

February 28, 2022

**CITY OF ERIE  
REGULAR COUNCIL MEETING  
February 14, 2022 at 6:00 P.M.  
Erie City Hall**

Present: Darrell Bauer Cindy Friedrich <sup>(absent)</sup> Tereasa DeMeritt Trenton Moore Steve Maher Kyle Buntin	Cindy Schoenhofer, Treasurer <sup>(absent)</sup> Tyler Seibel, Police Chief Melissa Stephens, City Clerk Jake Tromsness, Superintendent Seth Jones, City Attorney Cindy Garland, Store Manager <sup>(absent)</sup>
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**Guests:** Eddie Hibbs, David Semrad, Shirlene Mahurin

Mayor Darrell Bauer called the meeting to order at 6:00 P.M.

DeMeritt moved and Maher seconded to approve the consent agenda. Motion carried unanimously.

Upon motion by DeMeritt and a second by Friedrich, the agenda was unanimously closed.

David Semrad owner of Winexus Internet in Galesburg, Kansas discussed that he currently buys his internet from Cox Cable and resales it. He would like to rent space on the old water tower the city owns to put a transmitter on it to be able to supply internet to his customers in the surrounding towns.

Semrad provided a contract to the city attorney to review. Semrad would like to pay the City of Erie \$100.00 a month for the use of the water tower space. Semrad explained his transmitter on the tower would not interfere with any licensed frequencies because Winexus frequencies are unlicensed. Semrad requested no one be allowed to rent space on the tower that would interfere with his frequencies.

Semrad stated he would provide maintenance on equipment on the tower owned by the city, such as the AMI meters.

Semrad's contract is for two years. After the two years expires the contract would renew month to month. If the city no longer wants to rent space to Winexus, Semrad asked to be provided a three-month notice.

Eddie Hibbs, owner of the Erie Record asked if a citizen of Erie would like service with Winexus would they be able to. Semrad said that would not be an issue.

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The last request made by Semrad is he needs some type of power to be able to run his transmitter and asked the city if they would supply some type of power. Semrad said the cost would be less than \$3.00 a month, which he would pay for if required.

The council asked David Semrad to come back to the next council meeting and they would have an answer for him.

Maher moved and DeMeritt seconded to hold a 15-minute executive session for attorney client privilege. Motion carried unanimously.

The regular session recessed at 6:20 P.M.

The executive session convened at 6:20 P.M. with city clerk and attorney remaining.

The executive session adjourned at 6:35 P.M.

The regular session re-convened at 6:35 P.M. No action taken.

Maher moved and DeMeritt seconded to hold a 10-minute executive session for attorney client privilege. Motion carried unanimously.

The regular session recessed at 6:40 P.M.

The executive convened at 6:40 P.M. with the city clerk remaining.

The executive session adjourned at 6:50 P.M.

The regular session re-convened at 6:50 P.M. No action taken.

Shirlene Mahurin, previous owner of the Erie Market was present to discuss why a deduction was taken out of her check. The Mahurin's are to receive a check from the city for next ten years per the contract agreement. The Mahurins are to receive one-half percent of gross total sales from what the Erie Market earns each year.

Shirlene asked the city clerk why a deduction was taken from the total amount of the check. The city clerk said it was to cover cost of the lights and labor the city had to pay to repair lights in the cooler that had not been repaired by the previous owner. Shirlene disagreed and said she had hired Mark Nine to repair lights and she had the receipts to prove it. She said no one ever approached her or called her about any other lights needing repaired. Mahurin stated after Nine repaired the lights she considered everything was taken care of.

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Kyle Buntin told Shirlene he appreciated the Mahurins and the service they had provided to Erie. Buntin said he was not present at the Mahurins sold the store to the city, but he was aware that there were several lights that had not been fixed when the store was sold. Shirlene asked Buntin what he and the city wanted her to do about it now, it's been over a year. Mahurin replied if it was only a month or two after the store sold, I understand but it is over a year, I should not be responsible for fixing the lights in the cooler. Mahurin reiterated she had no idea those lights were not working, and no one ever said anything to us. Shirlene stated someone from the city should have called us and told us, but no one said anything to us.

DeMeritt moved and Maher seconded to hold a 10-minute executive session for attorney client privilege. Motion carried unanimously.

The regular session recessed at 7:00 P.M.

The executive session convened at 7:00 P.M. with city clerk and attorney remaining.

The executive session adjourned at 7:10 P.M.

The regular session re-convened at 7:10 P.M. with the following action. DeMeritt explained to Mahurin the city and the Mahurin's interpretation of the contract is different. The city feels the Mahurin's should have been responsible for the repairs to the lights in the cooler. DeMeritt also agreed someone from the city should have contacted the Mahurin's regarding the lights but appears that did not happen. DeMeritt moved, and Maher seconded to pay the Mahurin's the remaining \$602.44 and agreed too much time had passed to have the lights fixed. The motion carried unanimously.

Police Chief Tyler Seibel presented his list of monthly calls. Seibel said the dog clinic is March 12, 2022, from 9:00 A.M. to 11:30 A.M. at 618 East 2<sup>nd</sup> street, by the old water tower.

Store manager Cindy Garland was absent.

City Superintendent Jake Tromsness reported the sewer vac truck is broken. The bell housing on the pump engine needs replaced. The cost is about \$5,000.00 to \$6,000.00. Maher moved and Buntin seconded to have the sewer vac truck bell housing repaired up to \$6,000.00. Motion carried unanimously.

Superintendent Tromsness reported that Patrick Porter resigned with the city crew. His last day was February 11, 2022. Tromsness would like to run city crew help wanted ad in the Erie, Parsons and Chanute newspaper for two weeks.

DeMeritt moved and Maher seconded to hold a 10-minute executive session for attorney client privilege. Motion carried unanimously.

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The regular session recessed at 7:35 P.M.

The executive session convened at 7:35 P.M. with the city clerk, city superintendent and city attorney remaining.

The executive session adjourned at 7:45 P.M.

The regular session re-convened at 7:45 P.M. with no action taken.

City Clerk Melissa Stephens reported there is another round of KDOT Costshare grant money available for spring 2022. Superintendent Tromsness would like to apply to have the box culvert on 4<sup>th</sup> street repaired. Clerk Stephens has contacted Shoeb Uddin from Sunflower Design to work on the cost of the project and will have it at the next council meeting to for approval. The application deadline is March 17, 2022.

Clerk Stephens submitted a sewer abatement request for the Erie Christian Church in the amount of \$245.70. Buntin moved and Maher seconded to the sewer abatement request. Motion carried unanimously.

DeMeritt moved and Maher seconded to hold a 5-minute executive session to discuss non-elected personnel. Motion carried unanimously.

The regular session recessed at 7:50 P.M.

The executive session convened at 7:50 P.M. with city clerk and city attorney remaining.

The executive session adjourned at 7:55 P.M.

The regular session re-convened at 7:55 P.M. with the following action. The council rescinded the pay raise for Korey Sexton from \$13.50 to \$16.00 due to incorrect pay rates. DeMeritt moved and Maher seconded to give a \$1.00 per hour pay raise to Korey Sexton making her new payrate \$16.85 per hour. Motion carried unanimously.

Clerk Stephens reported the annual audit with Jarred, Gilmore & Phillips, P.A. is scheduled for the week of May 23, 2022.

City Attorney Seth Jones requested to table the conversation regarding Everyg until he gets more information from Everyg to report on.

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Upon motion from Maher and a second by Buntin the meeting was unanimously adjourned at 8:02 P.M.

APPROVED February 28, 2022:

  
Governing Body Member

RESPECTFULLY SUBMITTED:

  
Melissa B. Stephens, City Clerk