

Regular Council Meeting  
July 11, 2022

1. **Mayor Scott Schultz called the meeting to order at 7:00.** Present were Council members David Butler, Kale Dankenbring, Amanda Milne, Dara Carmichael, and Larry Finley. Also present were Interim City Superintendent Dan Blair, City Clerk Lila Whitmore, Assistant City Clerk Leann Lee, and City Attorney Lauren Reyelts.
2. A motion was made by Kale and seconded by Dara to open the **CDBG Performance Public Hearing.** Motion passed. Justine Benoit with Northwest Kansas Planning & Development Commission joined the meeting via phone. She explained that the hearing is being held to close out the CDBG project for the City of St. Francis grant number 20-PF-014. The purpose of the hearing is to let our citizens know that the project was completed in its entirety and to see if anyone had any questions or concerns about the project. The City received \$582,003.67 from the Kansas Department of Commerce in the form of grant funding. Linda Hunsicker with the Department of Commerce came out for a state monitoring and reviewed the grant files which she approved for closeout. The contractor and engineer both completed all of their work and everything is up to date. There were no questions from the Council and no public comment.
3. A motion was made by David and seconded by Larry to exit the CDBG Performance Public Hearing. Motion passed.
4. A motion was made by Amanda and seconded by Kale to approve the closeout and submit the documents to the Kansas Department of Commerce for project #20-PF-014. David – yes, Kale – yes, Amanda – yes, Dara – yes, Larry – yes. Motion passed.
5. **Minutes** from the June 27th special Council meeting were distributed and read. It was moved by Amanda and seconded by David to approve the minutes as written. Motion passed.
6. **Minutes** from the June 27th Council Meeting were distributed and read. There were two corrections to the minutes. It was moved by Amanda and seconded by Larry to approve the minutes as corrected. Motion passed.
7. **Minutes** from the June 28<sup>th</sup> budget workshop were distributed and read. It was moved by Larry and seconded by Kale to approve the minutes as written. Motion passed.
8. **Consent Agenda** – It was moved by Dara 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 25<sup>th</sup> 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.
9. **Sheriff Report** - none
10. **New Business:**
  - a. Travis Jensen is interested in purchasing a section of land in the Industrial Park. He would like to move a carport onto the property to store vehicles. The Council discussed the improvements that are required to be made on properties in the Industrial Park. Mr. Jensen would need to pour a foundation and enclose the carport with walls within a year so that it is a permanent structure. It was also noted that Mike Frewen and Cindy Hamm purchased property there last year and put up a storage building. The building is on the property line, and they have built up behind it on what is currently City property and is the property that Mr. Jensen is interested in purchasing. Amanda will contact Mr. Frewen regarding this. The Council agreed that it would be in Mr. Frewen's best interest to purchase that section of the lot that he built up and the remainder of the lot could then be sold to Mr. Jensen. In the meantime, the Council approved allowing Mr. Jensen to move a carport onto the property. Mr. Jensen agreed that he is assuming all responsibility and liability for the carport being on City property and will indemnify and hold harmless the City of St. Francis for any damages that may come. The Council will decide on a sale price.
  - b. 2023 Budget Review – The Council reviewed the proposed budget for 2023. Lila explained that the revenue neutral rate of 37.57 is the tax rate for the current year that would generate the same property tax revenue as levied the previous tax year using the current tax

year's total assessed valuation. Valuations have gone up quite a bit. The average increase in the tax revenue for the past several years has been 3% and this is what the Council decided on for the 2023 budget. Expenses have increased and transfers from the utility funds will be used to support the general fund. After review and discussion, a motion was made by Amanda and seconded by Kale to notify the County Clerk of the City's intent to exceed the revenue neutral rate with a proposed mill levy rate of 39.123 and a Revenue Neutral Rate Hearing to be held on August 22 at 7:00pm. David – yes, Kale – yes, Amanda – yes, Dara – yes, Larry -yes. Motion passed.

- c. The Council discussed the area of land and properties that are west of River Street and South of Highway 36. Last year Amanda had spent some time looking into this and determined that it is unplatted. It is not defined in the Business District or the Business and Residence District in the zoning chapter of City Code and therefore falls within the Residence District, which is all of the remaining lots, blocks, and unplatted areas within the city limits. A motion was made by David and seconded by Kale to move forward with rezoning this area to be Business and Residential. Motion passed.

## **11. Old Business:**

- a. **Property Cleanup** – The Council discussed the properties on the cleanup list. They also discussed what could be done when property owners fail to comply and what recourse the City has to abate the conditions. Lauren indicated that section 8-2A11 of the City Code states that in addition to, or as an alternative to, prosecution of property cleanup matters a resolution for abatement could be created which would allow the city to abate the conditions and assess the costs against the property. The property owner of 616 S. Denison was given a 30-day extension by Attorney Reyelts in municipal court to complete the cleanup of the property. This extension put a pause on the fines charged per day, and she has until July 18<sup>th</sup> to come into compliance. If it is still out of compliance at that time the fines per day will be enforced and are retroactive to the previous court date and are in addition to the fines already accrued. Amanda will check the property on the 18<sup>th</sup> and will contact Lauren to create a Resolution for abatement if it is still out of compliance.

### **b. Projects Pending**

- The LED sign and the other display sign at the Cheyenne County Village were discussed. The LED sign has two modules that need replaced. The sign is out of the ten-year window for replacement parts and uses the older style modules. There are only two available and the cost would be \$672 each plus \$500 for labor/transportation. A motion was made by David and seconded by Amanda to approve \$1,844 for repair of the LED sign. Motion passed. The Community Foundation has expressed an interest in funding replacement of the sign located at the Village. This was originally a Chamber of Commerce sign and it is not owned by the City. The quote received to replace the sign with a permanent face is \$6,580. The sign is too large for one flat face and would need to be divided in half. Another option would be to have one half of the sign a fixed face and the other half a marquee with changeable letters. This type of sign is estimated to cost between \$7,500 and \$8,500. The Council talked about who would be responsible for updating the sign and agreed that the City does not have the resources to do that and another entity would need to take responsibility for it. The quote provided for removal of the sign and pole was \$1,100. The topic will be tabled for now and Dara will discuss it with the Community Foundation.
- The Council discussed the seating area of the Bandshell. It is in poor shape but we haven't been able to find a contractor to fix it. It is also part of the Bandshell and is on the Historical Registry so any repairs done would need to meet their criteria of restoring back to original. Dan will check with Miller & Associates to see if they could offer suggestions on how it should be repaired and contractors who might be able to do the work. The Council talked about removing the Bandshell from the Historical

Registry so that there would not be restrictions on how it can be repaired. Lila will look into this.

- c. **Streets Project** – Phase 1 of the street project is complete. There were no updates on phase 2. The Council decided that the asphalt millings will no longer be available for purchase as they can be used for City purposes.

**12. Visitors** – none

**13. Pool Report** – Larry reported that things are going well. There was a swim meet last weekend that was very successful. The pool has been busy. A motion was made by David and seconded by Kale to accept and file the Pool report. Motion passed.

**14. Theater Report** – Lila attended the Theater Board meeting. She clarified with the Board that the City standby person had in fact assisted with locating a shop vac afterhours when the Theater experienced a toilet backup a few weeks ago and he assisted with the cleanup as well. A patron had also complained about the Theater's COVID policy and not allowing her child to bring a blanket into the Theater. The Board confirmed that there has not been a COVID policy in place for several months. This was a miscommunication and misunderstanding of the Theater's current "no backpacks/no bags" policy. The Theater board voted to put a new policy into place that prohibits backpacks/bags but would allow diaper bags and small blankets for patrons attending a movie with a child. The policy will be clearly posted so there are no further misunderstandings. A motion was made by Amanda and seconded by Larry to accept and file the Theater report. Motion passed.

**15. Building Permits** – A motion was made by Kale and seconded by Larry to approve the following building permits: John Larson – 509 S. Scott, vinyl fence; Wyatt Landenberger – 603 S. college, privacy fence; 202 On Washington – 202 W. Washington, extend AC pad; Jordan Easter – 417 S. Denison, sidewalk; Adam Guthmiller – 420 E. Whittier, concrete east side of driveway; Darrin Workman – 410 E. Webster, driveway approach; Gabe Born – 316 N. Denison, privacy fence. Motion passed. The Council discussed Wyatt Landenberger's property. It has a South College address but faces Parkway Drive. The address should be changed. Amanda will look into this.

**16. Superintendent Report**

- Dan talked about the building permit process. Per City Code a building permit must first be obtained and approved by the City Superintendent and the City Council before work begins. This does not always happen and sometimes work is started and even completed before a permit is obtained. The Council agreed the code should be enforced. Lila will get this information on our Facebook page, will put a notice in next month's bills, and will also notify the newspaper.
- American Boiler will be here Thursday to check the boiler.
- Chris Farabee with Farabee Mechanical provided an estimate to inspect and repair the 12-cylinder engine. He is based out of Lincoln, Nebraska and did not want to drive here just to provide an estimate for the repair and would prefer to make only one trip and fix it while here if he can. He expects the cost to be less than \$20,000. A motion was made by Amanda and seconded by Kale to approve up to \$20,000 for the repairs of the 12-cylinder engine. Motion passed.
- Dumpsters needed to be ordered quickly to be able to serve our customers and the Mayor authorized ordering them. A motion was made by Kale and seconded by Larry to approve the purchase from Downing Sales & Service in the amount of \$6,619. Motion passed.
- The trash cans for Washington Street are here and Dan asked for clarification on where they should be placed. The Council determined the locations to be in front of Fresh Seven, Heartland, Diamond R, the Thrift Store, True Value, and between the Theater and the Museum.
- Someone dumped trash at the Roadside Park and at the recycling center. The person was identified from the cameras. The Sheriff's department has contacted them and they are supposed to be cleaning it up.
- The islands have been mowed.
- More cold mix needs to be purchased from APAC for patching of the streets. It is \$165/ton. The County would like to purchase some as well. The total cost will be \$2,475 for 15 tons

which will be split with the County. A motion was made by Amanda and seconded by Dara to approve the purchase. Motion passed.

- Dan received three quotes for the disposal of the two transformers: Solomon: \$860 to \$1,500 depending on PCB samples and PPM results; T&R Service Company - \$2,700; Emerald Transformer - \$4,882.81. A motion was made by David and seconded by Kale to approve the low bid from Solomon. Motion passed.
- Dan is working on getting quotes for the pad mount transformer at the hospital. Emerald Transformer has provided a quote of \$11,250 for a 500 KVA. Solomon quoted \$25,670 for a 500 KVA and \$32,965 for a 750 KVA.
- Dan received an inquiry from a resident wanting to put up a pallet fence. There was considerable discussion on whether or not to allow pallet fences. No decisions were made. Dan will ask the residents to come to the next meeting and share their plans. Lila will check on the clerk link on what other communities do concerning pallet fences.
- The chemical pump went bad at the pool. One more batch of chemicals is going to be needed for the pool this year.
- Dan asked if the Council would approve allowing the on-call person to take a city pickup home when they are on call. The Council agreed but Lila will need to check with Frewen insurance on any restrictions there may be with regards to liability.
- Dan is still working on obtaining quotes for the water control system.
- Prairieland and Ward Electric will help out if needed while Dan is on vacation.
- A motion was made by Amanda and seconded by David for Dan to carry over 35 hours of vacation. Motion passed.
- Dan requested 5 minutes of executive session for non-elected personnel to discuss employee status and an employment application received.
- Derek Fromholtz has inquired about removing the old pool. The Council requested he come to the Council with a plan.
- The Council decided to advertise in the Milesaver and other publications for the City crew position to possibly attract more applicants.
- A motion was made by David and seconded by Amanda to accept and file the Superintendent report. Motion passed.

## **17. Attorney Report**

- Lauren shared the updated Trash Contract with Hill Trash Pickup. Lila will send the contract to Hill Trash Pickup and request a response no later than July 25. Ordinance 635 established new trash rates, but this was repealed with Ordinance 638. Ordinance 635 will be revised with updated information and a new Ordinance created. Notices will need to go out with the next utility bills letting customers know that the new rates will go into effect August 15.
- Regarding the rezoning of the properties south of Highway 36, Lauren pointed out that the zoning ordinances will need to be changed to define everything south of Highway 36 and west of River Street to be mixed use. Lauren will work with Amanda on this. A public hearing will need to be held and notice published once, at least 30 days before the hearing date. The Council set the hearing date for September 26.
- A motion was made by Kale and seconded by Dara to accept and file the Attorney report. Motion passed.

## **18. Clerk Report –**

- Lila had reached out to Scott Houtman to ask how the Commissioners wanted to handle reimbursements to the City for the recycling since things have changed. The Commissioners indicated there would be no change, and we would be reimbursed based on tonnage. However, nothing is being weighed and we don't have tonnage reports any longer. The County is receiving payments from Sonoco for the cardboard they are taking from the recycling center and the County has received \$7,611.71 so far this year. Lila stated that the easiest solution might be for the County to just reimburse the City those funds received from

Sonoco. The Council agreed and Lila and the Mayor will get on the agenda for the next Commissioners meeting to discuss it.

- A motion was made by Amanda and seconded by David to place a half page advertisement for the City in the Kansas Highway 36 publication at a cost of \$945. Motion passed. The ad will be the same as was previously used.
- Lila has reached out to BARCO regarding custom signs for the Veteran's Memorial and Roadside Park but has not yet heard back from them. This is where we purchased the Motorcycle Museum and Arikaree Breaks signs.
- Lila is still gathering information on AIRBNBs.
- The primary printer used in the office for printing bills and other high-volume printing has problems and Lila requested permission to purchase a replacement printer. A motion was made by Amanda and seconded by Kale to approve the purchase of a Lexmark printer and printer tray for the office at a cost of \$1,034.78 plus shipping. Motion passed.
- Lila shared important information from the League about the most recent legislative session and also contact information for Senator Rick Billinger and Representative Adam Smith.
- A motion was made by Larry and seconded by Dara to accept and file the Clerk report. Motion passed.

**19. Council Comments:** **David** – none **Kale** – none **Amanda** – none **Dara** - none **Larry** – They have a fireworks presentation planned for the intermission of the Concert in the Park and the Council approved.

**20. Mayor Comments** – The Mayor talked about the issue with abandoned vehicles in people's yards that are not tagged or insured. After discussion, a deadline of October 1 was set for people to take care of any abandoned vehicles on their properties. After that time warning letters will be issued followed by citations. A notice will be sent in the bills mailed in September and will also be put in the newspaper and on Facebook now.

**21. All bills on Ordinance #1064 were reviewed.** It was moved by Amanda and seconded by Kale to approve the bills in the amount of \$338,143.32. Motion passed. *Attorney Reyelts left the meeting.*

**22.** At 10:15 a motion was made by Amanda and seconded by Kale for the Council, Mayor, City Superintendent, and City Clerk, to recess into **executive session** for the non-elected personnel exception to discuss an employee's status and an employment application, the open meeting to resume at 10:20. Motion passed. The open meeting resumed. A motion was made by Larry and seconded by David to hire Jaron Berig for a city crew position. Motion passed.

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

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City Clerk