

MAYOR  
Anthony DaPrato

**CITY OF CARBONDALE, KANSAS**  
**OFFICE OF THE**  
**CITY COUNCIL**

PRESIDENT  
Kevin Seals

COUNCIL  
~~Cheryl Lister~~  
Chad Moore  
Kaitlyn Ball  
Ronald Moeller



ATTORNEY  
Tom Barnes II

**CITY COUNCIL MEETING**

Date: September 15, 2025

Time: 7:00pm

Location: City Council Room, City Hall

EMPLOYEES  
Emily Bessette  
Dustin Bretsnyder  
Shannon Seals

**Call to Order**

The meeting was called to order at 7:00pm by Mayor Anthony DaPrato.

**Minutes**

Motion by K. Seals to approve meeting minutes from August 18<sup>th</sup>, 2025, 2<sup>nd</sup> by Moeller, Moore abstained motion carried.

No meeting was held on September 2<sup>nd</sup>, 2025, due to no quorum.

**Judy Shively**

Judy Shively would like to put a plaque on the gazebo memorial at the City Park stating who created the memorial. Consensus to allow Shively to add a plaque to the gazebo stating it was created by JC Shively, Tilman Coffee and Duane Shively.

**Lions Club**

The Fall Festival is two weeks away. Notices will be hung on tenant's doors by the City stating there is to be no parking on Main Street and the side streets for the street closures.

The grass at the park where the cornhole tournament is taking place needs to be mowed short.

On October 18, 2025, The Lion's Club is hosting a park cleanup day at 11:00am. They will be serving hot dogs, chips and water.

A survey was completed and is leaning towards having Trunk-or-Treat October 26<sup>th</sup>.

Christmas in Carbondale is scheduled for December 7<sup>th</sup>, 2025, no road closures will be needed.

Lions Club has placed an ad in the Osage County Herald for Fall Festival. Motion by K. Seals for the City to run the ad an extra week in color in the amount of \$214.40, 2<sup>nd</sup> by Moeller, motion carried.

Discussion on Emily Gorman having a beer/alcohol garden at Fall Festival. The garden will be fenced in. She will serve beer as well as alcohol shots. Motion by K. Seals to approve Emily Gorman's special CMB/Liquor license for Fall Festival 2025, 2<sup>nd</sup> by Ball, motion carried.

### **Food Trucks**

Heather Garrison explained that the library began hosting "First Fridays" with music and art, but attendance was mostly musicians' family members. Since then, they have centered mostly around food trucks. She was curious if something happened that prompted the fee. It was explained that policies and ordinances need to be followed. Garrison noted the library typically hosts six food trucks per year and questioned why they were not exempt. It was pointed out that Farmers Market and Fall Festival vendors may be exempt by ordinance depending on what they are selling. Councilmember Ball expressed concern that enforcing the ordinance as it is written might discourage food trucks from participating. Carbondale is one of the only cities not currently charging them. Ball felt First Friday should be considered an event or festival and therefore exempt.

City Attorney Barnes read the ordinance and clarified that unless amended, all food trucks are required to obtain a license. He explained the fee is minimal and is intended to cover administrative costs, protect local businesses, and allow the City to track vendors. He emphasized that the requirement is not about revenue, but oversight.

Barnes explained that everyone's code is different and unless the code changes you have to adhere to what the code provides, and the code provides that a license is required. The cost is not a lot. By having the ordinance, it controls how the City knows who is coming into town. An example made was when there was a storm, you would get a swarm of people coming in wanting to make repairs and the attorney generals had to weigh in on it. He explained the fee is minimal and is intended to cover administrative costs, protect local businesses, allow the City to track vendors and to know who is coming into town.

Garrison said that could be done with them filling out an application. It is current ordinance that they do fill out an application and that has not been followed. There was discussion on where they would set up and it was explained it is a food trucks responsibility to find a location to set up. There are other locations in town that allow vendors to set up, it is not the responsibility of the City to find a location for a vendor. For example, Garrison can tell

them no they cannot set up in the library parking lot when she doesn't want them there. She stated First Fridays were fun while it lasted.

Citizen John Ryan had concerns that the Farmers Market was selling prepared food. Garrison wanted to know if a food truck could be set up at the Farmers Market for free. The farmers market should be selling produce. Other businesses spoke up that they are required to pay fees when they are set up in Carbondale or other towns. It is a very common practice that if you are going to sell there it is going to become a kind of vendor/booth fee.

K. Seals pointed out that Carbondale's fee (\$30 per event or \$100 per year) is far less than neighboring cities when the food trucks come from, like Lawrence or Topeka. Moore noted that some food trucks leave without paying when asked for donations. When asked by Ryan, business owner Emily Gorman added that as a business owner she is required to pay and listed all fees she has to pay to operate her business and one of them is \$600 city license and is going to pay an additional fee for a liquor license to sell at the Fall Festival.

Moeller went back to the topic of it being the cost not the permit. Currently they are not completing an application or paying the fee. Garrison stated that the food trucks would be okay with paying her the event scheduler, but they would not be okay with paying the City because the library is doing all the work. Ryan said he disagreed with requiring food trucks to pay, but others emphasized the fee offsets administrative costs and includes a background check for safety.

Gorman asked if First Friday could be classified as a festival to qualify for exemption. Mayor DaPrato asked if that would require an ordinance change. Barnes confirmed it would, suggesting First Friday could be reframed as a Library program — such as a reading incentive — to align with allowable exemptions. He cautioned that promoting food trucks alone does not fit the Library's mission.

K. Seals stated it was not to penalize anybody. These things were discovered while doing an audit of policy and ordinance and they need to be enforced. If it needs to be changed it can always be changed.

Barnes read " 5-207.

LICENSE FEE; TIME LIMITS; EXEMPTIONS. (a)

Except as provided in subsection (c), the fee for the license required pursuant to section 5-202 shall be in the amount of \$5 per each day, or portion thereof, that the licensee shall operate within the city limits. In no event, however, shall fees in excess of \$30 be collected from a licensee during any six-month period of time.

(b) Any such license granted upon application as required hereinabove shall be limited to and effective only on the days set out in the license. Solicitation or sales by any peddler, solicitor or canvasser shall be conducted only between the

hours of 9:00 a.m. and 7:00 p.m.

(c) Persons and firms not having a permanently established place of business in the city, but having a permanently established house-to-house or wholesale business shall receive a license as required by section 5-202 upon the payment of \$60 for any year, and may make solicitations or sales only between the hours of 9:00 a.m. and 7:00 p.m., or upon invitation at any hour.

(d) No license fee shall be required of: (1) any person selling products of the farm or orchard actually produced by the seller; (2) any businesses, trades or occupations which are part of fairs or celebrations sponsored by the city or any other governmental subdivision, or the state, or when part of all of the expenses of the fairs or celebrations are paid for by the city, any other governmental subdivision, or the state; and (3) any not-for-profit or charitable organization as determined by the governing body.

(K.S.A. 12-1617; Code 2014)”

The library is its own governing body, on its own budget, public entity. Barnes stated maybe under #2 but it is a stretch discussed such as celebrating there is somewhere in town to eat, the first Friday of the month, ect. Barnes asked if it brough traffic into the library and in the end the answer was no because the library was closed. Garrison did state that most of the food trucks sell out where Barnes replied, the problem is they are not paying sales tax. Farmers market was brought back up and discussion needs to happen with the Farmers Market. Ryan expressed his concern that he felt they shouldn't be exempt when the food trucks are having to pay per the current ordinance. The Farmer's Market does fall under the Lion's Club which is nontaxable. Moore felt that the vendors at the Farmer's Market made a donation to the Lion's Club but he was not sure and could not speak accurately on it.

Barnes stated that the language is loose in the ordinance, and he appreciates what Garrison is doing but it should be the vendors in the council meeting speaking on why they feel they should not be paying a fee. Garrison stated there just will not be food trucks any longer. Barnes made the suggestion of not calling it First Friday Food Trucks and calling it First Friday Reading Incentive. People can come in and show what books they have read. The library doesn't have to be open but try to tie it into an activity to the library. Just promoting food trucks is not the thing that libraries should be doing. While they are at the library showing how many books they have read and checking out new books then it would be “hey don't forget to stop and check out the food trucks”. Barnes stated it is a big exception and not making them pay retailer fees like everybody else has to.

Moore asked Garrison if she could send letters out to her food trucks about what had been discussed and to get their input. Garrison stated, “Sure, with Halloween contest, Fall Festival and Christmas in Carbondale coming up she could find some time.” Moore

responded that those were all Lions Club events where Garrison stated then the Lions Club could host a Frist Friday Food truck. Barnes responded to her that it really bothers him that she is in the council room fighting for someone who is not paying fees or remitting sales tax when local businesses who are having to do both. Exceptions can always be made but doesn't mean they are right.

Mayor DaPrato confirmed with attorney and no actions taken.

### **Park Lighting**

Modifications had to be made to the park lighting. Motion by K. Seals not to exceed \$5,000 in corrections to the park lighting, 2<sup>nd</sup> by Moeller, motion carried.

The dog park needs to be weed-eated.

Buried Past consulting for the development of the City Park was discussed. Motion by K. Seals not to exceed \$2,470 for the buried past consulting, 2<sup>nd</sup> by Moeller, discussion on the Jones Foundation money, motion carried.

### **Zoning**

Motion by K. Seals to approve The Baldwin's zoning permit, 2<sup>nd</sup> by Ball, motion carried.

Motion by K. Seals to approve The Wall's fence permit, 2<sup>nd</sup> by Moeller, motion carried.

### **Police**

The police presented an activity report.

Clarification on the new pay scale and whether the part-time position could remain until new officer's complete academy. Consensus to keep Officer McNary on until the new officers are out of academy.

Motion by Ball to post the old maintenance truck, Tahoe and any additional parts on Purplewave, 2<sup>nd</sup> by Moeller, motion carried. Chief Seals would like to use earnings to purchase new weapons. She stated their guns are 20 years old and the night sites are out. There are some weapons in evidence that need to be sold and destroyed.

Officer Coyle has two weeks left of academy. He will be working on his own by the end of October.

One officer starts academy on October 23rd, 2025 and the other November 3rd, 2025.

### **Executive Session**

Interviewee was no call, no show. Ball mentioned she heard he was in the hospital.

## **Maintenance**

The City Office reached out to different companies about the City Halls foundation. Only one company was interested in completing the whole job. Motion by K. Seals to hire Foundation and Masonry Specialist at the rate of \$23,500, paying half of the payment up front, 2<sup>nd</sup> by Moeller, motion carried.

Discussion on renewal of HACH for the water plant. Motion by K. Seals to renew the HACH contract for the water plant in the amount of \$19,490 out of the water improvement fund, 2<sup>nd</sup> by Moeller, motion carried.

The damaged dock floats need to be replaced when the dock is moved. Motion by Ball to purchase two dock floats from Home Depot in the amount of \$659.12, 2<sup>nd</sup> by K. Seals, motion carried.

The repair to the carbon auger is working great. They are still waiting for the new one to come in. Once it arrives, they will swap augers and keep the repaired one as a backup.

They have been working on Kansas Ave filling in holes and doing some drainage work. There is money budgeted for 2026 to repair Kansas once they have the moisture away from the roadway.

Construction will begin on West North on the 22<sup>nd</sup> or 23<sup>rd</sup> of September.

Lawrence Street has some large potholes that need to be gutted out, milling may work to fill them, but asphalt may be needed.

The new trailer should be arriving in the next few weeks. The old trailer broke in half and welded back together. It can only be used to haul mowers.

Measurements have been taken and sent to RDR to complete the water pipes coming into town. The council would like to know the cost of materials and what RDR would cost. To date the office has not got a bid back from RDR but will reach out again.

There was discussion on the dam at Strowbridge. There was a lost email that Abby Mills did not receive.

## **Dog Tags**

City Office would like to partner with the police department and Carbondale Vet Clinic to put on a microchip clinic and do away with City tags for any microchipped dog. A chip reader was presented to the council that reads all chips. Motion by Moore to purchase a chip reader for \$379.95 from Valley Vet Supply, 2<sup>nd</sup> by K. Seals, motion carried. More information will be gathered on hosting a chip clinic and brought back to council.

### **SFT Yearbook Ad**

Motion by K. Seals for a one-unit ad in the Charger yearbook, 2<sup>nd</sup> by Ball, motion carried.

### **Email**

K. Seals talked about the option of switching to Gmail for email services. The City's email has not been working most of last week, consensus to switch to Gmail. There was discussion on purchasing addition laptops through Kansas Surplus for council members.

### **Off Agenda Items**

The codification has been completed and awaiting council approval. Motion by K. Seals to adopt the 2025 codification with the modifications of suggestions from Barnes to Larry Kleeman with Ransom Financial Group, 2<sup>nd</sup> by Moeller, motion carried.

Discussion on the ditches at Dollar General not being mowed. There are also areas at the new development that need to be brush hogged.

### **Extension Request**

Motion by Moore to approve all extension requests, 2<sup>nd</sup> by K. Seals, motion carried.

### **Bills**

Motion by K. Seals that they looked at the bills, 2<sup>nd</sup> by Ball, motion carried.

### **Adjourn**

Motion to adjourn by K. Seals, 2<sup>nd</sup> by Ball, motion carried at 9:03pm.