

February 8, 2023

The scheduled monthly meeting of the Chapman City Council was held Wednesday, February 8, 2023, at City Hall at 7:00 pm. Mayor Howard Battishill was present. Councilmembers Dale Nelson, James Bell, and Mary Monasmith were present. Also in attendance were City Attorney Brad Jantz, City Administrator Bill Flanery, Director of Public Works Ed Wehrmeister, Assistant Director of Public Works Elizabeth Berg, Police Sergeant James Reynolds, Police Officer Brian Pryor, Golf Superintendent Austin Murphy, Director of Parks and Recreation Victoria Heller, Christy Loy, and Jeffrey Wenger.

#2 Consent Agenda

Motion by Bell to approve the consent agenda as presented, 2nd by Monasmith, vote: yes, unanimous (3-0). Motion carried.

#3 Public Comments

Jeffrey Wenger stated the alleyway behind his house and his new building is really rough and there is a lot of mud. The alleyway is rough from Anderson Street to Marshall Avenue. There are mud and pot holes, and Mr. Wenger requested the city smooth it out. The trees on the property line at 131 E. 3rd Street are on the property line with the city maintenance building. A group of trees hangs over the city maintenance building and over the power lines. Mr. Wenger requested the city remove those trees. There is also a tree on the northwest corner of Mr. Wenger's property 131 E. 2nd Street that hangs over the power lines. Mr. Wenger requested the city remove that tree as well. Mr. Wenger stated he needs a driveway entrance to his new building on East 3rd Street. Mr. Wenger invited everyone to his new building on March 18th during the St. Patrick's Day festival. There will be a weather information event and Channel 12 and meteorologists from Topeka will be there. Mr. Wenger stated they will give away a weather station to one lucky winner.

#4 Appointment of Council President

Motion by Monasmith to appoint Jim Bell as the Council President, 2nd by Bell, vote: yes, unanimous (3-0). Motion carried.

#5 Presentation of 2021 Audit – April Swartz

The 2021 audit has not been completed. It should be completed and presented at the next council meeting.

#6 Ordinance 1040A – Floodplain Management

Ordinance 1040A is the same ordinance that was passed as Ordinance 1040 in 2021. Ordinance 1040 was not published in the newspaper at least 20 days before the council meeting approved it. As a result, the ordinance must be passed again. Again, the language in the ordinance has not changed. Passing Ordinance 1040A is meant to correct an administrative error that was a result of the original ordinance not being published in the paper 20 days before it was approved. The language in the floodplain ordinance is fairly standard. FEMA and the National Flood Insurance Program (NFIP) send basic language for the ordinance based on their requirements. Residents did not attend the meeting or express concerns when the original ordinance was approved in 2021. Some residents may confuse the approval of the ordinance with the approval of the new floodplain map. Those are two separate issues. The current floodplain map is under revision and is in the appeal stage. The city does not approve the floodplain map.

Motion by Nelson to approve Ordinance 1040A – Floodplain Management, 2nd by Bell. Vote: yes, unanimous (3-0). Motion carried.

February 8, 2023

#7 Resolution 02082023 – Show Cause Hearing for Unsafe Structure at 232 E. 1st. St.

Resolution 02082023 addresses the Gaither property at 232 E. 1st Street. A previous resolution was passed to set a show cause date for this property, but the city did not receive the Owner's and Encumbrances report in time to publish it in the paper. Resolution 02082023 starts the process over and will set the show cause hearing for April.

Motion by Bell to approve Resolution 02082023 – Show Cause for Unsafe Structure at 232 E. 1st St., 2nd by Nelson. Vote: yes, unanimous (3-0). Motion carried.

#8 Resolution 02082023B – Resolution of Support for Housing Application

John Childs plans to build a couple of houses on St. Patrick's Drive. He is applying for a state tax credit. To qualify for the state tax credit, he must receive a resolution of support from the city. The resolution of support acknowledges that the city has a need for housing. The city is not required to provide any of the funding for the construction. The resolution simply assists the builder with a tax credit from the state.

Motion by Bell to approve Resolution 02082023B – Resolution of Support for Housing Application, 2nd by Nelson. Vote: yes, unanimous (3-0). Motion carried.

Councilmember Tim Jury arrived for the meeting.

#9 Liquor License Renewal for American Legion

Motion by Bell to approve renewal of the liquor license for the American Legion, 2nd by Monasmith. Vote: yes, unanimous (4-0). Motion carried.

#10 Appointment of Wesley Phillips to KMEA Board of Directors

Wesley Phillips was previously appointed to the KMEA Board of Directors, but his appointment expires in April. The city is required to have two members of the Board of Directors and an alternate. Bill Flanery and Wesley Phillips are the primary members and Councilmember Jury is the alternate. The members of the KMEA Board of Directors meet monthly with KMEA and vote on issues that impact members of KMEA.

Motion by Bell to appoint Wesley Phillips to the KMEA Board of Directors, 2nd by Nelson. Vote: yes, unanimous (4-0). Motion carried.

#11 Road Closure – Marshall Street from 4th to 5th Street on 18 March 2023 (0900 – 1600) for St. Patrick's Day Celebration

Several local businesses have planned an event on 18 March to celebrate St. Patrick's Day. They plan to have vendors, a small petting zoo, a golf tournament, and bouncy houses. They plan to have more food vendors than previous events. The vendors will be set up on Marshall Street and the food vendors will be located between 5th and 6th Street. They will also have a parade, but roads will not be closed. The police department will assist with traffic control. The parade route will be the same as the Labor Day parade. Kansas Coffee and Ice Cream would like to have a beer garden for the event. The council was in favor of closing the road on March 18th and approving a beer garden for Kansas Coffee and Ice Cream. Resolutions for each will be brought up at the next city council meeting. No action was taken at this time.

February 8, 2023

#12 Lead and Copper Testing – Liz Berg

The lead and copper rule was originally passed in 1991 and established a maximum contaminate level for lead and copper in drinking water. The city's policy on lead pipes is to replace them when they are encountered. The point of the new provisions is to ensure that our drinking water is safe. The new provisions will identify the city's most impacted areas, strengthen treatment requirements, replace lead service lines, increase drinking water sample reliability, improve risk communication to consumers, and better protect our children. The new provisions require the city to inventory lead and copper lines in the city and identify the highest impacted areas. Tests for lead and copper are typically conducted every three to five years. The city tests twice a year due to our levels of copper. The city tests more often and our levels are okay. For the new inventory, each service address will have 26 points of data entry into a database. The database must be available to the public at any time. The inventory requires information from the city's side of the main and the resident's side. The city is generally only responsible for the line up to the meter. For this inventory, we must know what is on the resident's side of the meter and there can be no lead lines. The city has applied for polyphosphate to be injected into our water system which assists with corrosion control and prevents particles from getting into the water system. To be considered in compliance with the new provisions, the entire service line cannot contain any lead. The entire service line includes the lines that lead all the way to the house. The city cannot force a resident to replace a line on their side of the meter. If a resident refuses to replace a lead line on their side of the meter, the city will be considered out of compliance with the new provision and the city could be fined. This is happening to cities across the state. KRWA is doing an incredible job of getting everyone involved. The city has seven years to replace all lead lines. There are 46 residents that are considered good candidates to have their water tested. The city currently must get one liter of water from each resident that is tested. Under the new provision, the city would be required to get two liters from each resident. The city is responsible for paying all the lab fees. The city does not have a problem with lead in the drinking water. The city tests the water in the schools, but the city will be required to test every state registered day care facility within the city. The inventory will take a very long time. The city is not aware of any lead pipes that are currently in service. Any galvanized or copper line that is downstream from a lead line is considered a lead line.

#13 Indian Hills Golf Course Maintenance Shop – Austin Murphy

The current storage for member's golf carts is full. The idea is to turn the back-half of the current maintenance shop to additional member storage and use the front-half for storing city owned golf carts. A septic tank is not needed for the new maintenance shed. The new maintenance shed will provide more storage and get the current golf carts out of the basement of the clubhouse. People are using up to 25-30 golf carts every weekend and the staff must go downstairs to get each one of those out for people. The space in the basement of the clubhouse can be used for organized storage for the recreation department. The equipment for parks and recreation is currently stored in the shed at the ballpark but it is not organized in any way. The new building would be used for maintenance and storage of mowers. The current maintenance shop will be used to store the golf carts. Paying for the maintenance shop could be budgeted for in the next couple of years, or funds recently received from FEMA that were placed in the capital improvement fund could be used. The city received \$237,000 from FEMA for a claim that was submitted for the old sewer plant. The city spent \$75,000 of that on the Evergy pole replacement project last year. There is approximately \$167,000 remaining of the FEMA funds that were placed in the capital improvement fund. The council could approve spending the funds for the maintenance shop now and then replace the money in the capital improvement funds when budgeting for next year. Councilmember Monasmith stated she would rather spend the additional FEMA funds to pay off existing debt.

February 8, 2023

Councilmember Jury stated the golf course was one of the few things that make money for the city and the golf carts generate revenue. The golf course needs a facility with a restroom, and it has been put off for several years. The golf course brings a lot of people to town, and they spend money while they are here. Councilmember Nelson stated that most people want a golf course, and it is good for community quality of life. The new maintenance shop would bring in additional revenue for golf cart storage and reduce expenses.

Motion by Nelson to approve building the maintenance shop for the golf course this year using up to \$75,000 of capital improvement funds and budgeting for replacing those funds in the upcoming budget, 2nd by Jury. Vote: yes, Jury and Nelson vote in favor of motion, Bell and Monasmith vote against. Mayor Battishill exercised the tiebreaker vote and voted in favor of the motion (3-2). Motion carried.

#14 Fitness Center Expenditures

Internet and expanded cable services at the Fitness Center have been disconnected. Basic cable is still available to members of the Fitness Center. Discontinuing the internet and expanded cable saved the city approximately \$140.00 a month. Victoria Heller will put together some suggestions on other possible uses of the fitness center and present them to the council at a later date. There are currently only eight residents that pay for the use of the fitness center. No action taken.

#15 Part-Time Employee Benefits

The Treasurer and Utility Clerk are considered permanent part-time positions. Both work about 30 hours per week and do not receive any benefits. One of the employees recently missed work due to illness and it coincided with a holiday. The employee's check was much less than usual due to unpaid time off for illness and the holiday. City Administrator Bill Flanery requested the council approve six hours of holiday pay, six hours a month of sick pay, and 3.33 hours a month of vacation pay for permanent part-time employees. Councilmember Bell recommended four hours a month of sick pay instead of six hours.

Motion by Bell to approve providing permanent part-time employees six hours for each observed holiday, four hours per month of sick leave, and 3.33 hours per month of vacation. Upon termination of employment, vacation and sick leave will be paid out in accordance with the current policy of full pay for accrued vacation and \$2.00 for each hour of accrued sick leave. 2nd by Monasmith. Vote: yes, unanimous (4-0). Motion carried.

#16 Discussion on Remainder of FEMA Funds

The city received \$237,000 from FEMA for a claim for the old sewer plant. The funds were placed in the capital improvement fund and the city spent \$75,000 of those funds for the Evergy pole replacement project. Evergy replaced 18 utility poles and the city's transmission lines and other utilities had to be moved. Councilmember Monasmith stated she wanted the remaining funds to be applied to the city's debt. Councilmember Nelson said he would like to see the budget before making a determination. Councilmember Jury stated he liked the additional funds remaining in the capital improvement fund. Having the money in the capital improvement fund provides a nest egg and is available in case of emergencies.

#17 Committee Assignments

In June of 2019, the city council voted to dissolve the Economic Development Committee (EDC). There was never a vote to actually bring the EDC back. Councilmember Nelson stated he believed the city needs an EDC. City Administrator Flanery stated he was not in favor of bringing back the EDC for event

February 8, 2023

planning purposes. Part of the EDC's mission relates to event planning. Mr. Flanery recommended the EDC's mission statement be modified and focused on community development and bringing small businesses to Chapman. Responsibilities relating to event planning should be removed from the mission statement. Councilmember Nelson recommended he meet with the current members of the EDC and work with them to establish a new mission statement. City Attorney Brad Jantz stated the city would need to create and pass a resolution that reconstitutes the EDC and amendments could be made to the purpose of the EDC. Several of the current committees have overlapping responsibilities that need to be addressed. Councilmember Jury was appointed to the Chapman Historical Preservation Committee. Councilmember Bell was appointed to the Parks and Recreation Advisory Board. Councilmember Monasmith was appointed to the Public Housing Committee. Councilmember Nelson was appointed to the EDC and the Zoning and Planning Committee. Councilmember Coyner was appointed to the Tree Committee. The Zoning Appeals Committee will be combined with the Zoning and Planning Committee. Councilmember Nelson was appointed to the Dickinson County EDC. The committee list will be added to the agenda for March.

Motion by Jury to change agenda item 18 to item 19a.

#18 – Reports

Director of Parks and Recreation Victoria Heller

Youth soccer starts on April 1st. Hiring will begin soon for various positions (soccer refs, ballfield maintenance, lifeguards, and sports supervisor). Many lifeguards will be returning from last year. There will be a job fair with open interviews in a couple of weeks.

Police Sergeant James Reynolds

The city has a new police officer, Brian Pryor. Brian worked at the Dickinson County Sheriff's Office and lives in Chapman. Officer Pryor introduced himself to the council. The police department will begin operation Click it or Ticket at the end of the month. It is a statewide initiative to encourage everyone to wear their seatbelt. The police department will also restart Operation Brain Freeze which rewards individuals for doing the right thing. A citation will be issued to individuals the police department observes doing the right thing. The citation will provide a free ice cream from Kansas Coffee and Ice Cream to the individual. The police department will participate in the upcoming St. Patrick's Day celebration with a Cops and Rodder's event. The police department has invited several law enforcement agencies from the area to participate.

Director of Public Works Ed Wehrmeister

The lights donated by the Root family are being installed in Sheeran Park. They should be set on Monday. Lot of work is being done on the lead and copper inventory. The city passed the recent nitrate testing. The city continues to replace water meters with radio read meters. The lagoon will need to be drug in a few years and the city should start budgeting for that project this year. Wesley Phillips is in the KMU lineman apprenticeship program. Chass Clark is waste water certified and is working on his water certification.

Golf Superintendent Austin Murphy

Things are going well at the golf course. All of the mowers and equipment have been serviced and are ready for spring. The golf carts have been serviced. There will be a golf tournament in conjunction with the St. Patrick's Day celebration. All the irrigation heads have a filter that needs to be replaced.

February 8, 2023

#19A – City Administrator Position

Motion by Nelson to recess the council into executive session to discuss the city administrator position pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The executive session will include the Council and the City Attorney, 2nd by Jury, vote: yes, unanimous (4-0). Motion carried. The open meeting will resume in the city council chambers at 9:15 p.m.

The open meeting resumed at 9:15 p.m. No action was taken by the council during the executive session.

Motion by Bell to recess the council into executive session to discuss the city administrator position pursuant to the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). The executive session will include Council, City Attorney, and City Administrator, 2nd by Jury, vote: yes, unanimous (4-0). Motion carried. The open meeting will resume in the city council chambers at 9:30 p.m.

The open meeting resumed at 9:30 p.m. No action was taken by the council during the executive session.

City Administrator Bill Flanery

The show cause hearing for Neal Wheatley's property at 214 E. 5th Street is scheduled for March 8th at 6:00 p.m. The trailer on 118 Noble Street will be added to the agenda after the city receives the Owner's and Encumbrances report. The show cause hearing for the property at 232 E. 1st should be on the agenda for April. Matthew Scott from ChargePoint will attend the council meeting in April to discuss the possibility of bringing electric vehicle charging stations to Chapman. The abatement of the old grocery store is complete. The council will need to determine how to proceed with the property. A resident requested the city reimburse a bill for a plumber that was called out when the residence had a sewer back-up. The main line servicing the house was re-lined and scoped last year so the blockage was not in the main. Recommendation is that the city does not reimburse the resident for the plumber.

#20 Adjournment

Motion by Bell to adjourn, 2nd by Nelson, vote: yes, unanimous (4-0). Motion carried.

Howard Battishill, Mayor

ATTEST:

Bill Flanery, City Clerk