

Regular Council Meeting
February 27, 2023

1. **Mayor Scott Schultz called the meeting to order at 7:00.** Present were Council members Kale Dankenbring, Amanda Milne, David Butler, Dara Carmichael, and Larry Finley. Also present were City Superintendent Dan Blair, City Clerk Leann Lee, and City Attorney Lauren Reyelts.
2. **Minutes** from the February 13th, 2023 Council meeting were distributed and read. Amanda informed the Council of a few minor corrections that had been already revised and motioned to approve the minutes, which was seconded by Kale. Motion passed.
3. **Sheriff Report – None**
4. **New Business:**
 - Bill Dungan attended the meeting to follow up on his previous request to install two flag poles and a flag drop off box in front of his building. He has proposed to place the flag poles in the existing tree grates and place the flag drop box off set but in the middle of the poles. The Council discussed the request and the proposed layout. No decisions were made to approve the installation of the items. A few of the Council members will individually be going by the location to better understand the request and layout.
 - The Council was presented with a special event and Bandshell rental application for the Easter Egg Hunt put on by Western State Bank. A motion was made by Kale and seconded by David to approve the special event permit and the rental application along with waiving the rental fees. Motion passed.
 - The Council revisited the previous discussion of Bill Dungan’s request regarding additional concerns.
 - A motion was made by Larry and seconded by Kale to approve renewing the **chicken permit** for Waynetta Haynes at 402 S. Valley St., Lot 5. Motion passed.
 - It was moved by Larry and seconded by Kale to approve renewing the **trash waiver**: Althea Lebow for 315 S. College. Motion passed. A second motion was made David and seconded by Dara to approve renewing the **trash waivers**: Kody Krien for 1470 Road O; and Wade Krien for 320 W Royce Peter Road. Motion passed.

Amanda brought up a concern regarding the previously approved trash waiver for the Cheyenne County Food Pantry. The food pantry is not the owners nor are the utilities in the pantry’s name. Lauren requested to table the conversation while she researched some information on how to proceed.
5. **Old Business:**
 - **Judy Baxter – Overlapping Deed:** The Council was made aware of an issue at the previous Council meeting. Amanda presented a tract map for visual aid of the land surveyed by Penco Engineering, P.A., that made note of a strip of land that was deeded to Judy Baxter from the Good Samaritan, unfortunately the Good Samaritan did not own this land, the City does. Penco was contacted to create a legal description by the County who was under the assumption they were the owners of the property. Penco has issued an invoice for \$700.00 for the legal description that was initiated by the County. After some discussion, a motion was made by David and seconded by Amanda to Quit Claim the property to Judy and pay the Penco invoice in full. Judy will need to pay the filing fee for the Quit Claim Deed. Motion passed.
 - The Council resumed the discussion of the food pantry’s trash waiver. It was decided that the trash waiver previously approved will be resubmitted under the owner’s or utility holder’s name.
 - **Property Cleanup –**
 - Lauren had sent a follow up letter to Billy Joe Morris and Mr. Howard. She will be giving thirty days before trying to contact again.
 - **Projects Pending –**
 - Amanda has reached out to Michael Baxter via email but does not have any news at this time.

- Dan was able to contact the referred company for the repairs and painting of the Bandshell. The company requests \$300 for travel expense to come to the site before submitting a proposal. A motion was made by David and seconded by Larry to approve the requested \$300 travel expense. Motion passed.
- **Streets Project –**
Tyler Hillmer with Miller & Associates, and Justine Benoit with Northwest Kansas Planning & Development Commission, joined the Council meeting per a Google Meets conference call.
 - The City recently opened the street project bid from McCormick. The bid from McCormick was higher than expected; however, Tyler with Miller & Associates found an error on the concrete line item that increased the bid from \$23,000 to \$203,000. With this corrected, the streets project is still currently over budget by \$170,849.20. Kale inquired if there were additional funds that could be used. The Council reviewed the streets that were proposed, and the scope of work involved for each street to see if it's possible to get into budget by removing part of the scope of proposed work. Dan informed the Council that if they were to remove Quincy Street, it would reduce the cost \$196,020.80. The cost reduction to remove College Street would be \$203,248.90. The Council was joined by Tyler and Justine to go over the options available. The Council requested the cost reduction estimate for removing Frances Street from the overall project which Tyler estimated between \$150,000-\$155,000. Justine verified that the scope of work is capable of being changed but the City must be under contract with the general contractor within one year of being awarded the grant which is to expire on March 14, 2023. The Council has agreed to remove the scope of work for the two blocks of North Frances Street. Tyler will draft the change order for the first meeting in March. Justine will get approval for the change order reduction through the Kansas Department of Commerce. A motion was made by Kale and seconded by David to enter into contract with McCormick Excavation and Paving for \$1,132,019.20. David – yes; Kale – yes; Amanda – yes; Dara – yes; Larry – yes. Motion passed.
 - A document packet for the Federal Tax Certificate was presented to the Council for review and approval with several pages requiring signatures from the Council President and the City Clerk. Courtney with Gilmore Bell requested information be sent regarding any reimbursement costs that the City would like to obtain from the bond funds. The Council has decided against requesting any reimbursement costs due to the budget constraints.
 - Exhibit A, the IRS Form 8083-G was not included in the packet and is to be sent to the clerk's office separately.
 - A motion was made by David and seconded by Dara to approve the President of the Council to sign the Federal Tax Certificate with page nine filled out indicating zero reimbursements to be requested. David – yes; Kale – yes; Amanda – yes; Dara – yes; Larry – yes. Motion passed.
 - Exhibit B, the Receipt for Purchase Price, required the City Clerk to sign. A was motioned was made by Amanda and seconded by Larry to approve the Clerk to sign. Motion passed. David – yes; Kale – yes; Amanda – yes; Dara – yes; Larry – yes. Motion passed.
 - The Mayor has brought up the need for a Noise Ordinance. The Council and the City Attorney discussed multiple aspects of the noise ordinance. Amanda is to get with Sheriff Beeson to request he attend the next Council meeting. Leann has been requested to send all compiled research on other cities' noise ordinance out to the Council and City Attorney.

6. Visitors – None

7. Superintendent Report

- Dan has requested permission for Paul Larson to carry over 18 hours of vacation time to be used within the next week. Council approved.

- Dan has brought a concern from Ricky Reyelts regarding his project on Fourth Street that has been started but is waiting on concrete to be completed. The building permit issued though is past its six-month allowance. The Council has agreed not to require an additional building permit.
- The city crew has ordered a power supply for the pool vacuum that cost \$1,087.50. If the power supply is not the issue the vacuum is having, the supplier will accept a return and refund the City.
- April 26-28, 2023 is the KMU Conference in Wichita that Dan has requested approval to attend. The Council approved without motion.
- The city crew will be attending CPR training on March 8th through KMIT.
- Dan has presented a refuse truck on PurpleWave Auction for the Council to look at. Bid ending date is March 2nd. The Council discussed the refuse truck, the max bid amount, and possibility of shipping the truck. A motion was made by Dara and seconded by Kale to approve bidding on the truck with a max bid of \$45,000. Motion passed.
- The Parks & Recreations department would like a new mower. They have obtained three quotes for the Council to review. They would prefer the Hustler mower that has a bag system and a better vacuum unlike the John Deere. The first quote was a Hustler for \$14,316.96; the second quote for a Grasshopper for either \$17,800 or \$18,200; and the third quote was for a John Deere for \$13,320.00. There was a quote for \$7,750.00 but Dan is unsure if it is a commercial mower and believes there is no bag system. The Council has decided to table the discussion until the next meeting and to research the last mower purchased.
- Dan informed the Council that WoodRiver Energy is a third-party provider to the City property locations. Dan has requested permission to get a quote from them for the pool.
- Dan has informed the Council that he will be taking time off soon as he has unused vacation and discretionary hours that have accumulated.
- Dan presented the Council with the KMEA Certificate Director 1- the Mayor, and Certificate Alternate- Kale, renewal forms. A motion was made by David and seconded by Amanda to renew the positions as is. Motion passed.
A motion was made by Amanda and seconded by Dara to accept and file the superintendent report. Motion passed.

8. Attorney Report –

- The Cost of Replacement letter for the damages incurred for the pole was shared with the Council. Lauren had sent an email to the sheriff's office to pursue restitution. The ticket was filed on February 14th, and the Sheriff 's office forward Lauren's email to the County Attorney on February 24th. Lauren will follow up to obtain a confirmation from the County Attorney.
- Robert Grace was able to provide contact information for Fathom to Lauren for the questions that the City had. An email was sent approximately two weeks ago. She has not received a reply yet.
A motion was made by David and seconded by Larry to accept and file the Attorney report. Motion passed.

9. Clerk Report

- Leann provided the Council with a letter to explain the differences between WoodRiver Energy and Midwest Energy, Inc.
- EMC Insurance that is the City's general liability has updated their policy.
- Commercial Signs has responded to the City's inquiry of when the billboard signs installation may be scheduled. They are in receipt of all of the prints and are currently waiting for the weather to allow installation.
- The City has received a "Thank You" letter from the Western Kansas Child Advocacy Center for the contribution of \$2,000.
- Leann presented a small business incentive application for Little Tribe Daycare that was submitted by Brianna Stoll. The Council has decided to table the topic until the next meeting when they will discuss a variance as well.

- Another daycare was brought to the attention of City Hall that is being run out of a residential property located at 506 S. Benton. Council has approved Leann to send a letter to the individual regarding needing a variance.

A motion was made by Kale and seconded by Dara to accept and file the Clerk report. Motion passed.

10. Council Comments: David – None, Kale – None, Amanda – Tom Smull’s request for a pass-through grant was approved by the County for the Amusement Authority so the City does not need to look into it any further, Dara – Inquired if KDOT was going to come back to do any additional potholes at the crossovers; Larry – Requested 2 minutes of executive session for non-elected personnel for possible employee.

11. At 8:15pm a Motion was made by Amanda and seconded by Kale for the Council, City Superintendent, and City Clerk to recess into **executive session** for 2 minutes for non-elected personnel for possible employee. Motion passed. The open meeting resumed at 8:17pm. No decisions were made.

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

City Clerk