

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

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

PRESIDING: Council President Jon Jenson

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

GOVERNING BODY MEMBERS ABSENT: Mayor Keith DeHaven

ALSO ATTENDING: Janise Enterkin, City Clerk; Jaci Reimer, City Administrator; Brad Jantz, City Attorney; Kelley DeGraffenreid, Harvey County Independent; Della Smith, After Prom; John Pittinger

ADDITIONS/DELETIONS TO THE AGENDA

MOVED BY NOONE AND SECONDED BY HEALY TO APPROVE THE AGENDA WITH NOTED ADDITIONS: 4B W-B SERVICES WILL BE ATTENDING THE MARCH 21, 2011 MEETING. MOTION CARRIED.

CONSENT AGENDA

MOVED BY EMMEL AND SECONDED BY NOONE TO APPROVE THE CONSENT AGENDA ITEMS INCLUDING REGULAR COUNCIL MEETING MINUTES HELD FEBRUARY 22, 2011: PAYROLL CHECKS 25080 THRU 25101 AND GENERAL DISBURSEMENT CHECKS 56499 THRU 56540. MOTION CARRIED.

PUBLIC COMMENT

Della Smith, After Prom Committee came before Council to request a donation.

MOVED BY EMMEL AND SECONDED BY VIGIL TO DONATE \$500 TO AFTER-PROM COMMITTEE. MOTION CARRIED.

W-B Services will be attending the March 21, 2011 meeting.

NEW BUSINESS

No new business.

OLD BUSINESS

Non-conforming Use Permit/522-524 N. Commercial – **City Administrator, Jaci Reimer** explained to Council the issues with the permit. Sean Deenihan, who claimed to be the owner, had been sent multiple letters addressing nuisance problems with the property. After attempts by the police department to serve a letter to the address, staff contacted the Harvey County Register of Deeds to see if there was a new contact address. The Registrar had the owner of record listed as Richard Phinney, not Sean Deenihan. The permit that was issued, was not issued to the owner of record. Now there are 2 issues, the non-conforming permit was not issued to the proper person, which would invalidate it and getting the property cleaned up. Jaci then sent a letter to the owners, Richard and Cynthia Phinney, they responded and said they would be at tonight's meeting to discuss the property. They have cleaned up the debris, but the other demands of the non-conforming use permit has not been met, 2 off street parking places, yard free of debris, there have been no improvements to the outside or inside. The use has lapsed.

City Attorney, Brad Jantz explained, "A declaration or letter from us indicating the use has ceased for the following reasons." Mr. Phinney would need to apply as long as they are listed as the owner at Harvey County Register of Deeds.

Jaci will get a hold of Mr. Phinney to let him know that he would have to apply for the permit and send a letter to Sean Deenihan to let him know that his permit has lapsed.

Brad Jantz said that the person never really existed since he was not the owner of record. Under the current ordinance, the owner must come in to apply for a Special Use Permit. **Council member Emmel** asked since the non-conforming use permit is not valid, what happens to the current residents living in the building?

City Administrator Jaci Reimer, said they would stay pending the outcome of the Special Use Permit.

Council member Jensen would like to give the owners a timeframe to apply an application for review to the Planning Commission and then they will bring a recommendation to the Council.

Consensus of Council to give the owners 30 days from receipt of the letter to submit an application of Special Use Permit.

Council member Emmel asked what processes need to be followed in the future to prevent this type of thing from happening?

Attorney Brad Jantz suggested that any time an application is presented, to call the Register of Deeds to confirm applicant is owner of the property. The application needs to be modified to say that as a condition of signing the application, I am indicating to you that I am the registered owner of the property.

The form will be available for review at the next Council meeting.

MOVED BY EMMEL AND SECONDED BY NOONE TO VOID AND NULLIFY THE EXISTING NON-CONFORMING USE PERMIT 522-524 N COMMERCIAL. MOTION CARRIED.

STAFF REPORTS

Jaci Reimer, City Administrator gave an update on W-B Services, Senior Center construction and gas line update, BNSF and LDS agreements have been mailed, Watersheds and Drainage Districts, Harvey County Appraiser for ownership of property, winter cleanup of streets, maintenance has a new portable welder which can serve as a generator, auto deposit for payroll checks need to make it a policy for mandatory or optional. Consensus of Council to make it mandatory, Phennegar property in cleaning in progress, they have been sent notice for demo permit. 503 sludge reports in compliance, Proclamation for Flood Safety Awareness week. **Jaci presented the 2010 Annual City Review.**

Brad Jantz, City Attorney gave update on LDS, deed on the way. Brad will file deed with Sedgwick County. Brad explained the primary difference between Drainage District vs Watershed Districts. Division of Water Resources views a Drainage District as mainly for the construction and maintenance of levies, Watershed Districts are for the construction and maintenance of sediment and flood control structures. Brad had talked with Paul Graves and he had indicated a willingness to come to Sedgwick to visit with Council and tour the area and view the problems that we are having. Council was very enthusiastic about DWR coming for a visit. Brad will be submitting the petition including the issues, so process will keep going. Brad said he will either bring the letter written to DWR that he has drafted to Council or send by Email for review.

MAYOR & COUNCIL REPORTS

No reports

MEETING REMINDERS

Sedgwick Co. Assn. of Cities, March 12, 8:30-11:30, Sedgwick Senior Center
Reap Board Meeting, March 14, 8-9:30, WSU 29th & Oliver
Kansas Rural Water Assoc., March 29-31

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

Meeting adjourned at 9:38 p.m.

Janise P. Enterkin, CMC
City Clerk