

Regular Council Meeting

May 23, 2022

1. **Mayor Scott Schultz called the meeting to order at 7:00.** Present were Council members David Butler, Kale Dankenbring, Dara Carmichael, and Larry Finley. Also present were City Clerk Lila Whitmore, Assistant City Clerk Leann Lee, and City Attorney Lauren Reyelts. Council member Amanda Milne was absent.
2. **Minutes** from the May 9 Special Council meeting were distributed and read. It was moved by Kale and seconded by Dara to approve the minutes as written. Motion passed.
3. **Minutes** from the May 9 Council meeting were distributed and read. It was moved by Dara and seconded by Kale to approve the minutes as written. Motion passed.
4. **Sheriff Report: none**
5. **New Business:**
 - a. Danielle Hollingshead with Adams Brown joined the meeting via phone to present the 2021 Audit Report. She reviewed the financial statements and the auditor recommendations for process improvements. There were no budget violations. There was one significant deficiency regarding accounts payable. One invoice for services delivered on the street project at year-end was not paid until 2022. There were no questions or comments from the Council. A motion was made by Larry and seconded by Kale for the Mayor to sign the audit management representation letter. Motion passed.
 - b. Lucretia Holterman with Western Kansas Child Advocacy Center shared information with the Council regarding the services they provide in 34 Kansas counties including Cheyenne County. The Council allocates funds in the annual budget for the organization. She requested the Council consider increasing this amount in next year's budget.
 - c. Travis Jensen – Mr. Jensen did not attend the meeting. (*see later discussion in attorney report*)
 - d. Carol Northrup requested permission from the Council to put in a portable fence in an area that used to be an alley behind 118 N. Quincy. There is a cement wall and a sharp turn and Carol is concerned with people driving through and she would like to put something up to deter traffic. The Council agreed.
 - e. Gerald Lauer addressed the Council with his concerns regarding the condition of the access road and crossovers. Attorney Reyelts explained that the Council has hired Attorney Michael Baxter with Jeter Law Firm to assist with this issue and until he has given the Council direction and a course of action details cannot be discussed in an open meeting. Mr. Lauer asked if he could fill the potholes himself and Attorney Reyelts indicated she would ask Attorney Baxter. The Mayor thanked Mr. Lauer for his input and assured him that the Council is equally concerned and will continue to work towards a resolution.
 - f. A motion was made by Larry and seconded by David to approve the special events application for the Farmer's Market and to waive liability insurance requirements and vendor fees. Motion passed.
 - g. A motion was made by Dara and seconded by Larry to approve a trash waiver application for George Harper for a building at 528 S. Cherry that is used for storage. Motion passed.
6. **Attorney Report:**
 - The Kansas Legislature has changed the amount of the fee that can be charged for special event CMB/alcohol temporary permits. There is now a cap of \$25 on the fee that can be charged by a local government for the issuance of a temporary permit. This is in addition to the \$25 that is submitted to the State. Ordinance 633 was drafted to make these changes to the city code. A motion was made by Kale and seconded by Dara to approve **ORDINANCE 633: AN ORDINANCE AMENDING THE ENHANCED CEREAL MALT BEVERAGE CODE OF THE CITY OF ST. FRANCIS, KANSAS UNDER ARTICLE 2 OF CHAPTER 3 BY ADDING SECTION 3-221 AND AMENDING THE ALCOHOLIC LIQUOR CODE OF THE CITY OF ST. FRANCIS, KANSAS UNDER ARTICLE 3 OF CHAPTER 3 BY ADDING SECTION 3-307.** David – yes, Kale – yes, Dara – yes, Larry – yes. Motion passed.

- Lauren presented Ordinance 634 which is regarding debt collection. A motion was made by David and seconded by Kale to approve **ORDINANCE 634: AN ORDINANCE PROVIDING FOR THE ASSESSMENT OF COSTS INCURRED IN CONNECTION WITH THE COLLECTION OF DEBTS OWED TO THE CITY; AND AMENDING THE 2015 CODE OF THE CITY OF ST. FRANCIS, KANSAS BY ADDING ARTICLE 7 TO CHAPTER 1.** David – yes, Kale – yes, Dara – yes, Larry – yes. Motion passed. Lauren also reviewed the proposed contract with Collections Bureau of Kansas and has no objections. Lila will contact CBK to update the percentage amounts that will be included in the contract and will bring it back to the next meeting for approval.
- Lauren presented Ordinance 635 regarding trash collection. Several descriptions within the existing code needed to be amended. The definition of cart, dumpster, and refuse container were added. Section 15-507B, refusal of collection, was added which states that the city may refuse to collect garbage and trash in the event the garbage or trash is not in the refuse container, the refuse container is not in the designated area prior to 7:00 a.m. on the designated collection day, or if garbage or trash is not bagged prior to being placed in the refuse container. The biggest change was in section 15-523, fee schedule. The charge for a single cart will be \$16.25 a month. The charge for a single cart outside of the city limits but on city utilities will be \$26.50 a month. The charge for additional carts will be \$12.00 each. The charge for any account which has one or more dumpsters will be calculated based on the cubic yardage of the containers utilized as well as the number of times they are emptied each week. This formula and the amounts will be kept at City Hall and are available upon request. Jen has created a letter that will be sent out with the upcoming bills to explain the changes. After discussion, a motion was made by Kale and seconded by Larry to approve **ORDINANCE 635: AN ORDINANCE AMENDING THE SOLID WASTE CODE OF THE CITY OF ST. FRANCIS, KANSAS BY REPEALING ARTICLE 5 OF CHAPTER 15 OF THE 2015 CODE OF THE CITY OF ST. FRANCIS, KANSAS AND ESTABLISHING A NEW ARTICLE 5 OF CHAPTER 15 OF THE 2015 CODE OF THE CITY OF ST. FRANCIS, KANSAS.** David – yes, Kale – yes, Dara – yes, Larry – yes. Motion passed.
- Lauren shared the contract renewal with Hill Trash Pickup which will go into effect as of June 2, 2022. The amount paid to Hill will be \$18.90 per account serviced adjusted by 3% each of the next 2 years along with a possible fuel adjustment and/or increase in dumping fees at the landfill. The primary change to the contract was the addition of a pandemic clause. Scott has discussed the changes with Gary Hill and he was agreeable to them. There were a couple of corrections that need to be made to the contract. A motion was made by David and seconded by Kale to approve the contract with these corrections. Motion passed.
- Lauren had an enraged citizen come into her office to complain about trash. Lauren wanted to make it clear that she is appointed to represent the City and is not an elected official representing citizens and as such, going forward, it will be the policy of her office that they will not hear any citizen complaints. Citizens will be referred to City Hall and/or elected officials.
- The Mayor had posed the question whether a landlord could be notified when a tenant is in violation of the number of animals that may be kept. Currently the way the code is worded is that the person who owns or harbors the animals is in violation, but not the owner of the property. Lauren suggested that the code could be modified to change the language from “own and harbor” to “own, harbor or permit to be owned or harbored,” which would then allow notification to landlords, especially in the event of repeat offenses. The Council agreed but would like to wait to make the change until recodification.
- Lauren talked about the property cleanup cases in municipal court. One property had been out of compliance for 139 days which resulted in a fine and court costs of \$7,158. Lauren stated that the way that our code reads is that the fine period starts on the day a property is out of compliance and ends when it is back in compliance and the fine is a minimum of \$50 for each day it is out of compliance. A citation is issued after 15 days of non-compliance which also results in \$158 court costs. Lauren believes that Judge Keller feels this may be too harsh and Judge Keller had questioned if she had any leeway in imposing the fines. After

considerable discussion regarding options, the Council agreed that the fines should be reduced to \$25 per day of being out of compliance for a first occurrence, and then increased to \$50 a day for a second occurrence, and \$100 a day for a third occurrence. They also agreed that the fines are specified as part of the code and Judge Keller would not have authority to change or reduce them. Lauren will revise the ordinance for the next meeting and she will let Judge Keller know that the Council discussed the matter. Once the ordinance is passed Lauren will file a motion to amend the sentence of existing court cases to reduce the fines.

- A motion was made by Kale and seconded by Larry to accept and file the Attorney report. Motion passed.
- Regarding Mr. Jensen's proposed requests, Lauren let the Council know that he can apply for a waiver to serve alcohol at his business that is within 500 feet of a church or school. The waiver would require a public notice be published for one week and a hearing held, and she recommended that if the Council is going to consider a waiver the publication costs should be Mr. Jensen's responsibility. Mr. Jensen is also requesting he be allowed to temporarily put a shipping container at his business while doing construction. Lauren recommended that if the Council decides to allow this there needs to be a deadline given for removal of the temporary storage. The Council made no decisions on either topic. *Lauren left the meeting.*

7. Old Business:

- a. **Property Cleanup** – The Mayor updated the Council on the properties that have received or will be receiving cleanup letters. Lila will provide the property list to the Council. Betty Peterson has expressed concerns regarding the property south of Western Auction. Pictures will need to be taken and a letter sent. Larry also mentioned that there is concern about trees growing in the drainage ditch along the highway. This is on the State's highway easement.
- b. **Projects Pending** –
 - A motion was made by Kale and seconded by Larry to approve the quote of \$5,282 from Northern Lights Display for the Washington Street beautification banners. Motion passed with Dara abstaining. This will be paid for with the \$2,500 grant funds from the Community Foundation and the balance of \$2,782 from the Guest Tax fund.
 - The Council discussed meeting with Attorney Baxter with Jeter Law Firm regarding the access road and crossovers. The Council agreed that June 1 at 6pm would work best. Lila will contact Amanda so that she can confirm this with Attorney Baxter.
 - The Council discussed the Theater renovation project. They talked about the pros and cons of building new vs. renovating the existing Theater and agreed that renovation is the direction to go.
- c. **Streets Project** –
 - Tyler Hillmer with Miller & Associates joined the meeting via phone. He discussed the details of Change Order #5. A motion was made by Kale and seconded by Dara to approve Change Order #5 in the amount of \$34,767.76. Motion passed.
 - The Council reviewed the Application for Payment No. 4. This will be the final payment to McCormick Excavation for phase 1 of the street project. A motion was made by Dara and seconded by Kale to approve payment in the amount of \$225,050.58. Motion passed.
 - A motion was made by Larry and seconded by David to approve the Certificate of Substantial Completion for the engineer's project 257-A1-004. Motion passed.
 - Justine Benoit with Northwest Kansas Planning and Development commission joined the meeting via phone. She went over the drawdown request. A motion was made by David and seconded by Kale to approve drawdown #4 in the amount of \$108,523.27 for project #20-PF-014. David – yes, Kale – yes, Dara – yes, Larry – yes. Motion passed.
 - Justine shared the environmental review documents for the new street project. A motion was made by Kale and seconded by Dara to approve the environmental

review for the street project #22-PF-012. David – yes, Kale – yes, Dara – yes, Larry – yes. Motion passed.

- Justine, along with a representative from the Kansas Department of Commerce, will be here on June 1 for the final monitoring of the CDBG grant.

8. Visitors – none

- 9. Building Permits** – A motion was made by Larry and seconded by Kale to approve the following building permits: First Christian Church – 118 E. Webster, remove/replace sidewalk; Kelly Grabenstein – 401 S. Quincy, wood fence; Greg Walz – 205 E. Webster, replace concrete. Motion passed. A motion was made by Kale and seconded by Larry to approve a Chicken Permit for Kodi Workman at 414 E. Webster pending installation of a fence to hide the chicken coop from the front of the property. Motion passed.

10. Superintendent Report

- The Council discussed the dividers that Heartland was to have installed in the roadside park and courthouse park restrooms. These were paid for in 2020 with SPARK/CARES Act funds. Mayor Schultz has spoken to Ed Marin several times. The Council agreed that a completion date needs to be given to Mr. Marin and if not finished they will contract the installation out and charge it back to Mr. Marin. Heartland was also asked to provide a quote for AC repairs at the Theater but this has not yet been received. Mr. Marin was contacted via phone. He indicated that the Theater AC quote will be just under \$5,000 plus freight. He also agreed he would try to get the dividers installed by June 18. A motion was made by David and seconded by Kale to approve up to \$5,500 for the Theater AC repairs. Motion passed.
- The Mayor addressed four trash issues last week. There are problems with people putting their trash in the roadside park trash cans causing them to become overfilled. More security cameras will be installed.
- Dara asked about the trash cans for Washington street. They have been back ordered.
- There have been no updates received from Brock McAtee regarding the work that needs to be completed on the east end of the pool.
- A spot has been found at the park to plant the tree in memory of Roger Jensen. There are several trees in the park that need to be trimmed. SCR Tree Service will be here tomorrow to look at them. The city crew will remove the dead tree by the Veteran's Memorial.
- Dara asked where we are with the bandshell seating. Scott will reach out to Greg Kite to see if he has found anyone that could do that kind of work.
- It was moved by Larry and seconded by David to accept and file the Superintendent Report. Motion passed.

11. Clerk Report –

- Ward Electric will be bringing equipment on May 25 and will be onsite Thursday May 26 to go over the workload. Crews plan to begin construction on May 31.
- Lila shared the application for a Special Event Alcoholic Beverage Permit for Riverside Recreation for the Alumni Celebration on June 18. A motion was made by Kale and seconded by Larry to approve the application pending proof of insurance and payment of the fee. Motion passed. A motion was made by Kale and seconded by Dara to approve Resolution 2022-2: A RESOLUTION OF THE CITY OF ST. FRANCIS, KANSAS APPROVING A TEMPORARY PERMIT ALLOWING FOR THE CONSUMPTION OF ALCOHOLIC LIQUOR ON CITY STREETS. Motion passed.
- Lila received an email from Helen Dobbs with the Cheyenne County Development Corporation (CCDC). She indicated that the Council had contributed \$2,554 from the Transient Guest Tax fund for the International Sportsmen's Expo in Denver. Actual expenditures were \$1,975.42 for a savings of \$578.58. The Council approved allowing the CCDC Board to retain those funds to use for the purchase of brochures.
- Shirley Sherlock had requested waiver of the sewer fee for the property at 320 N. Quincy. The house is vacant and water is used just for watering the grass. The ordinance indicates that a monthly fee is charged for any premise connected to the sewer system. The Council tabled the topic for the next meeting.

- Lila requested 15 minutes of executive session for non-elected personnel for the Council to review applications received for the city superintendent position.
- A motion as made by David and seconded by Larry to accept and file the Clerk report.

12. Council Comments: **David** – Asked if it would be possible to increase the pay for the Mayor while he is serving as the interim Superintendent. Lila pointed out that Scott is not an employee of the City but is an elected official, and his compensation is set by ordinance. The Mayor declined having anything done at this time. **Kale** – Wants to ensure the Council commits funds to the WKCAC. Lila pointed out that this would be discussed during budget time. Kale also asked if there was anything that could be done for the corner of Valley and First Street. There was discussion but no decisions. **Dara** – will not be at the next meeting **Larry** – Pool will be opening on May 29. Lifeguard training will be May 27.

13. Mayor Comments – The hands-free faucets and toilets that were purchased for the COVID response and installed at the roadside park and pool restrooms froze over the winter and are no longer useable. Lila contacted the Office of Recovery who indicated we would not need to replace the equipment with new, and the old equipment could be reinstalled, but the equipment purchased with the COVID funds would need to be retained and stored to prove that the purchases were made in the event that the City is audited. Scott also indicated that Commissioner Willy Martinez is still wanting to work on what can be done with the recycling.

14. At 10:10 a motion was made by Larry and seconded by Kale for the Council, Mayor, and City Clerk to recess into **executive session** for the non-elected personnel exception to review the applications received for the city superintendent position, the open meeting to resume at 10:25. Motion passed. The open meeting resumed. No decisions were made.

15. Adjournment: It was moved by David and seconded by Kale to adjourn the meeting. Motion passed.

City Clerk