

COLDWATER CITY COUNCIL  
REGULAR MEETING

Monday April 11, 2022, at 7:00 p.m.

The governing body of the City of Coldwater met in regular session, with the following present: Mayor Joe Ceballos presiding, Council members Mike Bushnell, Robert Cardoza, Cleta Lampe, Britt Lenertz and Ashta Rosson, City Attorney Skip Herd, Public Works Director Danny Shaw, Co-Lake Managers Don and Debbie Dutton, Chief of Police Devon Duffield and City Clerk Kristal Sherman.

Visitors: Aaron Koehn, Michael Heiland, Mark Fulcher, Steve Nicodemis, Ron & Ronda Yancey, Mona Kindsvater, Dennis Byram, John & Lisa Moore, Steve Phyllis, Janell Crissip, Lorena Velazquez, Mike Lehl, Brock Loesch and Jacob Bruckner.

Mayor Ceballos called the regular council meeting to order, City Clerk, Kristal Sherman conducted roll call. Minutes from the March meeting were approved as written, motion by Mike, seconded by Ashta and all voted Yes.

Lorena Velazquez said she has received a code enforcement letter on the condition of the mobile home she owns in the 100 block of North Frisco and asked the council if they will work with her on it. She said it has been a hard year so far and she will plan to do something with it next year. Code Enforcement Officer, Devon Duffield told Lorena he will be glad to work with her on it, and asked that they keep the yard mowed and cleaned up during the summer months and he won't have a problem.

Aaron Koehn with the accounting firm of Vonfeldt, Bauer and Vonfeldt, presented the 2021 audit report. He went through the report with the council and reported there was only one statutory violation that had to do with the State receiving a bond payment 5 days late (they are due into the State 20 days before the due date), due to the mail service, and also reported 2021 was a good year. Aaron told the council if they have further questions, they are welcome to call him anytime.

Mark Fulcher, a seasonal camper at the lake, told the council "city council members are elected city officials, they have a fiduciary responsibility to the citizens, like a trust, in regards to a trustee and a beneficiary, as a company has a fiduciary responsibility to its shareholders." He explained the definition of a "fiduciary" and went on to say that "one must ask if your decision to install the four post markers at every campsite that changed the location of every camper, was within your realm of guidelines ethically that you have with all of us as your 'clients'. There seems to be as many reasons and variations for these new markers as there are markers themselves". Mark went on to explain why he and other campers have a problem with the new markers, he didn't think anyone in his section (G) had any problems with Don reading the meters or being away from the hydrants in case they needed worked on. He also said the council, as a fiduciary, modified the contract between an already existing contract between the City and campers that spend their entire season and doesn't think they acted in their best interest or ethically. Mark also said "you are elected by the people to act on their behalf, you weren't hired by the City, you don't work for the City, you work for us." He went on to say he went out to the lake in late March and had Don and Danny help him with his site. He came in on April 1<sup>st</sup>, brought his camper to his campsite, then went back and got his other camper for his second campsite and was met by Don at the entrance telling him he wasn't happy where he positioned his camper and he's going to have to move it, Danny was called and also told him the same that he wished he'd move it. Mark went on to explain he told them for 4 inches he wasn't going to move a 34 foot camper. About an hour later Don came back by and said he has spoke to a council member that is on the lake committee and they said "move it or leave". He said "the issue with him or his neighbors campers wasn't the pedestal...the problem, at this point, and all the aggravation that all of us are going through, is simply the installation of your new markers, markers that you as a council had installed after we all had our leases and the markers weren't there when we signed the leases and you in fact changed our contract." He asked the council "don't create a problem for everyone at the lake because of the actions of a few, and when an issue happens deal

with it, every camper at the lake are going to suffer one way or another because of your decisions.” He claims there is no consideration of the campers when these decisions are made, and asked that there be better communication between the council and the campers, saying “we all got letters in January, nothing in the letter about this and who reads the lease that close, not very many people....they should.” Mark asked the council “to consider correcting mistakes made and understand your responsibility to us.....you don’t work for the City, you represent every one of us.”

Dennis Byram, seasonal camper at the lake said he was worried about the rule against the carpets, he said they mow between their trailer and behind it. He said he has astro turf down for his carpet, cut to size, which is now out of the boundaries and doesn’t want to have to cut it.

Mike Heiland, seasonal camper at the lake, said that “everything has pretty well been said, but I might have a few solutions”. He said in the past they have always mowed around their spot and suggested that everyone take care of their own mowing and weed eating around their own campsite and maybe that will help. He said a couple of years ago he brought up the idea of a “lake advisory committee” to have better communication between the lake campers and council.

Ronda Yancey, seasonal camper at the lake, said what she’s really upset about is the fact of how much money they spend in Coldwater, they have been coming for 40 years, and they are an asset to the town. She also said, in regards to the rule about the carpets, “the ones that got their carpet ripped up is probably because it wasn’t tacked down properly and maybe that should be in the lease agreement that the City is not responsible for our carpets.” She also said there are probably people that can’t mow their own campsites and doesn’t really want to see that changed, where every campsite has to mow their own yard. She thought the council should have spent the money on something else more effective instead of on the “ridiculous markers” She suggested to the council they need to start addressing “who the problem is instead of making decisions based on a couple of actions that don’t affect all of us, and now it does affect all of us, rules for everyone.” She said it’s all about accountability. Ronda’s husband Ron Yancey asked that they consider leaving the two markers by the electric meter and hydrant and let them take out the two markers on the other side, he also said he doesn’t know what the carpet is hurting, he asked they spend money getting rid of the gophers.

Andrea Taylor, seasonal camper at the lake, said she hasn’t seen a contract because her husband takes care of everything. She said the people that have had the rugs down, there is no grass there now and they don’t want to be tracking in mud and dirt into their camper. Said it would have been easier to make the boundaries from meter to meter and the campers are responsible for mowing within their meter. She said she would be glad to mow for someone if they can’t mow.

Mayor Ceballos told the lake campers he appreciated them coming and voicing their concerns, and the council will discuss all their concerns toward the end of the meeting and see what they can do.

Public Works Director Danny Shaw told the council he learned of a new lead and copper rule at the water conference and said if we dig up a water leak that has a lead gooseneck pipe in it, and has galvanized pipe or copper before 1984, the City has to replace the line from the main all the way to the foundation of the house....and on the inside of the house the City has to tell them they have to replace their plumbing, and if they can’t afford it or choose not to, the City has to furnish them a water pitcher with six months of filters. Danny also said if the City has to do a total line replacement from the main to the home, KDHE will reimburse the City, but they will not reimburse partial replacement. He told the council if they want more information on the new lead and copper rule it’s on the Kansas Department of Health and Environment website. Danny reported Jim Stiles, who owns the old “Darnell Hotel” across the street from the Veteran’s Building, asked if the council would rezone it from commercial to residential because of the electricity costs. After discussion, the council agreed not to rezone Jim’s property since it is one of the commercial buildings on Main Street. Danny said he would like to purchase a new vac machine and sell the one that they have, he said it was put into this years’ budget to purchase a new one. The council agreed. Danny asked the

council what they want to do about watering the downtown trees. He said the watering bags they have had in the past are old and don't hold much water. After discussion, the council said maybe businesses should be contacted to see if they would take care of the trees in front of their business. Mayor Ceballos asked Danny if he has a quote to tear down Dennis Byram's trailer house on his business lot. Danny said he does not have that yet, but will have it by next meeting.

Lake Manager Don Dutton reported he has bent over backwards working with the campers on those boundary markers and referred to the facebook post that was made by Mona Kindsvater, he took a comment that was made there "very personally", he said he understands their concerns on the markers, but they didn't mention that there were 80 some spots there were originally marked with the boundary "discs" that were used before, and when they went to take those boundary markers out, most of them had already been discarded by the campers. Don said the new boundary markers didn't make their campsite smaller, it just moved over about two foot. Don also reported he wants to donate trees to the lake in Lanny Denney's name and Sherry Herrmann's name, the council agreed. Don told the council he has had a request by one of the seasonal campers in the A section, he said she was here tonight, but didn't speak, and said her parents are going to have a seasonal spot as well in the A section. They have a handicapped grandchild who they take care of, and she asked if they could take the markers down from the opposite side of the electric pedestal to make room for the wheelchair, etc. After discussion, Clea made a motion to make a variance on the boundary markers for site A-1 for handicap purposes, just for the 2022 camping season, seconded by Ashta and everyone voted Yes.

Chief of Police Devon Duffield told the council the patrol car is repaired and back in service, saying it was a spark plug issue, same as it had last year. Devon reported he has had a lot of dog-at-large calls. He also reported he has purchased a tablet for use at the lake, he will be able to put information about every campers' golf cart, as far who is authorized to drive their golf cart, etc. Devon also reported he has applied for a grant for an AED unit and a thermal camera, and will know soon if he will receive funds.

Mayor Ceballos asked the council to go into executive session for personnel reasons. Clea made a motion to go into executive session for 30 minutes for personnel reasons with the City Attorney Skip Herd, Sheriff Mike Lehl and Deputies Brock Loesch and Jacob Bruckner, seconded by Robert and everyone voted Yes. After 30 minutes, Clea motioned to go back into executive session for 30 more minutes for personnel reasons with the same personnel, seconded by Robert and everyone voted Yes. After returning to open session, no decisions were made.

Bills in the amount of \$120,727.75 were presented for payment. Robert made a motion to pay the bills as presented, seconded by Ashta and all voted Yes.

Under New Business and Reponse to Public Comment, Joe asked the council to discuss the lake comments that were heard earlier. After discussion, the council agreed to leave everything the same regarding the seasonal camper lease agreement, no changes were made.

Ashta made a motion the council go into executive session for 30 minutes for personnel reasons with City Attorney Skip Herd and Chief of Police Devon Duffield, seconded by Robert and everyone voted Yes. After 30 minutes, Ashta motioned to go back into executive session for 30 more minutes for personnel reasons with the same personnel, seconded by Robert and the motion carried. After returning to open session, no decisions were made.

With no other business presented, Mike made a motion to adjourn the meeting at 11:00 p.m., seconded by Clea and all voted Yes.