

REGULAR CITY COUNCIL MEETING
CITY ADMINISTRATIVE OFFICES
511 N. COMMERCIAL

December 17, 2012
7:30 P.M.

PRESIDING: Mayor Keith DeHaven

GOVERNING BODY MEMBERS PRESENT: Larry Emmel, Thom Noone, Lynne Vigil, Rick Jacob

ABSENT: Jon Jenson

ALSO ATTENDING: Jaci Reimer, City Administrator; Janise Enterkin, City Clerk; Brad Jantz, City Attorney; Karen , Harvey, County Independent; Allison Thompson, Youth Council; Ron Beemiller, Dennis Kalp, Chris Pruitt, Eric Vogel, WB Services; Marcia Nordstrom, Donna Harper, Historical Society; Damon Young, Planning Commission; Mark Sauerwein, Director of Emergency Services

ADDITIONS/DELETIONS TO THE AGENDA

MOVED BY EMMEL AND SECONDED BY VIGIL TO APPROVE THE AGENDA AS PRESENTED. MOTION CARRIED.

CONSENT AGENDA

MOVED BY JACOB AND SECONDED BY VIGIL TO APPROVE THE CONSENT AGENDA INCLUDING:

MINUTES OF THE REGULAR COUNCIL MEETING OF DECEMBER 3, 2012.

PAYROLL CHECKS 26533-26552

GENERAL DISBURSEMENT CHECKS 58606-58652, AMENDMENT TO CHECKS TOTAL EXPENDITURE \$128,607.84, CHECK # 58648 REMOVE UNRUH FAB SEDGWICK COUNTY TAX \$511.20. MOTION CARRIED.

PUBLIC COMMENT

No public comments.

NEW BUSINESS

Damon Young came before Council representing Planning Commission and presented their recommendations on the conditional use permits. The provisions for Green Energy Products Biodiesel are as follows: "A. Not to store more than 6,000 gallons of methanol on site at any time. B. They will not produce more than (2 ½) two and a half million gallons of fuel per year. C. The Conditional Use permit shall run in perpetuity as long as current owner remains the same and no increase in A or B is made.

Recommendations were read on the Green Energy Products Renewable Diesel as follows:

A. There will be no permanent storage of hydrogen on site at any time.

B. They will not produce more than (3 ½) three and a half million gallons per year.

C. The conditional use shall run perpetuity as long as owners are the same and no increase in A or B is made.

Chris Pruitt spoke to Council and was there to answer any questions the Council might have.

The city received a letter from LDS stating some possible issues with odor. It was received for record so as not to be an issue in the future.

Council Member Emmel thanked the Planning Commission and WB Services for this project and was glad to see that it has come to this conclusion. He said that he had toured the facility and it is top notch.

Mark Sauerwien, Director of Emergency Services toured the facility and is very pleased with safety features.

MOVED BY EMMEL AND SECONDED BY NOONE TO APPROVE THE CONDITIONAL USE PERMIT FOR GREEN ENERGY PRODUCTS-BIODIESEL PLANT WITH THE SAME RESTRICTIONS AS STATED BY THE PLANNING COMMISSION. MOTION CARRIED.

MOVED BY JACOB AND SECONDED BY VIGIL TO APPROVE THE CONDITIONAL USE PERMIT FOR GREEN ENERGY PRODUCTS-RENEWABLE DIESEL PLANT WITH THE SAME RESTRICTIONS AS STATED BY THE PLANNING COMMISSION. MOTION CARRIED.

STAFF REPORTS

Jaci Reimer, City Administrator, gave the following updates:

- a. Approval of the Conditional Use Permits for the Green Energy Products will bring a 10 million dollar investment for the city. They will qualify for 10% neighborhood revitalization. This plant will be a model and will have many people tour the facility.
- b. Newton Medical Center letter of intent.
- c. Grubbs & Ellis name change to NAI.
- d. Bids for concrete on 5th and Commercial have been submitted and a copy is in the Council packets. The main difference between the two bids, one prefers using a concrete mat rather than mesh.
- e. Approximately 250 cards for specifying trash container size have been returned thus far.
- f. Historical Society Ordinance for review.
- g. Replacement for Fire Rescue Unit. Different options for replacements have been investigated. Mark Sauerwein will be applying for grants and is working with Unruh Fire. Legacy Bank has been pro-active, they have offered a lease option.
- h. Council member Jacob asked about the replacement needs for all department heads. He would like them to put together a wish list on what needs to be replaced first. Jaci explained the CIP plan runs on a 5 year schedule. A draft of the CIP will be presented to Council.
- i. Richard Ludowese resigned on Friday Dec. 7th without notification. Adam Enterkin and Eric Purk are running the sewer plant. A new maintenance person has been hired and will begin with the city on January 2nd. Council member Noone asked about certifications. Jaci explained the requirements by KDHE. Jaci is certified and Eric is Class II WW operator and class II water systems operator. Adam has taken classes and will be given the opportunity to get certified if he wishes to. Zach will be given the opportunity to take the WW class in May. The only certification that is lacking is the commercial pesticide operator.
- j. Police Chief Huff and Director of Emergency Services Sauerwein are working with the school on security planning.

Brad Jantz, City Attorney, gave updates on the following:

- a. Historical Society Ordinance reviewed. There are several sections that need amended. Ownership, funding, review, expansion, maintenance all runs through the city. City Administrator Reimer would like appointments to fall in May along with the other appointments. Attorney Jantz will bring a draft of amendment to Council. Marsha Noordstrom will bring a copy of the form the museum uses to have Attorney Jantz review on Jan. 21st.

205 W. 1st, Attorney Jantz updated on the removal of the building. He has not heard anything final from Mr. Stallbaumer, only that he is trying to get things resolved between himself and Mr. Glass. Attorney Jantz said that if nothing is resolved that he would go forward with get a waiver with Mr. Glass, re-advertise the building for sale.

MAYOR & COUNCIL REPORTS

Recreational Center Lease with Harvey County was in the packet for information only. The lease was updated and approved for an additional 2 years.

NEW BUSINESS

Attorney Jantz, updated council on the letter of intent for Newton Medical land. A contract will be more specific. He suggested that if they are not going to use the building for the purpose intended that the city wants to have some control of what the building will be used for. It doesn't cost anything to put it in the contract and leaves options for future Council or groups.

MOVED BY EMMEL AND SECONDED BY VIGIL TO APPROVE THE CONCEPTUAL FRAMEWORK AS OUTLINED BY THE LETTER OF INTENT FROM NEWTON MEDICAL CENTER DATED DECEMBER 17, 2012, WITH GREATER SPECIFICITY OUTLINED IN THE FINAL CONTRACT TO BE SUBSEQUENTLY APPROVED. MOTION CARRIED.

MOVED BY JACOB AND SECONDED BY NOONE TO APPROVE THE LISTING AGREEMENT WITH GRUBB & ELLIS AS NOTED. MOTION CARRIED.

MOVED BY VIGIL AND SECONDED BY JACOB TO APPROVE THE BID FOR SIDEWALKS AT 5TH AND COMMERCIAL WITH M & M REPAIR WITH CONDITIONS LISTED IN LETTER. MOTION CARRIED.

MEETING/DATE REMINDERS

Dec. 24-25 & January 1st – City Hall Closed

Jan. 22 – City Council/Mayor filing deadline, Jan. 22nd, 12 noon.

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

Meeting adjourned at 9:28 PM

Janise P. Enterkin, CMC
City Clerk