

Minutes from March 8, 2021

Present: Mayor Kris Semisch, President Bruce Proctor, Regina Abbott, Steve Schuetz, Darcie Gomez, and Geri Ebersohl. George Laidler represented Maintenance. Jennifer Braden was present for Code Enforcement/Public officer, Steve Howard for the Police. In the audience: Jon Lanier, Jeremy Wedel, Sarah Madden, Kirk Day, Lonnie Currier, Alison Robbins, Daniel Jimenez, Josh House.

Mayor Semisch opened the meeting at 6:30.

Bruce Proctor made a motion to approve the minutes from February 8, 2021 meeting. Regina Abbott 2<sup>nd</sup>. Passed 5-0. Darcie Gomez made a motion to approve the bills with the change on Hawks to reflect \$187.52 not \$187.40. Bruce Proctor 2<sup>nd</sup>. Motion passed 5-0.

#### **Community/Citizen recognition:**

Will present in May.

#### **Old Business:**

(a) Ord 2021-02: Geri Ebersohl made a motion to adopt Ordinance 2021-02. Darcie Gomez 2<sup>nd</sup>. Motion passed 5-0.

#### **Agenda:**

(a) Kirk Day and Sarah Madden were here on behalf of Velocity. They talked about new technology that will allow for better service to allow them to service more houses in the community. They would like the City to reconsider allowing poles in the yards. The Council directed them to do their evaluation of the property and mark where the pole would go. If they are in the back yard, then the Council would consider it from a case-by-case situation. The City can have them fill out a permit and Jodie is waiting for the City of Douglass to call back. This will be tabled until next month.

(b) Lonnie with ICI is here to discuss the insurance for the City. Lonnie gave a quick review. The City will need to decide if they want the data breach and additional coverage for employment claims. Steve asked about the value about the building cost and Lonnie explained the replacement cost and not being uninsured then the company can put a clause where they will only insure what they think should be covered. These can be added later but the signed one needs to send in by April 1, 2021.

(c) Jeremy Wedel was here regarding the landlord permit. He feels that landlords are being discriminated against. It was explained to him about the process and he still did not understand. The Mayor explained that we are doing this to help clean up the area. He says he has always taken care of any property he has, and he is signing his house on contract. He said we cannot stop him from renting, and he was told that utilities will not be turned on. He said he would not sign it and hopes the City has the money for an attorney.

(d) Jon Lanier is here for the Prairie House. He wants to expand his seating outside and he wanted to know the issues with that, and he has the tables under the awning. He was reminded that he was told to not put tables on the sidewalk. He said he is going to have cameras put up. The Mayor pointed out that there was space out back he said he has that to pick up. Bruce Proctor asked Lonnie Currier what the liability is, and Geri said we have an ordinance that says we have an ordinance so as not to obstruct. Geri said that when cars come up and park then there might be a problem. Jon Lanier said how do we find an open medium and the Mayor said that would have been to come and ask before you do something. She stated we are not about asking for forgiveness instead about permission. He was told

to come into the office before doing things. Steve said we need a release from Prairie House restaurant to add us as additionally insured. The Mayor said we will need that insurance paper and the sidewalk permit signed. Steve asked the alcohol on the sidewalk and since his CMB is suspended then at this time it is not an option. He was told that to serve alcohol with our ordinance then it would need to be in an enclosed area. He asked about what if he wanted to have events, he was told that he would need to fill out a form for an apply for an event CMB license. He asked about benches. Geri asked what the attorney said, and Jodie reported that the attorney said that a bench is different than a table and it is up to what the Council says the sidewalk is. The Mayor said that everyone is all for the improvements, but things need to be done correctly. Darcie Gomez made a motion to approve outdoor tables or benches contingent on getting insurance approval from his insurance and a permit is signed. Steve Schuetz seconded. Motion passed 5-0.

(e) Danny Jimenez is here for the Pizza Place. Danny said his case is a little bit different since he had previously had permission from the council. He said he has 7ft of space from the benches to the road. Danny said his situation is different where he does not offer outdoor dining, they buy it inside if they go outdoor and eat that is up to them. The Mayor said they have the minutes back in July of 2018 that states he can have the benches there. Danny asked about the permit and he was told to go and check his insurance. Danny asked about the pots where plants are planted. The Council said those are beautification for the community. Darcie Gomez made a motion to do allow the Pizza place to keep the benches on the sidewalk if he gets a permit and an endorsement to have the City listed as additionally insured but can keep them where they are until he can get that done. Geri Ebersohl 2<sup>nd</sup>. Motion carried 5-0.

Jodie said this was not her issue, but the Mayor called her, and Jodie had to call and tell the Prairie House move tables. This was a City liability issue.

#### **Order of Violations:**

Regina Abbott made a motion to accept the Notice of Orders. Geri Ebersohl 2<sup>nd</sup>. Motion passed 5-0.

#### **Public Hearings:**

None

#### **Permit Approvals:**

Bruce Proctor made a motion to accept the fence permit for Larry (Eli) Brown. Steve Schuetz 2<sup>nd</sup>. Motion passed 5-0.

Regina Abbott made a motion to accept the rental permit from Debbie Fleming. Darcie Gomez 2<sup>nd</sup>. Motion passed 5-0.

#### **Staff Reports:**

**Maintenance Report:** Steve asked about our mechanic said about the distributor. The sewer main is complete but still needs concrete fixed around and the report was sent into the state. Bruce said so the rest of the Council knows we had to get a tree removed and we hired a company to do that. Steve said we should have an easement for all sewer mains. George is signed up for a water class and the water test. Jeremiah Anderson at 810 S. Main wants a 10' culvert at both of his places and Bruce and Butch feel that a 20' culvert need to be put in. Butch said the City's position should be 20' or not allow it. Jeremiah said State standard is 10'. Steve said that we will put a 20' in for his driveway and if he wants

one in at the South entrance then it will be 20' or we will dig it up and leave it open as a ditch. Jodie is to send a letter stating that. Leroy Wolf will get the Sullivan Ct. and a Bluestem and High sign done. Bruce wondered if we could talk to the County about some of our roads and it was decided to get our distributor running and then decide.

**Clerks Report:**

Gerri Ebersohl made a motion to proceed with the Boman accessory building on April 1<sup>st</sup> if the current tenant is not out. Steve Schuetz 2<sup>nd</sup>. Motion is carried 5-0.

Darcie Gomez made a motion to send the church a letter and change the landlord permit to an occupancy permit. Steve Schuetz 2<sup>nd</sup>. Motion carried 5-0.

Jerry Boman requested a public hearing and I spoke with Bruce Proctor about scheduling him in May. Jerry Boman was okay with that too. Council agreed that way the Mayor will be there. Jerry had some material that he lined up, but the guy has since passed. The Council said to get a sidewalk permit drafted and in use. The permit will be free. Jodie said she received a letter from the State and the water sample that was to be taken in January were not taken until February 1<sup>st</sup> so we will have to send out a public notice when we do our CCR report but the results came back fine. Jodie was directed to send that. Jodie talked about the Leon Christian Church and they are worried about calling themselves a landlord because of insurance purposes and the Council said to send a letter to and call it an occupancy agreement to help with that and we will still have the information needed for the occupant in the church. KDHE sent an email and said they are close to having the final report done for the soil. Council directed Jodie to send a bill to Gick for \$300 for the gate that was damaged by his equipment.

**Courts Report:** Court went well this month.

**Law Report:** Steve Howard said we are down 3 warrants and still have 2 more. Chief Howard would like to be able to post warrants on Facebook once they have been given a letter giving them the option. Chief Howard would like to start giving some warnings about speeding. It has been a practice to not give a ticket until 10mph over, but everything in between is still speeding, and he would like to slow that down. First warnings then starting with tickets, summer is coming, and kids will be out. The Tahoe has been checked out and it is not any good would like to add it with other items and try to trade or sell it for other items the department may need the tires are still good so trade those with some that are not and get it done. We have ammo and sell it since we do not have anyone that carries that caliber. One piece of equipment he would like would be cages for the cars to transport.

**Code Enforcement/Public Officer report:** Jennifer gave report. She spoke about the Wheeler house and it was suggested to send a letter to start a conversation. Jodie was directed to send that. Jodie talked about the Leon Christian Church and they are worried about calling themselves a landlord because of insurance purposes and the Council said to send a letter to and call it an occupancy agreement to help with that and we will still have the information needed for the occupant in the church. Darcie Gomez made a motion to send the church a letter and change the landlord permit to an occupancy permit. Steve Schuetz 2<sup>nd</sup>. Motion carried 5-0.

**Mayor:**

The Mayor talked about the resident on Stadium St that feels the trees on someone else's property on the water way may be causing him sewer issues. Maintenance is to check and see if it was lined. The Mayor would like to purchase another one for the entrance into town by the water tower. Geri Ebersohl made a motion to purchase the sign. Regina 2<sup>nd</sup>. Motion carried 5-0.

**Council:**

Steve discussed the poles. Jodie said the company suggested cutting them ourselves and getting the hardware to make it a breakaway pole. Jodie needs to check on the type of the hardware. Steve said we need a picture by the next meeting.

**Open Forum:**

Alison was here to talk about the fence and let the Council know she is working on it and it should be done soon. She also wanted to talk about the Mauldin issue and needed to ask for at least 60 days to try to get the runoff fixed. Steve Schuetz said that he would get with Alison and look at the drainage. Regina recused herself from the council and spoke to the Council about her property at 527 W. Mechanic St.

Regina un-recused herself and took her Council seat again.

Steve Schuetz made a motion to adjourn. Geri Ebersohl 2<sup>nd</sup>. Motion passed 5-0. Meeting adjourned at 9:20 pm.