

Regular Council Meeting  
December 12, 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, City Attorney Lauren Reyelts, and Assistant City Clerk Leann Lee.
2. **Minutes** from the November 28 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 Larry 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; Permission for Clerk to pay City Attorney bills when due; Permission for Clerk to pay CCMFOA Membership dues - \$100; Permission for Clerk to pay LKM dues - \$992.96. Motion passed.
4. **Sheriff Report** - none
5. **New Business:**
  - a. A motion was made by Amanda and seconded by Kale to approve the CMB License Renewals for Colorado Retail Ventures, Diamond R Bar, Majestic Service Truck Stop & Restaurant, and Pizza Hut. Motion passed.
  - b. A motion was made by Larry and seconded by Kale to approve the 2023 Tree Trim License for Cynthia Welsh. Motion passed.
6. **Old Business:**
  - a. Travis Jensen was on the agenda but was unable to attend the meeting. He will be asked to attend the next meeting on December 27 to discuss his proposal for the purchase of property in the Industrial Park. This was previously discussed at the July 11, 2022 City Council Meeting. At that time the Council agreed to sell the property to Mr. Jensen, but a legal description needed to be created and a price determined. Mr. Jensen had intended to move a carport on to the property but that did not occur. The Council had given him permission to move some personal items on to the property, which he has done. Lauren indicated that the deed needs to include what type of structure will be built on the property. The price for the lot was determined to be \$257.78 (.29 per square yard) plus a \$21.00 filing fee for a total of \$278.78. There is also a section of land that Mike Frewen and Cindy Ham had built on adjacent to the lot they previously purchased which they will need to purchase from the City at a cost of \$34.76 plus \$21.00 filing fee for a total of \$55.76. A motion was made by Amanda and seconded by Kale for Lauren to create the deed for the sale of this as soon as possible. Motion passed.
  - b. **Property Cleanup**
    - Lauren discussed with the Council the two properties whose owners received pre-condemnation letters. Leann will follow up with both property owners and the topic will be discussed again at the first meeting in January.
    - The Council reviewed the procedures to follow for Chapter 8 Article 2A Environmental Code and Chapter 8 Article 3 Junked Motor Vehicles. The Council agreed that no changes to the code are needed but that initial notifications will be sent via certified mail. If the property owner does not acknowledge receipt of the certified mail a second notice will be personally served. Lauren will look into adding the costs of the certified mail to a fine should the issue become a court case.
  - c. **Projects Pending**
    - The Mayor sent a text to the representative of the company he had previously contacted regarding the Bandshell seating repairs but has not yet heard back from him.

- Larry asked if there has been any movement on the Empire Motel property. Scott indicated that with the economy along with the price of building materials may prevent anything being done.
  - Kale asked about the crossovers and frontage road. The City assisted KDOT with patching the potholes. Amanda will reach out to Attorney Baxter regarding next steps.
- d. Streets Project** – no updates. Larry asked if the city was going to have any extra funds that could be used for additional street work while the crews are here for the street project. Dan indicated that College Street will need to be resealed. The Council agreed there are many streets in town that would not qualify for grant funding but need work. Lila indicated that at the next meeting when the Council talks about the year-end transfers there will also be discussion regarding the funds available in the Special Highway Fund and the Infrastructure Improvement Fund that could potentially be used. Dan indicated that some of the funds will be needed for chipseal to protect the streets that have already been done.

**7. Visitors** – none

- 8. Building Permits** – A motion was made by Larry and seconded by David to approve the following building permits: Leroy Preston – 206 Cedar, chain-link fence; St. Francis Supers – 120 E. Washington, framework for compressor; Rachel Dodd – 206 Cedar, vinyl fence. Motion passed. The building permit for Ms. Dodd was from 2014 and had not been approved by the Council but the fence was built at that time. Dan indicated there are no issues with it.

**9. Superintendent Report**

- Dan asked the Council how long of a commitment could be required when hiring a new employee. Having, or being able to obtain, a CDL is a condition of employment for the City crew. In the past the City has covered the cost of getting a CDL. However, the cost now is around \$1,500, a significant increase. The concern is the City paying for a CDL for an employee who may not intend to work for the City long term. Lauren pointed out that the City cannot require a commitment of employment without it becoming an employment contract. The Council could consider requiring reimbursement of the cost from the employee if they leave employment before a certain length of time. There was discussion, but no decisions made at this time. There is one employee who does not currently have a CDL. Dan will discuss this with the employee.
- Ward Electric is prepared to come in January as soon as the work is approved at the 1<sup>st</sup> Council meeting in January.
- A motion was made by Kale and seconded by Amanda to approve the purchase of a flow meter for the sewer from Enviro-line for \$1,942 plus freight. Motion passed.
- An individual has inquired about a house on Quincy & Whitter and would like to know if it would be possible to turn the house into a shop and then put in a modular home behind it. The Council agreed it would not be a problem. A building permit would be required.
- Enrique Lopez has installed a propane tank at his property on Whittier street. He has indicated it is temporary. City Code does address propane tanks and there are numerous regulations. After discussion, the Council agreed the tank could remain until March at which time it will need to be removed from the property. Dan will check out the hose attachment being used and will also request paperwork confirming that the tank is certified.
- The batteries were recently replaced in the old loader at a cost of \$300. However, when the starter was hit it blew the batteries. A new starter will be needed at a cost of approximately \$400, and possibly a new battery.
- The bucket truck steering link between the axel and the frame has broken. This has been welded before and Andrist Ag has indicated they would be able to reweld it. The Council approved.
- The Council discussed the City ordinance regarding water connections which states that the fees for new connection to the City waterworks system is the cost of materials plus 20% plus tax and contract labor. The Council agreed that beginning in 2023 the ordinance will be followed. Dan also shared Resolution 2006-5 which addresses the cost of utility hookup incentives for new commercial construction.

- Dan also mentioned that electric hookups to a new house built on a property that already has electric at the alley would be a simple installation. If built on a property that does not have electric requires it to be brought in from somewhere else. At some point, the Council needs to decide how much of the installation costs the City will cover.
- Dan stated that the pad mount transformer we have was purchased in 2018 for \$5,995. The rough cost to install it at Travis Jensen's business would be \$6,538.37. Dan pointed out that the property is currently still in Killingsworth's name but may be on a lease to own agreement with Mr. Jensen. City Code requires that the property owners request electric service and building permits.
- St. Francis Redi-Mix has requested new water installation. Dan shared a quote from Salina Supply for the parts, and indicated that the total cost including the 20%, freight, tax and labor would be \$4,961.27. This cost does include the meter, which would need to be subtracted from it. The Council agreed to go ahead and order it if Brock McAtee agrees to pay for it.
- A motion was made by Kale and seconded by Dara to accept and file the Superintendent report. Motion passed.

#### 10. Attorney Report –

- Theater Board President Robert Grace had contacted Lauren to let her know the Theater Board is requesting she contact Fathom to iron out the contract details so that the agreement can be signed. The Council gave approval for Lauren to contact Fathom.
- Lauren found that per K.S.A. 12-4112 costs for the certified mail sent per due process cannot be assessed as fines on a Municipal court case.
- A motion was made by Larry and seconded by Amanda to accept and file the Attorney report. Motion passed.

#### 11. Clerk Report

- The Theater report was not included on the agenda, but the board did hold a meeting on December 6. Leann reported that the requirements for the movie Avatar were that it must be shown for 4 weeks, in 3D, including Christmas and New Year's weekends. The Theater employees have worked out scheduling. The Theater is accepting applications again. The board reviewed three applications but no decisions were made.
- The Council reviewed the proposed Mayor appointments to be done in January. Bruce Swihart will be filling the open position on the Public Building Commission. There are two positions on the Keller Pond Committee which need to be filled, a County employee and a citizen.
- The Council also discussed the vandalism that occurred last year at Keller Pond. An estimate for repairs was received from Brock McAtee but no work has been completed. The City crew may need to take care of completing the repairs.
- Lila has created a Google Workspace account to be able to create new emails. She is waiting on Matt Grogan with Elevation Design to provide domain information that is needed to complete the setup.
- Leann shared information from the League regarding training next year that Council members may be interested in.
- December 26 is a City Holiday, so the next City Council meeting will be on Tuesday December 27.
- A motion was made by David and seconded by Kale to accept and file the Clerk report. Motion passed.

**12. Council Comments:** **David** – none **Kale** – will not be at the next meeting **Amanda** – In 2015 Ron Krien had submitted a written proposal for the purchase of a 30' section of City owned property along Gun Club Road between his property and Brock McAtee's. Attorney Mike Day, the City Attorney at that time, had suggested that in exchange for Mr. Krien paying for the survey the City could deed the property to him at no additional cost. The Council agreed and Councilman Jensen was to touch base with Mr. Krien with the proposal. However, it did not go any further. Wade Krien has asked if the Council would still consider the same offer and the Council agreed. **Dara** – none **Larry** – none

**13. Mayor Comments** – The Mayor requested 10 minutes of executive for non-elected personnel to discuss employee job performance. *Dan and Lauren left the meeting.*

- 14.** At 8:20 a motion was made by Amanda and seconded by Kale for the Council, Mayor, and City Clerk to recess into **executive session** for the non-elected personnel exception for job performance and review, the open meeting to resume at 8:30. Motion passed. The open meeting resumed. No decisions were made in executive session. A motion was made by Amanda and seconded by David to approve the Mayor's Appointment of Dan Blair as City Superintendent. Motion passed. Dan will also receive an increase in salary.
- 15.** At 8:35 a motion was made by Amanda and seconded by Larry for the Council and Mayor to recess into **executive session** for the non-elected personnel exception for job performance and review, the open meeting to resume at 8:40. Motion Passed. The open meeting resumed. No decisions were made in executive session. A motion was made by Kale and seconded by Larry to approve a wage increase for Leann Lee to \$19.23 an hour, and a salary of \$40,000 once she is appointed as City Clerk in January. Motion passed.
- 16. All bills on Ordinance #1069 were reviewed.** It was moved by Kale and seconded by David to approve the bills in the amount of \$174,472.99. Motion passed.
- 17. Adjournment:** It was moved by Kale and seconded by Amanda to adjourn the meeting. Motion passed.

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City Clerk