

Council Meeting 09/16/2024

Minutes taken by Emily Bessette, City Clerk

Meeting Time: 7:00 PM

Presiding Officer: Mayor Anthony DaPrato

Council Present: Kaitlyn Ball, Kevin Seals, Ronald Moeller, Chad Moore

Council Absent: Cheryl Lister

Attorney Barnes: Present

Employees: Shannon Seals, Emily Bessette, Jonathan Clark, Ashley Madden

Visitors: Per Registry

Call to Order

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

Approval of the minutes

Motion by K. Seals to approve meeting minutes from August 19, 2024 with the correction of changing AC Until to AC unit, 2nd by Ball, motion carried.

Motion by K. Seals to approve Budget Meeting minutes from August 19, 2024, 2nd by Moore, motion carried.

Motion by K. Seals to approve meeting minutes from September 3, 2024 with correction of "They are looking into a twelve-foot section to East Lake dock" instead of adding, 2nd by Ball, Moore abstained, motion carried.

Gorman Co LLC

Emily Gorman needs to renew her permit for Carbondale Liquor. She pays occupational tax biennial. Ordinance 130 states the amount due. Her permit will run October 2, 2024 to October 1, 2026. Motion by Seals to approve Gorman's Retail Sales of Alcoholic Liquors State License # 11427 in contingent of her paying the license fee per ordinant, 2nd by Ball, motion carried.

Maintenance

Tractor is back and running.

Dustin's truck is fixed and out of the shop from having brake line repaired.

Parts are in for the skid steerer.

Street work has begun with Killough Construction.

Dustin is working on street patches. Fourth Street Terrace is being milled out and packed. Discussion on patching Lawrence.

Zoning

Wegs LLC submitted a zoning permit to build an 8x8 shed for storage of dry goods. Discussion on sheds 8x8 or smaller does not need approval. Moore believes anything with a roof should need approved. Motion by Ball to approve Wegs LLC building permit, 2nd Seals, motion carried.

Down Home Auto would like to install a 6-foot privacy around the back side of the building. Discussion on visibility from the alley. Fence will go from the corner of the building back to the existing chain-link in the back. Moore discussed the original foundation of the building and Traphagen stated it (the fence) is basically where the original foundation was. Traphagen then explained the location of the fence as being on the inside of the sidewalk. Motion by Ball to allow Ashton Traphagen to put up a fence on the back side of Down Home Auto, 2nd by Moore, motion carried.

Occupancy Permits for newly constructed homes in the Tucker Subdivision. Sewer and Plumbing inspections have been completed. One of the homes closes in October. Everything has passed but a report has not been received. October 9th is the closing date. October 7th is the next council meeting. Occupancy permits could be issued next council meeting. Moore had questions about streetlights and sidewalks in the New Development. All the electric is underground.

Library

Heather was present for her quarterly report. Summer Reading program had 195 kids sign up. 106 turned in reading logs. 810 attendees of the Summer Reading Program. Cram the Cruiser helped 103 kids with school supplies. Trunk or Treat Halloween Contest will be the next event. Repairs are complete and no more birds. Tween Time had 24 kids the first week and 27 the past Wednesday.

Down Home Auto

Ashton Traphagen updated the council with his progress on his building. He stated there has been a lot of action at the shop. He has faced some family difficulties the past year. He hopes to have the outside of the building completed before Fall Festival. He will need to block off part of the sidewalk to repair the backside of the building. The flooring has arrived for the Café. He hopes to have the flooring and booths in by Fall Festival. The kitchen is completed minus some electrical. The bathroom needs a sewer line dug. He is pushing to open the Café by the end of 2024. Family issues has delayed the opening. Parking is always an issue. He is able to park cars on the east side of the street along Linda Seastrom's residence. Parallel parking is allowed on both sides of 3rd street, south of Main street. He has returned his parking to parallel parking. Anything on streets needs to be current on registration and operable. He mentioned overflow is on property up by the Vet Clinic off of Topeka Ave. He is having gravel hauled in. K. Seals asked about the truck bed on that lot with a mattress in it. Traphagen stated that scrapper guy hasn't picked up. He will have to make a load himself. Traphagen doesn't know where the mattress came from. He was asked about a car that is going into a ditch/tree line. Photo was shown to Traphagen and he stated the brake line blew the day before. Attorney Barnes questioned if he was running a salvage operation or impound and Traphagen stated that 90% of cars are overflow customer cars. Some are left behind and he has to go through the state taking a minimum of 60 to 90 days. The whole back row is leave behind abandoned cars. Attorney Barnes stated the problem is that they are inoperable or currently unregistered making them nuisance vehicles. They need to be screened. It was discussed that property is not zoned. Zoned or not it is city limits. Traphagen questioned type of fence and it just has to

be screened. Traphagen requested ordinance and clerk gave him a copy. Nuisance tires can lead to mosquitos. Traphagen stated they have illness and injuries in the family. Attorney Barnes explained he didn't know about his personal experiences and stated he is sorry but it is not an excuse and advised him to continue to make efforts to resolve these issues so that he didn't end up in municipal court. Attorney Barnes stated that regardless of the zoning the issue has to be resolved. It was mentioned there is a vehicle sitting on Main right now that isn't tagged. Mayor DaPrato asked if he had to require his customers tagged and insured. They have to follow ordinance if on the city streets. The customer can be ticketed for having it on the streets. It is a State of Kansas Law that vehicles on public streets have to be tagged and registered. Dealerships have to keep vehicles off public streets. He was advised it's not nitpicking; it's following laws. The council let Traphagen know that his improvements do look nice.

218 and 220 Main Street

Reports that mosquitos are bad around 220 Main. There is mosquitos are coming out of the broken window along with a foul smell. The door on 218 is propped open with no lock. There was discussion on condemning that building. There is procedure in City Code. Inspection of the property will need to be made and see if it is a nuisance property. The owner is given an opportunity to make changes or abate it. Last time Gleason's gave a report they had a structure engineer come out and they weren't to allow anyone in the building due to holes in the roof, damaged walls and water in the basement. If it were to collapse it could pull the walls in with it. Attorney Barnes needs all reports from compliance officers.

Justin Kreshel

Justin Kreshel requested to be on the agenda. Discussion on if it should be executive discussion. It is not executive discussion due to him no longer being personnel. He would like to discuss not being paid for some vacation time. Kreshel was paid out 55 hours of vacation time. Kreshel contacted office staff stating he was owed more. After investigation it appears he was over paid due to a clerical error back in January 2024. Employees can only carry over 40 hours of vacation time and he carried over more than that. He is also requesting to be paid out sick time which would be around 437 hours equaling roughly \$11,000. Regardless if it is resignation in lieu of termination or leaving on good standing sick time is not paid out. Kreshel had questions on rolling over 40 hours of vacation. He asked what was rolled over. He should have been paid out 24 hours and he was paid out 55 hours. Kreshel stated on an employee's 6th year anniversary employees are bumped up to four hours of vacation time. Regardless of that increase an employee can only carry over 40 hours from the previous year. Kreshel stated he wasn't aware at the time. He was informed that nobody knew the spreadsheet was incorrect. Kreshel questioned why his paystub showed he was receiving three hours of vacation and not four hours. Emily Bessette, City Clerk, explained that Quickbooks (payroll) and Excel do not sync together. Leave of time is based off of a spreadsheet and not Quickbooks. Kreshel again mentioned June of 2023 that his vacation should have been bumped up to four hours. Bessette again told him that is correct and that he was credited for four hours. He asked again why his paycheck didn't show that. Bessette explained that the spreadsheet is correct and that is what it is based off of. Kreshel asked again why his paystubs don't reflect that and Bessette told him that she has already explained that to him. Kreshel requested copies of the error. Bessette explained the spreadsheet doesn't have anything to show. Kreshel stated it was for the missed hours. Kreshel did not miss any hours. Only 40 hours of vacation can be carried over each year per policy. Kreshel confirmed the spreadsheet showed that he was getting four hours of accumulation for his vacation time. He again asked why his paystub wasn't correct and Bessette again stated that the two

programs do not sync together making it a clerical error. Kreshel was overpaid in vacation time due to a clerical error. Kreshel wanted to discuss sick pay. Policy does not pay out sick pay. Kreshel stated he technically was not terminated. Attorney Barnes read policy. Kreshel stated he was not terminated. Attorney Barnes explained termination voluntary or per cause by the city. Kreshel stated he was not terminated that he was asked to take a forced resignation or be fired. Kreshel mentioned his unemployment being denied due to resigning in lieu of termination. Kreshel asked why he wasn't just fired then instead of taking the resignation. Attorney asked Kreshel if he really wanted the answer in a public meeting. Kreshel replied What am I not allowed to ask a question. Barnes told him he can ask a question but does he really want that answer? Barnes stated he has something Kreshel might want to read. Barnes walked over to Kreshel and handed him a piece of paper and returned to his seat. Kreshel was given time to read it. After a short time Kreshel stated he read it and Barnes asked if he really wanted that part of public record. Kreshel stated he understands what he did was wrong. He is just trying to understand. It was explained that he is an officer of the law just like attorney Barnes and what he did could put him at jeopardy with KLETC. The city is trying to keep this private and give him the opportunity to resign which he did. Had he chosen not to resign the council would have had no way other than terminating him due to cause. He stated he doesn't understand why it couldn't have been a reprimanding that written up could have been possible. Barnes asked if he understood being charged with a misdemeanor will make him ineligible if convicted to be a law enforcement officer in the state of Kansas. Kreshel stated he does understand that. There is a state statute and the situation has been referred to the county attorney's office for investigation of charges. Kreshel again stated he took a forced resignation and he was not terminated. He received an unemployment letter that stated he voluntarily left his job. Barnes stated it was the same result because had he not resigned, he would have been let go for cause. That cause was that Kreshel violated criminal statute in the State of Kansas. Kreshel again stated the way it reads is not technically correct. Barnes stated termination can be all will or at cause. Mayor DaPrato asked if any actions needed to be taken and Barnes stated no further action.

City Park

Discussion on walking path being AB3 gravel. Light pole locations were discussed. Motion by Ball to add 18 light poles and lights to the north side of the park only, 2nd by Seals, motion carried. South end can be capped to add later.

Fall Fest

Washable chalk will be used to draw lines for vendors. Consensus to allow Lions Club to use washable chalk on streets and sidewalks. The city generator will not be needed by the band.

Community Garden

Community Garden is overgrown with weeds. Nobody planted or maintained it this summer. Motion by Moore to have the community garden boxes removed, 2nd by Ball, motion carried. Boxes can be donated.

Nextbill Pay and Jayhawk update

Nextbill Pay is compatible with Jayhawk. With these upgrades citizens would be able to see amount that is due and pay with several different forms of payment. Nextbill pay has no annual fees. K. Seals had questions on if it was cloud based. Table until next meeting.

Police

They have had 23 applications. Chief Seals will set up interviews.

Fall theme this year will be Cops and Goblins starting October 1st.

There is a nuisance hole in front of the apartments on Main street. There is also damaged side walk between Main Street Bargains and the carwash. Business owners are responsible for sidewalks. Notice to abate to be given. Councilman Moore is willing to help on his own time with repairs.

Utility account information can be shared with the police department to contact individuals for code violations.

Claude Duncan needs to come to next council meeting for an update on house at 1st and David.

Notes and FYI

No discussion

Motion to approve extension request

Motion by K. Seals to approve all extension request, 2nd by Ball, motion carried.

Motion for looking at bills

Question on Stumbo Hanson bill on number of hours billed. There is a correction to that bill for 2.6 hours.

Motion by K. Seals that council looked at the bills, 2nd by Ball, motion carried.

Motion to Adjourn

Motion to adjourn at 9:02pm by K. Seals, 2nd by Ball, motion carried.