

Regular Council Meeting
June 13, 2022

1. **Mayor Scott Schultz called the meeting to order at 7:00.** Present were Council members David Butler, Kale Dankenbring, Amanda Milne, and Larry Finley. Also present were City Clerk Lila Whitmore, Assistant City Clerk Leann Lee, City Attorney Lauren Reyelts, and City Treasurer Jen Blair. Council member Dara Carmichael was absent.
2. **Minutes** from the May 23rd Council meeting were distributed and read. It was moved by Amanda and seconded by Kale to approve the minutes as written. Motion passed.
3. **Minutes** from the June 1 Special Meeting were distributed and read. It was moved by Larry and seconded by Kale to approve the minutes as written. Motion passed.
4. **Consent Agenda** – It was moved by David and seconded by Amanda 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.
5. **Attorney Report**
 - Lauren explained to the Council that Kansas statutes allow for summaries of ordinances to be published as long as the ordinance in its entirety is posted on the City’s website and available to the public in City Hall. To save on publication costs for printing the entire ordinances, Lauren presented summaries for Ordinance 633 and Ordinance 635 which were approved at the last meeting. Lila stated that the Ordinances are put on the website after they are approved. A motion was made by David and seconded by Larry to approve the summaries for publication. Motion passed.
6. **New Business:**
 - a. Options Domestic Violence – The representative was not able to attend the meeting. Lila shared a letter she had received from them.
 - b. Cheyenne County Development Corporation (CCDC) – Helen Dobbs introduced the Council to the new Director of the CCDC, Kris Oldsen. Helen shared the 2022 update and discussed the various economic development activities they are involved with along with programs to promote travel and tourism in St. Francis and Cheyenne County. She also shared their 2023 budget and information regarding wages and benefits that are paid to Economic Development directors in other communities. Many are paid a salary along with benefits. Currently the CCDC Director receives a salary but no benefits. For 2022 the County allocated \$32,000 to the CCDC and the City of St. Francis allocated \$26,816. Bird City does not provide any funding. Helen asked the Council to consider an increase in the amount allocated when the 2023 budget is discussed to help cover the cost of benefits. The Council welcomed Kris and thanked Helen for the work she has done for the CCDC.
 - c. Gary Hill with Hill Trash Pickup was present to discuss the trash contract which the Council previously approved. Mr. Hill does not believe the proposed amount is sufficient to cover his cost of operation. The contract has always been based on accounts serviced and the Council understood this would not change. Mr. Hill had met with the Mayor and Clerk Whitmore to discuss costs. The current amount being paid to Hill Trash Pickup per account is \$16.56. The contract includes an annual increase of 2%. Mr. Hill also requested a \$2 per account fuel adjustment cost. This brought the total amount per account serviced to \$18.90. Based on the number of accounts of 840, the total contract cost would be \$190,512. This was what the Council had understood he had agreed to. An average cost per ton was then calculated and used to determine customer rates based on capacity. However, there was an apparent miscommunication as Mr. Hill does not agree with the per account serviced. He is asking for \$18.90 per residential customer, plus \$10 per additional cart. He also gave the Council his proposal for commercial customers. The overall total cost will be considerably more than what the Council had approved and will significantly increase the rates for residential as well as commercial customers. The Council asked Mr. Hill for time to review his proposal and decide

how to move forward. Lauren pointed out that Ordinance 635 for the trash rates was approved by the Council but not yet published so it has not gone into effect. It will need to be repealed and a new ordinance passed once the final rates are determined. A notice had gone out to customers letting them know what the new rates were going to be, so another notice will need to be sent to let customers know that the contract is still in negotiation. Jen will try to put together calculations to determine how much Mr. Hill's proposal will increase the cost to the City and our residents and businesses.

7. Sheriff Report –

- *Sheriff Beeson arrived at the meeting.* Cody requested 10 minutes of executive session. A motion was made by Amanda and seconded by Kale for the Council along with Sheriff Beeson, Clerk Whitmore, Assistant Clerk Lee, and Attorney Reyelts to recess into executive session pursuant to K.S.A. 75-4319 subsection b(12) to discuss matters relating to security measures and the disruption of public services, the open meeting to resume at 8:33. Motion passed. The open meeting resumed and no decisions were made.
- The new officer schedule is working good on the patrol side but might need to be adjusted so that Cody can be available in the office more often.
- A motion was made by Larry and seconded by Kale to accept and file the Sheriff report. Motion passed.

8. New Business continued:

d. Linda French addressed the Council regarding several large trees across from where she lives at 414 N. Benton that have many dead branches which she believes are a safety concern. She believes they are in the City's easement and she is requesting removal of the trees. The Council thanked her for her input. Lauren requested an executive session to discuss the topic under the attorney client privilege exception.

e. A motion was made by Amanda and seconded by Kale to approve a tree trim license for Cynthia Welsh. Motion passed.

f. The Council discussed removal of some trees at Sawhill Park. Two proposals had been received for the work but it had not been put out for bids. The Council decided to put the tree removal on the projects pending list and it will be put out for bids in early spring of 2023.

9. Old Business:

- a.** Lila presented the proposed contract with Collections Bureau of Kansas along with the associated documents. After review, a motion was made by David and seconded by Kale to approve the contract. Motion passed. A motion was made by Kale and seconded by Larry to approve the Client Authorization for Regulation F. Motion passed. A motion was made by David and seconded by Kale to approve the Sample Final Statement. Motion passed. A motion was made by Larry and seconded by Amanda to approve the Kansas Setoff Notification. Motion passed.
- b. Property Cleanup –** The Council reviewed the property cleanup list. Assistant City Clerk Leann Lee is in charge of the process and answered questions. Citations will be issued on two of the properties that remain out of compliance. Weed letters are starting to go out. There is a property that was on the list last year which was mostly completed. However, the owner had agreed to complete some work which has not yet been done. Lauren will provide Leann with details on this property and a letter will be sent to the property owner.
- c. Projects Pending**
 - Amanda has received correspondence regarding the access road/crossover issue that will need to be discussed in executive session.
 - Lila will reach out to Commercial Sign Company in Colby regarding the quotes that JR had requested or the community sign on Denison Street and the repairs that are needed for the LED sign. The Community Foundation has indicated that the City could apply for a grant and they would provide the funding for the community sign.
- d. Streets Project –** Lila shared a letter with the Council from the Kansas Department of Commerce regarding the results of the monitoring visit for the recently completed street

project. There were no issues reported. A public hearing to close out the project will be held at the first City Council meeting in July.

10. Visitors – none

11. Pool Report – Larry reported that things are going well. There have been some problems with the vacuum and the City crew has been working to resolve them. Larry was approached by a group wanting to do a fundraiser at the pool to benefit an individual. Larry denied that request but told them they could set up during the Alumni celebration in the park. Lila indicated that the fundraising request was also asked of the Theater. This question has been raised before and Lila reminded the Council that it had been decided that it would not be appropriate for a City entity such as the pool or theater to allow fundraising events to benefit individuals. A motion was made by David and seconded by Kale to accept and file the Pool report. Motion passed.

12. Theater Report – Assistant Clerk Lee attended the Theater Board meeting. The Board approved changing Jessica from salary to hourly. There was an issue with a clogged toilet at the Theater and because of this the carpets need to be cleaned. Robert obtained a quote. The Council decided this was an urgent need and seeking bids would not be required. A motion was made by Kale and seconded by Larry to approve the bid from ServiceMaster/Eagle Enterprises in the amount of \$684.50 for the carpet cleaning. Motion passed. Jessica will be ordering a shop vacuum for the Theater. The Theater Board is aware that the Council would like to go in the direction of a remodel of the Theater rather than building new. The AC repairs have not yet been completed and they are also having issues with the unit in the lobby area. A motion was made by Amanda and seconded by Larry to accept and file the Theater report. Motion passed.

13. Building Permits – A motion was made by Larry and seconded by Kale to approve the following building permits: Noe Musquiz – 501 S. River, concrete slab, and carport; Enrique Lopez – 104 W. Whittier, front porch and back patio; Robin Petersen Shaw – 422 E. Webster, raze building and remove trees. Motion passed.

14. Superintendent Report

- Dan Blair was present to share information for the Superintendent report. There was a power outage Sunday morning due to an issue with Sunflower. During the outage, the 10-cylinder engine worked fine but the 12-cylinder engine would not start. Dan stated they will need to get a mechanic to check it out. The 9-cylinder has a water pump that is leaking because the seals are dried out. Dan indicated that in an emergency the 10-cylinder and 12-cylinder engines are able to run the entire town. The new boiler that was installed last year is not working correctly.
- Dave Spalsburg with the Kansas Department of Wildlife and Parks visited Keller Pond recently. He indicated that there is a habitat issue and the fish are not well. He will be sending some suggestions to Dan on how to rectify the problem. Dan will talk with the Keller Pond Committee about it.
- Dan talked about the need to have spare transformers on hand. Currently we have none and there is a 2-year backorder on them. The cost for a retrofitted transformer is approximately \$14,000 for a 500 KVA and \$17,655 for a 750 KVA. Dan will get more information. We also have two transformers that need to be disposed of and Dan is looking for a quote for that.
- Ward Electric was delayed due to storm work but should be here June 15th.
- The dividers for the park restrooms have not yet been installed. Scott will try to contact Heartland again.
- The Mayor talked about the comments he has heard from the public regarding the great work the city crew is doing. Larry stated he has heard similar comments.
- The Council discussed the cement work on the east end of the pool that Brock McAtee has been working on. It was found in previous minutes that the Council had approved \$7,000 to concrete the entire area. This was a verbal quote that JR had received from Mr. McAtee. A formal quote was requested several times but never received. The work recently completed is a strip of cement on each side but nothing down the middle. The Mayor will contact Mr. McAtee.

- The Council talked about putting up signs for the Veteran’s Memorial and Roadside Park. Scott and Amanda will work on this. Lila stated that there is still \$350 in the Weinstein Recognition Fund that could be used for the Veteran’s Memorial Signs.
- A motion was made by David and seconded by Amanda to accept and file the Superintendent report. Motion passed.

15. Attorney Report

- Lauren shared Ordinance 636 which repeals Ordinance 630 regarding the number of animals allowed and adds the wording “permit to be owned or harbored”. This would make landlords also responsible for the number of animals allowed in a household, and the landlord could be cited in the event of repeat offenses with tenants who do not comply. A motion was made by Amanda and seconded by Kale to approve ORDINANCE NO. 636 – AN ORDINANCE AMENDING THE GENERAL PROVISIONS OF THE ANIMAL CONTROL AND REGULATION CODE OF THE CITY OF ST. FRANCIS, KANSAS UNDER ARTICLE 1 OF CHAPTER 2 BY AMENDING SECTION 2-122. David – yes, Kale – yes, Amanda – yes, Larry – yes. Motion passed.
- Lauren presented Ordinance 637 which changes the penalty for property cleanup violations. A motion was made by Larry and seconded by Kale to approve ORDINANCE NO. 637 – AN ORDINANCE AMENDING THE ORDER OF VIOLATION AND NOTICE PROCEDURE ARTICLE OF ENVIRONMENTAL CODE OF THE CITY OF ST. FRANCIS, KANSAS UNDER ARTICLE 2A OF CHAPTER 8 BY AMENDING SECTION 8-2A10. David – yes, Kale – yes, Amanda – yes, Larry – yes. Motion passed. Two individuals have recently been found guilty of property cleanup violations. She will file a motion to amend their sentencing to the new lower penalty fees.
- There has been an individual cited on a repeat issue for too many dogs and they have entered into a plea agreement with Attorney Reylts.
- Lauren requested 15 minutes of executive session for communications subject to attorney client privilege.
- A motion was made by Amanda and seconded by David to accept and file the Attorney report. Motion passed.

16. Clerk Report –

- A motion was made by Larry and seconded by David to approve a Chicken Permit renewal for Travis Jensen at 409 E. Webster. Motion passed.
- A motion was made by Amanda and seconded by Kale to approve the Firework’s License for Poling Pyros/Cynthia Poling. Motion passed.
- Lila shared a thank you note from a traveler from Arizona regarding the Roadside Park.
- Lila let the Council know that the current email service provided by Vyve Broadband, formerly Eagle Broadband, will likely be discontinued in the future. They are no longer adding new email accounts so we were not able to set up an email for Leann. Lila has been working with Lacey Grogan with Elevation Design to see if there is a way to set up email service for the City through the website.
- The Council discussed the distribution of interest earned from CDs. A motion was made by David and seconded by Amanda for all investment interest be deposited into the Capital Improvement Fund. Motion passed.
- There will be a budget workshop on Tuesday June 28 at 7:00 pm.
- A motion was made by Kale and seconded by Amanda to accept and file the Clerk report. Motion passed.

17. Council Comments: **David** – none **Kale** – pointed out that the weeds are getting tall along the Riverwalk trail. There was some question as to whether this was part of the maintenance agreement with Brock McAtee or if it was the responsibility of the City crew. Larry will contact Mike. The Council also talked about the vandalism damage at Keller Pond that has not yet been fixed. A bid had been received from Brock McAtee for this work. Scott will touch base with him. **Amanda** – none **Larry** – Reminded the Council that next weekend is Alumni weekend. The pool will offer free admission Saturday afternoon, there is a concert Saturday night from 7-10, the 202 Project grand opening is Friday night, and there is a recognition gathering for Larry Gable for his induction into the National Wrestling Hall of Fame on Saturday.

- 18. Mayor Comments** – Scott requested 5 minutes of executive session for non-elected personnel
- 19. All bills on Ordinance #1063 were reviewed.** It was moved by David and seconded by Amanda to approve the bills in the amount of \$491,162.63. Motion passed.
- 20.** At 10:14 a motion was made by Amanda and seconded by Larry for the Council, Mayor, City Attorney, and City Clerk, to recess into **executive session** for communications subject to attorney-client privilege, the open meeting to resume at 10:29. Motion passed. The open meeting resumed and no action was taken. *Attorney Reyelts left the meeting.*
- 21.** At 10:30 a motion was made by Amanda and seconded by Larry for the Council, Mayor, and City Clerk to recess into executive session for the non-elected personnel exception to discuss the City Superintendent position, the open meeting to resume at 10:35. Motion passed. The open meeting resumed. A motion was made by David and seconded by Kale to appoint Dan Blair as the Interim City Superintendent for 6 months. Motion passed.
- 22. Adjournment:** It was moved by Amanda and seconded by Kale to adjourn the meeting. Motion passed.

City Clerk