

REGULAR CITY COUNCIL MEETING
CITY ADMINISTRATIVE OFFICES
511 N. COMMERCIAL

April 18, 2011
7:30 P.M.

City Clerk, Janise Enterkin swore in Council members Larry Emmel, Rick Jacob and Jon Jenson

PRESIDING: Council President Jon Jenson

GOVERNING BODY MEMBERS PRESENT: Larry Emmel; Thom Noone; Rick Jacob; Jon Jenson; Lynne Vigil

GOVERNING BODY MEMBERS ABSENT: Mayor Keith DeHaven

ALSO ATTENDING: Janise Enterkin, City Clerk; Jaci Reimer, City Administrator; Kelley DeGraffenreid, Harvey County Independent; Asa Galloway, Deputy Clerk; Liz & Rick Bell; Rodger Amos; Paulette Ware; Shae Ware; Bruce Mosiman; Jeremy Liby; Chris & Lauren Griggs; Sam Enterkin, Planning Commission; Roger Herrington

ADDITIONS/DELETIONS TO THE AGENDA

MOVED BY EMMEL AND SECONDED BY NOONE TO APPROVE THE AGENDA WITH NOTED ADDITIONS: 4C ODYSSEY OF THE MIND; 5E ARBOR DAY PROCLAMATION; 6C AMBULANCE PRICES. MOTION CARRIED.

CONSENT AGENDA

MOVED BY VIGIL AND SECONDED BY EMMEL TO APPROVE THE CONSENT AGENDA ITEMS INCLUDING REGULAR COUNCIL MEETING MINUTES HELD APRIL 4, 2011; PAYROLL CHECKS 25165 THRU 25190 AND GENERAL DISBURSEMENT CHECKS 55624 THRU 56677. MOTION CARRIED.

PUBLIC COMMENT

Jeremy Liby, American Legion representative came before Council to ask for a temporary liquor license, borrow the cities snow fence and have permission to close the street of Commercial from North of 5th Street to South of bank entrance on June 18, from 4 p.m. to midnight for a Cemetery Memorial Fundraiser Street Dance Benefit.

MOVED BY EMMEL AND SECONDED BY VIGIL TO APPROVE THE CLOSING OF COMMERCIAL STREET FROM NORTH OF 5TH STREET TO SOUTH OF THE BANK ENTRANCE ON JUNE 18, 2011 FROM 4 PM TO MIDNIGHT. MOTION CARRIED.

MOVED BY JENSON AND SECONDED BY JACOB TO APPROVE A TEMPORARY LIQUOR PERMIT FOR THE AMERICAN LEGION FUNDRAISER BENEFITING THE CEMETERY MEMORIAL ON JUNE 18, 2011 FROM 4 PM TO MIDNIGHT. FEE IS WAIVED. MOTION CARRIED.

Paulette Ware, Shae Ware and Lauren Griggs representing Odyssey of the Minds came before Council to ask for a donation to help support their trip to Maryland.

MOVED BY VIGIL AND SECONDED BY JACOB TO APPROVE A DONATION TO ODYSSEY OF THE MINDS OF \$500.00 TO HELP FUND THEIR TRIP TO MARYLAND. MOTION CARRIED.

NEW BUSINESS

Sam Enterkin, Planning Commission President came before Council to present the recommendation to not permit a Special Use permit to allow a residence to exist on a ground floor level in the Commercial Zone. Planning Commission held a hearing on April 4, 2011 and the vote was 3 to 1, motion carried.

Council member Jenson asked if Council wanted to take comments from the public. No objection from Council.

Bruce Mosiman, owner of 418 N. Commercial read a statement to Council asking them to allow for the residence in the Commercial Zone.

Mr. Bell, resident of 418 N. Commercial. He asked Council to allow them to keep their residence and said they would be good citizens.

Roger Amos resident of 411 N. Commercial spoke in favor.

Roger Herrington, 109 S. Madison spoke in favor of the Special Use Permit.

Council President Jon Jenson closed the public session.

Council discussed the Special Use Permit request further. Some of the points discussed were water meters, residential trash versus commercial trash, number of occupants, contradiction to comprehensive plan outline, fire code, structural requirements, proper ventilation, liability to the city. Council asked that Joe Uhlman, Director of Emergency Services look into ISO requirements and the city have a building inspection done on 418 N. Commercial.

MOVED BY JACOB AND SECONDED BY VIGIL TO TABLE THE DECISION ON A SPECIAL USE PERMIT FOR 418 N. COMMERCIAL UNTIL MAY 2, 2011. MOTION CARRIED.

MOVED BY EMMEL AND SECONDED BY NOONE TO APPOINT CHRISTY JACOB TO THE PLANNING COMMISSION. MOTION CARRIED.

Attorney Brad Jantz said some of the wording in the Ordinance up for approval by the Council was missing. The wording in Section 2, #99 b. should read: The termination of any such special use upon conclusion of a tenancy may be expressly waived or modified by the Governing Body for good cause shown.

Council and Attorney Jantz discussed the special use permit for 522/524 N. Commercial and the difference between this building and the building at 418 N. Commercial. In the Ordinance, the addition of 99b and 99c were included to give the Governing Body complete authority to waive the requirement for a special use permit to any given circumstance. Mr. Phinney has the ability to come to Planning Commission and then to Council with an application for special use.

MOVED BY EMMEL AND SECONDED BY VIGIL TO NOT APPROVE SPECIAL USE AMENDMENT 99B AND 99C TO ZONING REGULATIONS C-1 DISTRICT. COUNCIL EMMEL WITHDREW THE MOTION AND NO FURTHER ACTION WAS TAKEN.

MOVED BY EMMEL AND SECONDED BY VIGIL TO APPOINT KEITH DEHAVEN AND JACI REIMER TO HARVEY COUNTY EDC BOARD. MOTION CARRIED.

MOVED BY EMMEL AND SECONDED BY NOONE TO APPROVE THE ARBOR DAY PROCLAMATION FOR APRIL 29, 2011. MOTION CARRIED.

OLD BUSINESS

MOVED BY JACOB AND SECONDED BY VIGIL TO APPROVE THE DIRECT DEPOSIT POLICY. MOTION CARRIED.

City Administrator asked that Council review the Personnel Regulations and let her know of any changes that Council would like to have made.

STAFF REPORTS

Quarterly reports were given by **Ray Huff, Police Chief; Tony Somers, City Superintendent; Joe Uhlman, Director of Emergency Services.**

Tony Somers, City Superintendent reported that his department had purchased a new roller for street maintenance. Tony asked for permission to add a pulley onto the flag pole in the park for Tree City flag.

Joe Uhlman, Director of Emergency Services presented quotes to Council for a new ambulance. Joe's recommendation was for a U.S. Coach Works 2008 gas powered truck with a new chassis estimated cost of \$76,000 plus cost of decals.

Council member Jacob said, "His Opinion would be to spend more money up front for a diesel."

Concensus of Council to have Joe Uhlman contact the dealer and re-negotiate a better price on a diesel ambulance.

Jaci Reimer, City Administrator reported that the state of Kansas has re-certified the sewer plant lab; historical society old bank building has qualified for state historical register, paperwork is being finalized.

Brad Jantz, City Attorney reported on the BNSF Railroad insurance, railroad does not make exceptions to it. Jantz gave several options: 1. Continue to do what we have done forever. 2. Accept easement costs for insurance. 3. Change in original proposal and get everything outside of 50 feet. Acquire 80% of the land and attempt to purchase. 4. Proceed with full blown condemnation. Opinion of Council to leave it as it has been for years.

MAYOR & COUNCIL REPORTS

No Mayor or Council reports.

MEETING REMINDERS

May 7, City Wide Garage Sale

May 9, REAP

May 13-14, Governing Body Institute & Mayor's Conference

May 14, SCAC

MOVED BY EMMEL AND SECONDED BY NOONE TO ADJOURN. MOTION CARRIED.

Meeting adjourned at 10:33 p.m.

Janise P. Enterkin, CMC
City Clerk