

Regular Council Meeting  
December 12, 2016

1. **Mayor Scott Schultz called the meeting to order at 7:30 pm.** Present were Council Members Amanda Milne, Roger Jensen, and Bruce Swihart. Also present were City Attorney Mike Day, City Superintendent JR Landenberger, Police Chief Darrell Thomas, and City Clerk Lila Whitmore. Council members Paula Keller and Carla Lampe were absent.
2. **Minutes** from the November 28 meeting were distributed and read. It was moved by Amanda and seconded by Bruce to approve the minutes as presented. Motion passed.
3. **Consent Agenda** - It was moved by Bruce and seconded by Roger to approve the following items on the Consent Agenda: Permission for Clerk to pay insurance at time of billing; Permission for Clerk to pay utilities at time of billing; Permission for Clerk to pay utility incentives before the 25th of the month; Permission for Clerk to pay theater bills when due; Permission for Clerk to pay Payment Service Network bills when due. Motion passed.
4. **Visitors:** None
5. **Police Report:** **a)** Chief Thomas will be participating in an emergency preparedness activity on December 13 and has a meeting with USD 297 to assist in developing a Memorandum of Understanding to establish guidelines for reducing the referral of school-based behaviors to law enforcement or the juvenile justice system. **b)** Matt is scheduled to graduate from the Police Academy on February 17<sup>th</sup> and Chief Thomas expressed an interest in attending the ceremony. **c)** Chief Thomas showed the Council the new police department patches that were designed by Matt Grogan. **d)** Chief Thomas is working on finding a solution for abandoned and/or inoperable vehicles that are parked on city streets. He is trying to find an area towing company that would tow and store impounded vehicles. Council member Swihart asked how many vehicles are currently needing to be towed. Chief Thomas confirmed there were currently a couple parked on the streets and a few others that are not actually on the streets but need to be moved. Attorney Day recommended issuing citations. **e)** Chief Thomas requested 5 minutes of executive session for personnel. It was moved by Bruce and seconded by Amanda to accept and file the Police report. Motion passed.
6. **New Business:**
  - a. Attorney Day explained the purpose of **Charter Ordinance 2016-1** as it pertains to the new election laws. However, the required 2/3 members of the governing body were not present in order to vote. The ordinance needs to be passed before the beginning of 2017. Clerk Whitmore will contact all Council members and schedule a time for a special meeting in the next couple of weeks.
  - b. **Utility Incentive Application Form Review** - The Council agreed that the utility incentive application should be modified to include the applicant's Sales Tax ID (if applicable) and Employer Identification Number/Federal Tax ID or Social Security Number (if a sole proprietor).
  - c. It was moved by Bruce and seconded by Roger for the Mayor to sign the **Property Tax Exemption Request** for a vacant lot in the Industrial Park which William Farland deeded to the City on July 12, 2016. Motion passed.
7. **Old Business:**
  - a. **LED Sign** – There was no discussion but a request was made to leave this on the agenda for the next meeting.
  - b. **Property Cleanup** – One person is schedule to appear in court on December 21<sup>st</sup>.
  - c. **Pending Projects** – Clerk Whitmore pointed out that City Hall Safety and the Police Department Evidence Room have been added to the projects pending list. There was brief discussion regarding both and Chief Thomas indicated he will be looking into the cost for security cameras for the City Hall building. JR will review the agreement with Eagle Communications regarding the room that they have in the area being considered for an evidence room. Mayor Schultz and Council member Jensen will look into the possibility of adding a garage door to the back of the building.
8. **Public Building Commission Report** – There was nothing new to report. The next meeting of the PBC will be December 21.
9. **Building Permits** – It was moved by Bruce and seconded by Amanda to approve the following building permit pending JR's inspection: Dallas Walz – 202 E. Emerson, Garage. Motion passed.
10. **Theater Report** – It was moved by Amanda and seconded by Roger to authorize up to \$750 for the purchase of a laptop for the Theater. Motion passed. One employee has recently resigned and the Theater Board will

be advertising to fill the position. The Theater Board approved the Theater being open Friday December 23, but closed on December 24 and 25. Amanda requested 5 minutes of executive session for personnel. It was moved by Bruce and seconded Roger to accept and file the Theater report. Motion passed.

- 11. Superintendent Report – a)** JR indicated the water tower painting estimate from Cunningham was received. JR will be providing this information to our insurance company as this estimate and the previous estimate from McGuire Iron were both higher than the original insurance estimates. **b)** It was moved by Roger and seconded by Bruce to authorize repairs to the loader in the amount of \$7334.42. Motion passed. **c)** JR is still looking into the issue regarding the stop sign and the loading zone at the Good Samaritan Village. **d)** JR discussed his concerns about putting the weed control out for bids. He is still looking into it but does not believe it will be feasible. **d)** The City crew has been working on a water leak on Jackson street. It was moved by Bruce and seconded by Amanda to accept and file the Superintendent report. Motion passed.
- 12. Attorney Report – a)** Council Member Paula Keller will be resigning from the Council in January when she is sworn in as Magistrate Judge. The Council approved retaining Judge Robert Van Allen as the municipal judge through the end of May when new appointments will be made. This will help alleviate any conflicts with pending cases when Paula takes over as magistrate judge and will also allow time for Paula to become certified for the municipal judge position. **b)** The personnel manual is still being reviewed and updated by Attorney Day and Clerk Whitmore, in particular the section on Health Insurance. However, the following updated sections were presented to the Council for their review: Section 16: Work Related Injury; Section 18: Other Leave. It was moved by Amanda and seconded by Bruce to approve these sections. Motion passed. It was moved by Roger and seconded by Amanda to accept and file the Attorney report. Motion passed.
- 13. Clerk Report – a)** It was moved by Roger and second by Amanda to approve the renewal of the Cereal Malt Beverage Licenses for the following: Pizza Hut, Colorado Retail Ventures/Eagle Convenience Store, and Diamond R. Motion passed. **b)** It was moved by Amanda and seconded by Bruce to adopt the following personnel policies: Debit/Credit Card Policy, Telecommunications Policy, Travel Policy, and Safety Policy. Motion passed. **c)** There was considerable discussion about the Department of Labor Laws regarding overtime pay for travel when it involves overnight or extended stays away from home. Some of the data presented is conflicting and the laws are not clear. Attorney Day and Clerk Whitmore will clarify what the law defines as time worked with regards to overnight travel away from home and will bring this back to the Council at the next meeting. **d)** There was also discussion about the Department of Labor’s definition of Hours Worked with regards to overtime calculations. The current practice of the City has been to include sick leave, vacation leave, and holiday hours in total hours worked when determining overtime. The Council agreed that they would like this to continue. Clerk Whitmore will update the Personnel Policy to clearly define what “Hours Worked” means. **e)** The Council agreed to advertise for bids on the 1972 Fire Truck with a deadline of January 20 for bid submittal. Clerk Whitmore will submit an ad for publication in the St. Francis Herald. She will also investigate other places to post the advertisement to reach a broader audience. **f)** It was moved by Amanda and seconded by Bruce to authorize up to \$2500 to replace a compressor at the Cheyenne Theater. Motion passed. **g)** The City received an anonymous donation of \$20 for the roadside park campground from a hunter who stayed there and appreciated the facility. The police department also received a donation from an individual after responding to a fire alarm. The Council instructed Clerk Whitmore to return this donation with a thank you and an explanation that because the police department is a taxpayer service the City would not be able to accept donations to the police department. **h)** We received a 2<sup>nd</sup> payment from the Community Fisheries Assistance Program for \$257.50, for a total of \$1030 this year. **i)** Clerk Whitmore let the Council know that there may be some overtime in her office after Scott Houtman leaves in January as we pick up the extra work for the Accounts Payable for the plant and until such time as a replacement is found for Mr. Houtman’s position. It was moved by Roger and seconded by Amanda to accept and file the Clerk report. Motion passed.
- 14. Council comments: Amanda – none Roger –none Bruce – none**
- 15. Mayor Comments:** requested 5 minutes of executive session for personnel.

16. All bills on **Ordinance #997** were reviewed. It was moved by Roger and seconded by Bruce to approve the bills in the amount of \$215,428.74. Motion Passed.
17. **Executive Session:** At 9:05 it was moved by Roger and seconded by Amanda to adjourn to executive session for personnel. At 9:10 it was moved by Bruce and seconded by Amanda to come out of executive session. No decisions were made.
18. **Executive Session:** At 9:11 it was moved by Bruce and seconded by Roger to adjourn to executive session for personnel. At 9:16 it was moved by Bruce and seconded by Amanda to come out of executive session. The Council agreed that the Theater Board could make the decision regarding maternity leave for one of it's employees. Any leave granted would be without pay.
19. **Executive Session:** At 9:18 it was moved by Roger and seconded by Bruce to adjourn to executive session for personnel. At 9:23 it was moved by Bruce and seconded by Amanda to come out of executive session. No decisions were made.
20. **Adjournment:** A motion was made by Bruce and seconded by Roger to adjourn the meeting. Motion passed.

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City Clerk