be available to assist the City in the event of an emergency.
- The overgrown evergreen located at the roadside park near the new Veteran's Memorial was removed. There is a tree there that needs to be removed as well along with others near the EMS building.
- The Council discussed putting up signs for the Veteran's Memorial. Lila will find out where the signs for the motorcycle museum were purchased. The Cemetery Board has put up signs to not allow dogs at the cemetery.
- There has been illegal dumping of yard waste in town. It is being investigated.
- Scott will attend the next Commissioners meeting to talk about recycling.

12. Attorney Report

- Lauren presented the revised Cheyenne County Wildlife Inc (CCWI) lease agreement with the correct legal description. It is effective as of the 1st of May. Other changes made were to terminate the previous agreement, extend the term to 20 years, and a clause was added which requires the CCWI to name the City of St. Francis as an additional insured on the insurance policy. A motion was made by Amanda and seconded by Dara to approve the lease agreement between the City of St. Francis and the Cheyenne County Wildlife, Inc. Motion passed. The Mayor will sign the agreement and Lila will then contact Ryan Culwell with the CCWI.
- Ward Electric accepted the proposed contract changes and they, along with the Mayor, have signed the contract.
- Lauren confirmed that per KSA 75-4319 the Council can call an executive session for the attorney client privilege exception with any legal counsel for the governing body. It does not have to be the City Attorney.
- A motion was made by Kale and seconded by Dara to accept and file the Attorney report.

13. Clerk Report –

- A motion was made by Kale and seconded by Dara to approve the proposal from Johnson Sewer Service for the sewer cleaning. Motion passed. This is a 3-year proposal for 2022 through 2024.
- Lila shared a sample contract from Collections Bureau of Kansas. Jen will be reviewing the list of outstanding utility bills for accuracy. The current amount shown as owed to the City is around \$69,000. Some of these are for people who are now deceased or who have filed bankruptcy. Taking those into consideration Lila expects the amount will still be at least half of that amount. The current outstanding municipal court fines is \$3,080. The Council agreed that it makes sense to try to collect on the outstanding debts. Lauren will review the contract and will work on an ordinance that may be required to establish the collection fees.
- The City has four CDs at Western State Bank totaling \$142,000 that are coming up for renewal in June. These are all 1-year CDs. Lila explained that we also have \$400,000 of idle funds in our FNB account that could be invested. These funds were not put back into CD's when the rates dropped to less than .1% back in 2020. Lila shared the current public funds rate from the Pooled Money Investment Board (PMIB). The current rate is 2.16 for a 1-year CD. FNB Bank offers the same rates as the PMIB. Bankwest does not issue CDs for public funds. The current rate quoted from Western State Bank is .2% for the \$100,000 CD and .1% for the other three. After discussion, a motion was made by Amanda and seconded by Kale to invest \$300,000 of the FNB Bank idle funds in a 1-year CD with FNB Bank, \$100,000 of the idle funds in a 3-month CD with FNB Bank, and to invest the \$142,000 that is currently in Western State Bank CDs into a 3-month CD at whichever bank offers the highest rate at the time of renewal. Motion passed.

- Matt Smull, secretary of the Firemen’s Relief Association, questioned why an audit was necessary. Lila spoke to our auditors who indicated that our FRA has receipts that are well below the threshold that requires an audit so they would not need to have one done. An audit is also not required for the Library. The Council agreed that the FRA audit would not be necessary if Mr. Smull feels there is no need for one, but they would like the Library audit to continue.
 - Lila has placed ads for the City Superintendent position in several publications and on several websites. An ad was also placed in the Herald for a city crew position.
 - Lila shared the legislative update regarding state sales tax on groceries.
 - The Council approved a request from the SFCHS Class of 1968 to plant a tree in the park in memory of Roger Jensen. They will need to obtain permission from the Mayor on the location and kind of tree to be planted.
 - Lila asked for clarification on the process for people to purchase the asphalt millings. She has a list of people who have expressed an interest but there currently isn’t a way to track who is getting the millings and how much they are taking. The Council decided that the City will determine times that the millings can be picked up and the people wanting them will be contacted so that the city crew can be present to help load the millings. Lila will provide the list to the Mayor and she will contact those on the list to let them know of the process. Kale asked if the asphalt could be used to fill holes in alleys. Scott said it would just wash out.
 - Lila requested 5 minutes of executive session for non-elected personnel to discuss pool and theater employee wages.
 - A motion as made by Kale and seconded by Amanda to accept and file the clerk report.
- 14. Council Comments:** **Kale** – asked if there was anything that could be done about the very large holes in some of the alleys, in particular behind Bumper to Bumper and Heartland. Scott will discuss this with the City crew. **Amanda** – none **Dara** – none
- 15. Mayor Comments** – none *Attorney Reyelts left the meeting*
- 16. All bills on Ordinance #1062 were reviewed.** It was moved by Amanda and seconded by Kale to approve the bills in the amount of \$130,439.43. Motion passed.
- 17.** At 8:52 a motion was made by Amanda 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 wages of theater and pool employees, the open meeting to resume at 8:57. Motion passed. The open meeting resumed. A motion was made by Kale and seconded by Dara to approve the wages for the pool and theater employees as recommended by the Pool Board and Theater Board. Motion passed.
- 18. Adjournment:** It was moved by Amanda and seconded by Dara to adjourn the meeting. Motion passed.

City Clerk