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**CITY OF COLWICH, KANSAS
CITY ADMINISTRATIVE CENTER
310 S. 2ND STREET
REGULAR COUNCIL MEETING
MARCH 19, 2018
7:00 P.M.**

1. CALL TO ORDER

Mayor Terrence D. Spexarth on Monday, March 19, 2018 at 7:00 p.m. called the regular monthly meeting of the Colwich City Council to order.

ATTENDANCE

Present were Mayor Terrence D. Spexarth, Councilmembers Stephanie Guy, Pamela Winegarner, Robert Winter and Victoria Duling with Kevin Dorritie absent.

Staff members present were Corey Heck, Public Works Director, Mark Hinkle, Police Chief, T.J. Ohelmeier, Police Officer, Brad Banz, Fire Chief, Michael Rau, Firefighter, Katie Wetta, Deputy City Clerk and Diana Brooks, City Clerk.

PLEDGE OF ALLEGIANCE

Mayor Spexarth lead the audience, staff and Council in the Pledge of Allegiance. Mayor Spexarth introduced T.J. Ohelmier the newly hired police officer.

2. NOTICES AND COMMUNICATIONS

Ms. Diana K. Brooks, City Clerk read a thank you card from Terry and Donna Spexarth thanking the city for their donation to the memorial fund set up in memory of Adam Spexarth.

3. CITIZEN COMMENTS

There were no citizen comments.

4. PURCHASE REQUESTS AND ITEMS NEEDING COUNCIL ACTION

- A. Review of the request to uphold the recommendation of the Planning Commission and adopt Ordinance No. 703 approving the special use permit for an in-home day care for Alicia and Brian Whited at 510 Homestead Dr.

Mayor Spexarth called agenda item 4-A on Case No. SU-18-01 an application for a special use permit for an in-home day care as a home occupation at 510 Homestead Dr.

in the R-1 Single Family Residential District. He asked if any Councilmember intended to disqualify themselves due to a conflict of interest or having a particular bias on the case. No one disqualified themselves and the Mayor declared that a quorum of four was present for consideration of the case.

Mayor Spexarth asked the City Clerk if any protest petitions had been received. Ms. Brooks stated there were none. He asked the Council members if they had received the unapproved minutes of the Planning Commission meeting of February 27, 2018 which summarized the hearing and the Planning Commission's recommendation. Each Councilmember acknowledged that they had received a copy.

Mayor Spexarth questioned if Ms. Whited felt she received a fair and impartial hearing. Ms. Whited responded that she received a fair hearing. Mayor Spexarth questioned if there was any new information that should be brought to the Council's attention from the applicant or the public. Hearing none he asked Council if they had any questions for the applicant.

Councilwoman Duling and Councilwoman Guy questioned the number of children Ms. White was planning to care for and if she was going to be a state licensed day care. Ms. Whited stated at this time she would be caring for three children, may in the future care for more and would be apply for state licensing.

Mayor Spexarth called on Ms. Brooks as Zoning Administrator to give a report on the case and the Planning Commission's recommendation. Ms. Brooks stated that the applicant was requesting a special use permit for an in-home day care as a home occupation, that the Planning Commission heard the case and recommended approval of the application to the Governing Body.

Mayor Spexarth questioned if anyone from the public or the applicant wished to respond to the Zoning Administrator's report or provide any new information. Hearing none, Mayor Spexarth outlined the choices Council could make under state statutes.

Councilman Winter moved that the Council uphold the recommendation of the Planning Commission and adopt Ordinance No. 703 approving the special use permit for the establishment of an in-home day care for Alicia Whited at 510 Homestead Dr. Councilwoman Winegarner second the motion. Motion carried 4-0.

- B. Review of the request to uphold the recommendation of the Planning Commission and adopt Ordinance No. 704 amending the Comprehensive Plan

Ms. Diana K. Brooks, City Clerk stated that the Planning Commission at their February 27, 2018 meeting held a public hearing and forwarded a recommendation to approve the revised comprehensive plan to the Governing Body.

Councilwoman Guy moved that the Council uphold the recommendation of the Planning Commission and adopt Ordinance No. 704 amending the Comprehensive Plan. Councilman Winter second the motion. Motion carried 4-0.

- C. Review of the request to uphold the recommendation of the Planning Commission and adopt Ordinance No. 705 amending the Zoning Regulations pertaining to swimming pool regulations

Ms. Brooks stated that the Planning Commission at their February 27, 2018 meeting reviewed and recommended approval of revising the definition and inserting regulations as it pertains to swimming pools.

Councilwoman Duling moved that the Council uphold the recommendation of the Planning Commission and adopt Ordinance No. 705 amending the Zoning Regulations for the revised definition of the swimming pool and the inclusion of the regulations in the Zoning Regulations. Councilwoman Winegarner second the motion. Motion carried 4-0.

- D. Review of the bid documents for the rehabilitation of the water tower

Mayor Spexarth tabled this item to the April meeting due to the City Engineer's absence.

- E. Review of the request to approve the bid for IT services

Ms. Brooks stated that bids were taken for IT services in January with four companies responding. She reminded the Council that the city's policy was to take the best bid not the lowest bid. She requested that Council accept the bid from TK Fast for IT Services.

Councilwoman Winegarner moved that the Council approve the Mayor to sign the proposal from TK Fast in the amount of \$10,800 per year and \$360 per year for website hosting. Councilwoman Duling second the motion. Motion carried 4-0.

5. CONSENT AGENDA

- A. Approval of minutes of the February 19, 2018 Council meeting
- B. Approval of the minutes of the March 8, 2018 special Council meeting
- C. Approval of the Appropriations Ordinance Nos. 18-02-02 and 18-03-01
- D. Approval of the February financial reports
- E. Monthly purchase orders – if any
- F. Review of the 2018-2019 insurance renewal with EMC
- G. Approval of the fireworks permit for the Lions Club

Councilwoman Guy moved that the Council approve the consent agenda A-G as presented. Councilman Winter second the motion. Motion carried 4-0.

6. COMMITTEE REPORTS

A. Park Committee

Councilwoman Guy reported the concrete around the new playground equipment was installed at Veterans Park.

7. DEPARTMENT HEAD REPORTS

A. City Engineer – There was no report.

B. Fire – Brad Banz, Fire Chief, presented his last monthly report as he was retiring on March 31st. Mayor Spexarth thanked Chief Banz for his work and encouraged him to remain on the department as a volunteer.

C. Public Works – Mr. Corey Heck presented the monthly report. Ms. Brooks reported the February water loss was 33%. Mayor Spexarth presented estimates totaling approximately \$32,000 for the repair and concrete work necessary to bring the crossing up to standards. The Council requested the mayor to contact the Coop for input on possible cost sharing the project and return with their answer at the April meeting.

D. Police Department – Chief Mark Hinkle presented the monthly report.

E. City Attorney – Mr. Stanley Juhnke, City Attorney stated he nothing to report.

F. City Clerk – Ms. Diana K. Brooks, City Clerk stated she and the Deputy City Clerk would be at the clerk's conference March 21st through the 23rd and that Mary Ann Gegen would be in the office.

8. GOVERNING BODY COMMENTS

There were no governing body comments.

9. EXECUTIVE SESSION

Mayor Spexarth requested an executive session under K.S.A. 75-4319(b)(2) under attorney client privilege for possible litigation for a period of 20 minutes beginning at 7:40 p.m. with the open meeting resuming at 8:00 p.m. to include everyone at the table being the Mayor, Council, City Attorney and City Clerk.

Councilwoman Winegarner moved that the Council recess into executive session for a period of 20 minutes beginning at 7:40 p.m. to include everyone at the table being the Mayor, Council, City Attorney, and the City Clerk. Councilwoman Guy second the motion. Motion carried 4-0.

Councilwoman Guy moved that the Council move out of executive session at 8:00 p.m. Councilwoman Winegarner second the motion. Motion carried 4-0.

Councilwoman Guy moved that the Council move in to open session at 8:00 p.m. Councilwoman Winegarner second the motion. Motion carried 4-0.

Mayor Spexarth stated no binding action was taken.

10. ADJOURNMENT

There being no further business, Councilwoman Guy moved for adjournment at 8:00 p.m. Councilwoman Winegarner second the motion. Motion approved 4-0.

Respectfully submitted
Diana K. Brooks, City Clerk