

## October 10, 2018

The regular monthly meeting of the Chapman City Council was held October 10, 2018 at the Chapman City Office. Mayor Jeff Blixt called the meeting to order at 7:00pm. Council members present were Howard Battishill, Luan Sparks, Tim Jury and Clint Thornton. Also in attendance were City Clerk Erin Tilton, City Administrator John Dudte and City Attorney John Purvis. Others in attendance were Joshua Smith, Kevin Diercks, Allen Cottone, Mike Stutz, Craig Janke, Judy Frieze, Tony Frieze, Todd Frieze, Craig Klukas, Ty Prosser and Ashley Prosser.

Council member Lee Wolf resigned his position after the September council meeting. Personal obligations did not allow him to put in the time that he had hoped. Mayor Blixt noted his business knowledge that he brought to the table will be missed.

### Agenda #2 Consent Agenda

Motion by Jury to accept the consent agenda as presented, 2<sup>nd</sup> Battishill, Vote: yes, unanimous (4-0). Motion carried.

Mayor Blixt requested a motion to amend the agenda. Mayor Blixt requested to cancel #14, executive session, and reverse #5, revised temporary permit for beer garden, and #13, fireworks code review.

Motion by Battishill to amend agenda as stated, 2<sup>nd</sup> Jury, Vote: yes, unanimous (4-0). Motion carried.

### Agenda #3 Public Comments

Ty Prosser with his two businesses, Ashley's Daycare and Tavern Boutique and Tanning presented a handout regarding complaints. Began reading handout, was asked if he would like the opportunity to be placed on the agenda to discuss his concerns with the council. Public comments do not allow for council interaction. Prosser agreed.

Motion by Sparks to add Ty Prosser with Ashley's Childcare and Tavern Boutique and Tanning to the agenda as item #14, 2<sup>nd</sup> by Battishill, Vote: yes, unanimous (4-0). Motion carried.

Craig Klukas thanked the city council for their support of the fire department during the 2019 budget process. With Chief Thrush, the department is getting training and gear that has been needed for a long time and upping the budget will only continue to help.

Agenda #4 Introduction of public works worker – Craig Janke and police officer – Allen Cottone  
Craig is returning to the city of Chapman and began part time this summer, excited to be back. Allen Cottone comes to Chapman from the Topeka area, excited for the opportunity in Chapman.

### Agenda #5 Fireworks code review – discussion only

City staff looked back through previous codes, as far back as the 60s, to see when detailed regulations were put into place for firework stands. In 2014, ordinance 963 was passed and is the first time that language was added to state that fireworks could only be sold in areas that were zoned for retail. This language is in section 5 (b). Moving forward there are three options. 1) leave code the way it is and sell in commercial (retail) zoned areas 2) suspend for a duration that specific portion of the code 3) rewrite code to sell wherever or however the council sees best.

City staff did contact the state fire marshal which stated that location of fireworks sales is regulated by local government. However, anywhere fireworks are sold there are strict regulations that must be followed, including that fireworks cannot be discharged within 300ft of a firework stand, which would limit residents in residential areas within 300 feet of a fireworks stand. Legal counsel expressed concerns that allowing fireworks sales for the two traditionally utilized residential areas would necessitate allowing fireworks sales in any residential space. Mayor and council members recognized the sensitivity of the discussion. Discussion was had regarding the building that was built in a residential area and to be used for firework sales and the limitations of what was zoned for commercial (retail). Council members were in favor of grandfathering in the two stands that have been authorized to sell in the past, noting that it would have to be the same permittee and same location. Permits issued for residential space would not be issued to any other applicant. Tony Frieze thanked the council for heading in this direction and council instructed city staff and legal counsel to draft ordinance for November meeting.

Agenda #6 Alexander Pump & Service Inc. estimate – CA spending authorization  
KDHE orders stated that pipe going to well #5 needed to be revamped. Pipes currently are unable to unhook, and they need to. Checks are to be done every five years and it appears that this has likely not happened. A maintenance plan is being developed by city employees so that the issue does not come up once new pipe goes in. Well #2 was rebuilt in 2017. Water supply also continues to be good. Funds will be split between capital improvement and equipment reserve.

Motion by Sparks to authorize up to \$14,000 for well #5 revamping, 2<sup>nd</sup> Jury, Vote: yes, unanimous (4-0). Motion carried.

Agenda #7 Renewal of IT contract – SMG Unlimited

Annual renewal for IT service. Same contract with minimal \$5 per month increase. Overall pleased with service. IT has mapped all city networks and equipment, works remotely and comes on site as needed.

Motion by Jury to approve renewal of IT contract with SMG Unlimited, 2<sup>nd</sup> Thornton, Vote: yes, unanimous (4-0). Motion carried.

Agenda #8 Point of sale payment policy

Policy as discussed at September council meeting. Will allow department heads to make point of sale transactions when needed and is structured like the current procurement policy.

Motion by Thornton to approve point of sale payment policy, 2<sup>nd</sup> Jury, Vote: yes, unanimous (4-0). Motion carried.

Agenda #9 Utility service transfer agreement

City staff worked with legal council to clean up language. Additional signatures required when adding and subtracting names from agreement forms, so all parties are aware and authorizing the requested action.

Motion by Jury to approve the utility service transfer agreement, 2<sup>nd</sup> Thornton, Vote: yes, unanimous (4-0). Motion carried.

#### Agenda #10 Return check/e-check policy

Return check policy is not changing, clarifying that e-checks will be treated the same and officially putting this process in writing. When return check notifications go out, policy will be provided to customer, so they are aware of processes going forward.

Motion by Sparks to approve return check/e-check policy, 2<sup>nd</sup> Jury, Vote: yes, unanimous (4-0). Motion carried.

#### Agenda #11 Ordinance 1016 – Clarification for financial responsibility for upgrades to electric 15-304

Clarification on current rules in place. Revisions suggested by legal counsel after being reviewed. Nothing is changing, making it clearer for consumers requesting upgrades to their electric system. There is still discretion available by the city administrator on charges when charges are originally billed to the consumer. Mayor Blixt requested that 15-304 a. state “duly authorized officials of the city of Chapman”, instead of “duly authorized employees of the electric department”.

Motion by Thornton to approve Ordinance 1016 with noted language change, 2<sup>nd</sup> Battishill, Vote: yes, unanimous (4-0). Motion carried.

#### Agenda #12 City alcohol and drug testing policy – discussion only

City staff presented first reading of city alcohol and drug testing policy. The current policy is very vague and does not guide the employer on procedures or the employee on their rights as an employee. The policy does give the city the opportunity for random drug testing on any employee who holds a CDL and is required to have it for their job. Accidents or injuries will require testing. Policy is very in-depth to set out expectations and consequences for all employees. City staff requested council members to take time to review it and get any questions or comments to city administrator before November council meeting.

#### Agenda #13 Revised temporary permit for beer garden (extended time)

Same permit as approved at September council meeting, requesting time extension from noon – 8:00pm instead of noon – 6:00pm.

Motion by Jury to approve the revised temporary permit for beer garden from noon – 8:00pm, 2<sup>nd</sup> Thornton, Vote: yes, unanimous (4-0). Motion carried.

#### Agenda #14 Ty Prosser w/ Ashley’s Childcare & Tavern Boutique and Tanning – citizen complaint

Prosser began by thanking the city council for everything they do. He then advised he has made numerous attempts to work out issues with city staff, but he is not satisfied with the outcome. He is now bringing his concerns to the city council. He stated three main concerns:

1. Charges that were incurred when he requested additional (3 phase) power to his buildings
2. Breakdown of utility bill and high usage charges after new meter was put in
3. Stolen parking signs from Ashley’s Childcare

City staff was asked about addressing the concerns presented by Prosser. Acknowledgement of conversations was made, and decisions were made that led to power being shut off as well as parking signs being removed. Council requested city staff work with Prosser and electrician to make sure that everything was done correctly, and nothing was misread on the three meters that

Prosser is running electricity through. Concern of a potential clerical error was noted and to double check charges on the account of high power usage.

#### Agenda #15 Reports

##### **City Administrator**

- Public works continues to work to get addition asphalt patches done
- Great turnout for 5<sup>th</sup> Quarter at the golf course, moving location because it isn't big enough for the turnout they had
- City staff is working on a grant application for a community garden

#### Agenda #16 Adjournment

Motion by Sparks to adjourn, 2<sup>nd</sup> Jury, Vote: yes, unanimous. Motion carried (4-0).