

**REGULAR CITY COUNCIL MEETING  
CITY ADMINISTRATIVE OFFICES  
511 N. COMMERCIAL**

**February 7, 2011  
7:30 P.M.**

Council member Lynne Vigil was sworn in by City Clerk.

**PRESIDING:** Mayor Keith DeHaven

**GOVERNING BODY MEMBERS PRESENT:** Larry Emmel; Thom Noone; Adam Healy; Jon Jenson; Lynne Vigil

**GOVERNING BODY MEMBERS ABSENT:**

**ALSO ATTENDING:** Janise Enterkin, City Clerk; Jaci Reimer, City Administrator; Brad Jantz, City Attorney; Kelley DeGraffenreid, Harvey County Independent; Rick Bell, Liz Bell, Bryan Chapman, Charles Case, Vicki Arrington, Bruce Mosiman, John Pittinger, Nico Vigil, Audrey Sisk, Jenny Suhr

ADDITIONS/DELETIONS TO THE AGENDA

**MOVED BY JENSON AND SECONDED BY VIGIL TO APPROVE THE AGENDA WITH NOTED ADDITIONS: 7A ZONING ORDINANCE CONDITIONAL NON-CONFORMING, SPECIAL PERMITS; 9E STATE REPRESENTATIVE DON SCHROEDER SEDGWICK SENIOR CENTER FEB. 26 9A.M. MOTION CARRIED.**

CONSENT AGENDA

**MOVED BY EMMEL AND SECONDED BY NOONE TO APPROVE THE CONSENT AGENDA ITEMS INCLUDING REGULAR COUNCIL MEETING MINUTES HELD JANUARY 17, 2011; PAYROLL CHECKS 25006 THRU 25055 AND GENERAL DISBURSEMENT CHECKS 56381 THRU 56429; RESOLUTION 020711. MOTION CARRIED.**

PUBLIC COMMENT

**Mayor DeHaven** presented former Council member **Bryan Chapman** a plaque in appreciation for his service.

**Bruce Mosiman**, read a statement to Council concerning the use of residential living quarters on the first floor in a commercial zone, 418 N Commercial.

**Rick Bell**, resident of 418 N. Commercial explained to Council that the living quarters are habitable; no permanent structure had been put in. He said that he and his wife would like to be members of the community.

**Vicky Herrington** – spoke in favor of the residents residing at 418 N Commercial.

STAFF REPORTS

Jaci Reimer, City Administrator gave an update on the energy grant, shared inspection program, Library qualification for state registry of historical buildings, SBDC (Small Business Development Center), snow removal. **Council member Jenson** had received a complaint regarding the Phenneger residence. He would like to see the trash outside of the garage removed. Mickey Dean will be attending the next meeting regarding workforce alliance.

**City Attorney Brad Jantz**, handed out a draft of the settlement agreement and release for LDS. The final document will be presented at the next council meeting. He also gave an update on the Drainage District.

#### OLD BUSINESS

**Larry Emmel, Council Member** asked for discussion of the Conditional non-conforming /special use permits. Current Ordinance does not allow for petition of non-conditional use permit in commercial zone. **Attorney Brad Jantz** explained to Council the only way to allow petition for a special use permit is to change the law. Council would have to amend the zoning code to either contemplate it as a use to be petitioned for (case by case), or to authorize it. Council has to make that decision. **Council member Emmel** said that the discussion should not be confused as a position of the Council or in favor of this situation but rather whether we should correct/amend the current Ordinance to allow the potential for a non-conditional use to even be presented to the Planning Commission for consideration. That is why it is being discussed this evening. **Council member Healy** would like to see it amended so that each situation can be dealt with case by case.

Consensus of Council to bring an amendment to the current code before Council to the next meeting.

Council discussed the building at 6<sup>th</sup> & Commercial, a set of conditions have not been met, such as gravel for off street parking. Council also discussed the residence at 519 N Commercial. **Council member Jensen** said ownership doesn't change as much as use and special use permits usually run with the owner of the property, not necessarily the use. He would like to make it conditional with the use and not with the property, if there is some way to word it that way. **City Attorney Jantz** said he would work on the wording. **Council member Emmel** said that no action would need to be taken on the part of the owner and/or renter of 418 N. Commercial until the flaw in the Ordinance has been resolved.

#### MAYOR & COUNCIL REPORTS

**MOVED BY VIGIL AND SECONDED BY EMMEL TO APPROVE THE CITY ADMINISTRATOR SALARY FOR 2011 AT A 3% INCREASE.**  
**MOTION CARRIED. JENSON ABSTAINED.**

#### MEETING REMINDERS

Sedgwick Co Assn of Cities, Goddard City Hall, Feb. 12, 8:30 – 11:30 a.m.  
Reap Board Meeting, WSU 29<sup>th</sup> & Oliver, Feb. 14, 8:00 – 9:30 a.m.  
State Rep. Don Schroeder, Senior Center, Feb. 26, 9:00 a.m.  
American Legion Appreciation Dinner, March 2, RSVP by Feb. 18<sup>th</sup>  
Kansas Rural Water Assoc., March 29-31

**MOVED BY EMMEL AND SECONDED BY JENSON TO ADJOURN.**  
**MOTION CARRIED.**

Meeting adjourned at 8:54 p.m.

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Janise P. Enterkin, CMC  
City Clerk