

## COLDWATER CITY COUNCIL

### REGULAR MEETING

Monday, September 9, 2019

The governing body of the City of Coldwater met in regular session with the following present: Mayor Penny Bruckner presiding, Council President Jason Martin, Council members Renee Blasi, Mike Bushnell, Daniel Hess and Joe Ceballos, Public Works Director, Danny Shaw, Lake Manager, Don Dutton, Assistant City Clerk Melissa McGuire and City Attorney Allison Kuhns.

Visitors included Brady Colter, Dakota Broce, Sarah Woodrum, Lisa Stout, Robert Cardoza, Devon Duffield and Chris Bruckner.

Minutes from the August meeting were approved as written, motion by Mike, seconded by Renee and the motion carried.

Public comment was heard from Dakota Broce regarding opening up the restaurant at 504 N. Central. After explaining her outlay of estimated costs, she inquired about some sort of tax easement or a temporary grace period on taxes for the site. Dakota also inquired about liquor licensing. The mayor and council present advised they had nothing to do with the licensing. Mayor Bruckner explained the Neighborhood Revitalization program was through the county and that she should contact the county commissioners. Next public comment was heard from Sarah Woodrum who inquired about pothole repair near her house on 505 N. Boston. Public Works Director Danny Shaw stated he had already seen the area in question and will be making a temporary repair to the area then will look at asphalt application next summer.

In city staff reports, Lake Manager Don Dutton requested that he be retained for next year as lake manager and that he truly liked the job. Mike motioned to hire Don back for the lake manager position for the next year, Daniel seconded and the motion passed. Additionally, he requested that he be kept on during the off season at 20 hours per week to keep up with lake maintenance, repairs, and off-season camping after October 15, 2019. Mike and Daniel both agreed they could see a need for that. Don also requested, if he was hired on for the off-season, that he be able to leave his camper at the gate area for personal use while on the job and would pay the fees. Daniel stated that as long as he was an employee of the lake there would be no fee. Don also requested that the city purchase materials to build bench/picnic tables by Richard Becker. If the city would buy the materials, he would be able to put the bench/tables together and would fasten them securely at picnic areas around the cabins. Don reported the cost would be \$100 for frames for both ends and that these could be made to specifications. Council member Mike Bushnell motioned that the city purchase the above-noted materials, Daniel seconded and the motion passed. Council member Daniel then motioned that the city hire Don to work 20 hours per week at and around the lake during the off-season, Renee seconded, and the motion passed. Council member Joe Ceballos then motioned that the wage for Don Dutton be set at \$11.00 per hour during the off-season, Mike seconded the motion, and the motion carried. Council members agreed that Don and Debbie had done a great job this season and that by hiring Don over the winter, he would be taking some of the load off of the city crew. Also, in lake management, Don reported that some of the campers had left buoys in the lake, within the wake buoy area, and they needed to be retrieved from the lake. The council agreed that Don should begin this project, making sure that all re-bar is retrieved from the lake mud bottom, and that the city could assist where needed.

Public Works Director Danny Shaw reported that during a phone conversation with the repair shop in Wichita, additional repairs to the roller would be \$13,000.00 now, that it was still leaking oil and was overheating, and that they would not back their prior work. Danny reported there were no more big jobs that required the roller for this year and that for any small jobs he could use the small roller on the skid steer. The council advised Danny to see what he could get for the large roller at auction. The council advised that if the sweeper repairs were finished, that both units could just be brought back to Coldwater on the same truck to save shipping charges. Visitor and county employee, Robert Cardoza offered to work out the use of the county roller with the city, saying that he saw nothing but good coming from mutual assistance on those types of projects. Danny reported two bids

for a Variable Frequency Drive (VFD) with a standard warranty, one for \$6500.00 and the other for \$5700. Though the two bids were not of the same brand the higher bid would not be junk and the gentleman does good work and has worked for the city. Council member Daniel Hess motioned that Danny should choose which VFD to purchase, Joe seconded the motion and the motion carried. Danny then reported that a new transmission for the city's 2000 Chevrolet pickup would be \$3000.00 and that a new air conditioner compressor for the 2001 Chevrolet pickup would run approximately \$2500.00. Between three full-time city employees there are five pickups and that about only one or two are running well at a time. Danny was advised to see about trade-in value for the two above-mentioned pickups and to see about a new pickup price. Joe advised the council should table any action until the October meeting, to give time for Danny to look for information on this. All council members agreed.

Danny had requested time to discuss a pending employee hire so it was moved to go into 15 minute executive session for personnel to discuss a job applicant.

Danny then reported on the need for a new Valve Wrench for the Valve Exercising Program in order to do the testing on 243 valves, with some at 28 turns on an 8" valve, for example. He should provide reports twice a year, but that once a year was mandatory by KDHE. He had a report to turn in when Kristal returns. He had looked at electric models at costs of \$2500.00 to \$3300 and will have an update at the October meeting. Additionally, Danny commented on a new house going up out at the Comanche Estates and another interested party. He advised the city needs to be thinking about how to get more water out there. EBH will work with the city and KDHE requires a plan first. Mayor Bruckner suggested that Daniel and Joe meet with Danny to get the details.

City Attorney, Allison Kuhns had emailed the paperwork to Kristal for an upcoming court case regarding dogs and kennel complaint. Allison advised that city council should sign the CMS franchise agreement. In discussion of the Sunflower Rails to Trails, Allison said she did not really know what it was all about, that the deed needed to be reformed because it puts Coldwater right-of-way in southeast Kansas, not southwest. The city could petition the court for a corrected deed. She believes this is a federal program designed in the interest of national security to give the government the option to re-use the railroad right-of-way in case of a national or federal emergency. After further discussion, Allison will look at starting deed reformation to correct the clerical error regarding southeast/southwest Kansas.

Allison requested 20 minute executive session for attorney/client privilege to discuss pending or threatening litigation.

Allison then presented a copy of Ordinance No. 2019-5 regarding utility bills. After reviewing the document, Allison will correct the last line of the first paragraph and email a copy to Kristal before putting it in The Western Star. Daniel motioned that Ordinance No. 2019-5, An Ordinance Providing for Certain Administrative Hearings be accepted as amended, Jason seconded and the motion carried.

In Administration, Dennies Andersen requested the city waive the building rental fee for the Last Chance Sale after the City Wide Garage Sale on Saturday, October 19 and Sunday, October 20, 2019. Daniel motioned that the city waive the fee, Joe seconded and the motion carried.

In discussion of the Code Enforcement and Chief of Police positions, Council member Renee Blasi stated that while there is a need for code enforcement, she believes the jobs need to be kept separate, but there is not enough code enforcement work for a fulltime position. Penny suggested training for code enforcement and that the city needed to keep their progress going. Daniel asked if the city would be hiring a new cop. Joe and Mike are working on a job description for the Chief of Police position. Joe believes the city will need a Chief of Police in the near future and that we may need to start advertising. Discussion included the fact that county law enforcement officers are working within the city. Sheriff Lehl would like to know, if and when hired, who the city did hire. The county may or may not be interested in contracting out with the city. Daniel inquired about money in the budget to hire new city cop. Penny said that the city will need to pay for any schooling, a vehicle and mileage. Penny said there was plenty in the budget to finish out the year. Renee

brought up the fact that the mayor appoints the new officer with the council approval. Mike wants to bring the job description details to the council for updating and suggestions. Allison suggested that a future job contract could state pertinent features regarding the city providing training for a certain amount of months or years of service. The job description should be brought to the October meeting, Kristal may be able to find more information regarding such description on ListServ or other city clerks, and then type up an updated job description. After the description is updated, then advertising could begin in about a month. Dennies Andersen will email a copy of an old ad used for the last time the city needed a Chief of Police to Penny who will forward it to council members to edit and approve, then run the ad for a month. Penny then suggested checking with a code enforcement company to see what they would charge. Mike suggested the city could assist residents with trucks and maybe volunteers when needed. Daniel again suggested the code enforcement and Chief of Police jobs be kept separate.

Regarding tree stumps in the west park, Penny informed the council present that Duane Mosshart could grind down the 13 stumps at a total cost of \$850.00. There was a question if that included cleanup, which was not answered. Jason motioned that Duane be hired at the cost above to remove the stumps, Joe seconded and the motion carried.

Bills in the amount of \$120,117.54 were presented for payment. Joe made a motion to pay the bills as presented, seconded by Daniel and the motion carried.

Under unfinished business, the police job description had been discussed earlier.

With no other business presented, Joe made a motion to adjourn the meeting at 10:00pm, seconded by Daniel and the motion carried.