

Regular Council Meeting  
December 27, 2022

1. **Mayor Scott Schultz called the meeting to order at 7:00.** Present were Council members David Butler, Amanda Milne, Dara Carmichael, and Larry Finley. Also present were City Superintendent Dan Blair, City Clerk Lila Whitmore, City Attorney Lauren Reyelts, and Assistant City Clerk Leann Lee. Council member Kale Dankenbring was absent.
2. **Minutes** from the December 12 Council meeting were distributed and read. It was moved by Amanda and seconded by Larry to approve the minutes as written. Motion passed.
3. **Consent Agenda** – none
4. **Sheriff Report** - none
5. **New Business:**
  - a. A motion was made by David and seconded by Larry to approve the renewal of the Cheyenne County Kansas Community Foundation Commercial Lease Agreement with no changes made for 2023. Motion passed.
  - b. A motion was made by Larry and seconded by Amanda to approve the RV Park License renewal for Zimbelman RV Park. Motion passed.
  - c. The Council discussed the year end transfers. The budgeted transfers included a transfer from the utility fund to the equipment reserve fund of \$130,000. Dan and Lila recommended transferring \$100,000 of this to the capital improvement fund where there is a greater need at this time. After discussion, a motion was made by David and seconded by Amanda to approve the following year-end transfers: \$290,000 from Utility to General; \$230,000 from Utility to Capital Improvement; \$30,000 from Utility to Equipment Reserve; \$20,000 from Sewer to General; \$25,000 from Sewer to Capital Improvement; \$25,000 from Sewer to Equipment Reserve; \$180,000 from Infrastructure Sales Tax to Infrastructure Improvement; \$51,145 from Infrastructure Sales Tax to Bond & Interest. Motion passed. Lila also pointed out that there will not be enough budget authority in the Refuse fund to pay for the expected bills in December. A motion was made by Amanda and seconded by Larry for the December 2022 expenses in the refuse fund that are above budget authority be paid for out of the general fund. Motion passed.
6. **Old Business:**
  - a. **Travis Jensen** was on the agenda but did not attend the meeting.
  - b. **Property Cleanup**
    - Lauren discussed with the Council the two properties whose owners received pre-condemnation letters. One of the property owners would like to deed the property to the City and Lauren is preparing the deed. Lauren will follow up on the other property in January.
  - c. **Projects Pending**
    - The Mayor asked about the billboard signs. Nothing has yet been done with them. An initial down payment has been made. Lila will contact Commercial Sign for a status update.
    - The Mayor received two proposals from Precision Impressions LLC for the repairs on the bandshell seating area. The estimates were based on pictures that the Mayor had sent to them. The Council would like a representative of the company to come out and look at the seating area to ensure we are receiving quotes for all of the work that is going to be needed. Scott will contact them again.
    - Amanda will touch base with Michael Baxter regarding next steps on the crossovers and frontage road.
  - d. **Streets Project** – Miller & Associates were here to look at curb and gutter for the next phase of the street project. Dan stated there isn't a lot of curb and gutter in this phase.
7. **Visitors** – none

**8. Building Permits** – A motion was made by Larry and seconded by Dara to approve the following building permits: Brock Waters – 412 E. First, fence; Hilltop Laundry – 702 S. Benton, concrete pad and building. Motion passed.

**9. Superintendent Report**

- There was a water main leak on Friday night. The city crew worked until the early morning hours on it and finished the repairs Saturday morning. There was also a sewer backup that night. Dan indicated that the Sewer machine is going to need some work.
- Someone attempted to gain entry to the sewer pond and damaged the gates.
- Dan share information about the GRID grants that are available for electrical infrastructure. These grants require a 50% cost share. The Council agreed that it would be worthwhile to apply for the grants. Dan and Leann will work on the concept paper that is due by January 13, 2023.
- Another module has failed on the LED sign. A motion was made by Dara and seconded by David to approve the purchase of a replacement module for \$672 from Commercial Sign. Motion passed. Dan indicated he would be able to replace the module.
- The old marquee sign by the Cheyenne County Village will be removed soon.
- There was a change in the wastewater permit that was recently renewed. It now requires testing for arsenic which we were not aware of. Dan indicated they are working on getting a sample sent in as soon as possible, but if we miss the Q4 deadline there could be a fine. Dan is waiting to hear back from the State.
- Dan requested 5 minutes of executive session for non-elected personnel for confidential employee information.
- There was a recent issue with a stray dog that caused some problems for a citizen. Currently without a useable dog pound the Sheriff's Department does not have a place to take stray dogs. Lila has contacted the Department of Ag and requested information regarding what improvements would be needed for our dog pound to meet State regulations. Amanda has spoken to Dr. Baxter with Republican Valley Veterinary Clinic who has agreed to provide the City with a fee schedule for what they would charge to accept stray dogs at the Vet Clinic. The Council can then compare the cost to update the current dog pound to what it would cost to utilize the Vet Clinic. Lauren also pointed out that there are requirements in our code related to release terms of an animal under certain conditions. Dan suggested the Council might also consider hiring a dog catcher/code enforcement officer. No decisions were made, and the topic will be revisited later.
- A motion was made by Larry and seconded by Dara to accept and file the Superintendent report. Motion passed.

**10. Attorney Report –**

- Lauren presented the quit claim deed for Mike Frewen and Cindy Ham for the section of land adjacent to the property they previously purchased in the Industrial Park. A motion was made by Amanda and seconded by David to approve the sale of the land pending payment of the purchase price of \$34.76 and a filing fee of \$21.00. Motion passed.
- There was an error discovered in the legal description of the property in the Industrial Park purchased by Tim and Robyn Raile in 2020 which requires a corrective quit claim deed to be filed. A motion was made by Amanda and seconded by Dara to approve the corrective corporation quit claim deed. Motion passed. The City will pay the filing fee.
- Lauren suggested the Council might want to consider requiring a survey to be done and paid for by the purchasers of any City property in the future so that there is an accurate legal description for the deed. Another option would be title work if the property is already platted. There was further discussion regarding the property that Mr. Jensen is interested in. Lauren recommended that Mr. Jensen's personal property which is currently being stored there be removed until the sale is completed, and he is the owner of the property. The Council agreed that Mr. Jensen needs to bring an updated proposal/plan and payment for the property to the next Council meeting. Dan and Scott will contact Mr. Jensen.

- Lauren requested 5 minutes of executive session for non-elected personnel matters.
- A motion was made by Dara and seconded by David to accept and file the Attorney report. Motion passed.

#### 11. Clerk Report

- A motion was made by Larry and seconded by David to remove Lila Whitmore as an authorized signer from all bank accounts at FNB Bank, Bankwest, and Western State Bank. Motion passed.
- We received the sentencing journal entry from the court case for the individual who was found guilty of the vandalism at Keller Pond. There was no restitution included to the City for damages. Attorney Reyelts indicated that the City could bring a civil suit against the individual for the damages. Lauren requested 5 minutes of executive session for communications subject to attorney client privilege regarding this matter.
- The City once again received a Gold Status rating on our KMIT Worker's Compensation annual safety review. This is a direct reflection of our employees working safely and also the efforts in the City Office ensuring that all employees receive monthly safety training. The gold rating reduces the Worker's Compensation premium that the City pays.
- Lila requested 5 minutes of executive session for non-elected personnel for confidential employee information.
- A motion was made by David and seconded by Amanda to accept and file the Clerk report. Motion passed.

**12. Council Comments:** **David** – Asked about any progress on the Empire Motel property. There were no updates. The plan is still for some sort of lodging to be built. **Amanda** – none **Dara** – none **Larry** – none

**13. Mayor Comments** – Thanked the City crew for their hard work repairing the water leak and the sewer problem during the terribly cold weather.

**14.** At 8:00 a motion was made by Amanda and seconded by Larry for the Council, Mayor, City Superintendent, City Attorney, and City Clerk to recess into **executive session** for communications subject to attorney-client privilege, the open meeting to resume at 8:05. Motion passed. The open meeting resumed. No decisions were made.

**15.** At 8:08 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 the non-elected personnel exception for job duties and compensation, the open meeting to resume at 8:13. Motion Passed. The open meeting resumed. No decisions were made. *Attorney Reyelts left the meeting.*

**16.** At 8:15 a motion was made by Larry and seconded by Amanda for the Council, Mayor, and City Superintendent to recess into **executive session** for the non-elected personnel exception for confidential employee information, the open meeting to resume at 8:20. Motion passed. The open meeting resumed. No decisions were made. *Superintendent Blair left the meeting.*

**17.** At 8:21 a Motion was made by Amanda and seconded by Larry for the Council, Mayor, City Clerk, and Assistant City Clerk to recess into **executive session** for the non-elected personnel exception for confidential employee information, the open meeting to resume at 8:23. Motion passed. The open meeting resumed. No decisions were made.

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