

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

**January 21, 2013
7:30 P.M.**

PRESIDING: Mayor Keith DeHaven

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

ALSO ATTENDING: Jaci Reimer, City Administrator; Janise Enterkin, City Clerk; Brad Jantz, City Attorney; Allison Thomas, Youth Council; Shelly Watkins, Harvey Co Independent; Bruce Mosiman; Jim Gillespie, Maintenance Supervisor; Ray Huff, Police Chief; Tuck & Joy Willson; Marcia Nordstrom; Mark Sauerwein, Director of Emergency Services

ADDITIONS/DELETIONS TO THE AGENDA

MOVED BY VIGIL AND SECONDED BY JACOB TO APPROVE THE AGENDA WITH THE FOLLOWING CHANGES: 6A ADMINISTRATOR SALARY; 6B RESOLUTION 012113; 9C EXECUTIVE SESSION. MOTION CARRIED.

CONSENT AGENDA

**MOVED BY JENSON AND SECONDED BY NOONE TO APPROVE THE CONSENT AGENDA INCLUDING:
MINUTES OF THE REGULAR COUNCIL MEETING OF JANUARY 7, 2013.
PAYROLL CHECKS 26621-26644
GENERAL DISBURSEMENT CHECKS 58731-58787
MOTION CARRIED.**

PUBLIC COMMENT

Bruce Mosiman, came before Council to present a petition stating they feel the kennel at 107 W. 4th is a nuisance and are not in favor of renewing the kennel license.

STAFF REPORTS

Ray Huff, Police Chief gave his 2012 year end review and announced classes, city wide tornado drill, severe weather spotters class, CIP and current projects.

Jim Gillespie, Maintenance Supervisor gave his 2012 year end review, removed 5 large trees in city, water repairs, leaves in gutters. Roof has been replaced on sewer plant building and will be painting the building. Commended Adam for the good job he is doing at the sewer plant. The maintenance crew is in the process of building bleachers for the park.

Allison Thomas, Youth Council reported on Youth Council meetings and the new security measures being taken at the school.

Jaci Reimer, City Administrator reported on:

- a) Youth Council meets with assigned committees and boards and bring questions and suggestions to their Youth Council meetings for discussion.
- b) The agenda is setup to discuss issues under public comment with the action item later in the agenda. Jaci asked for suggestions from Council on the layout of the agenda.
- c) State of the city report will be given at the next Council meeting, for sure by Feb 18th.
- d) Brad will discuss Ordinance 818 - Historical Society.

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- e) Mark Sauerwien attended a Medicare billing seminar. An updated Ordinance for first read is in the council packet regarding ambulance run charges. Medicare suggests a \$25 per loaded mile. Mark is using a new software to bill BCBS, Medicare & Medicaid and most private insurance on line. The Ordinance will be submitted on the consent agenda at the next meeting.
- f) Delegates for KRWA are Eric Purk and Adam Enterkin.
- g) Sports complex update. Jaci asked Council to look over the layout and let her know any comments. She will get the comments from Recreation Commission and when agreed upon will get ideas to the engineers, Wilson and Co will bring a set of estimated costs with different options, send to both groups and then we will hold a meeting to pick and choose. A conceptual will then be presented to Council for final plan. Will probably be ready mid-March.
- h) Draft contract from Newton Medical Center.
- i) 5-7-10 year CIP wish list by Feb. 4th. Will bring back to Council for review. Would like to utilize this years' budget.
- j) Retail Survey, brochures for review. Would like to do a mass mailing on Feb. 1st. Please let Jaci know any changes or suggestions by January 25th.

Council asked about the selling of the dozer. Jaci explained that maintenance does not see a use for it at this time and there are other needs that are greater. Foley wants 8% if they sell it, or we can sell it independently. Council agreed they would like to see the dozer sold and asked about selling the trailer. Staff will look at the lease and find out what the balance is. Jaci said maintenance would like to replace the vacuum truck at some point.

Brad Jantz, City Attorney, updated Council on contract for sale of building with Mr. Stallbaumer. Brad will have a general agreement and will add a waiver and attach to contract. The concrete block wall will be added and \$10,000 will be paid up front. Council needs to give the Mayor approval to sign the waiver with Mr. Glass. Brad will remove the sentence regarding 6 months. Payment will be made on or before Feb. 1, 2013. Council agreed to waive fee for demolition permit.

MOVED BY EMMEL AND SECONDED BY VIGIL TO AUTHORIZE MAYOR TO SIGN WAIVER WITH MR. GLASS. MOTION CARRIED.

Attorney Jantz had sent letters to drainage contacts and had not received any responses. He asked for direction from the Council. City Administrator Reimer, suggests resending the letter to the counties and demand a response, be more forceful along with sending carbon copies to the county counselors. Harvey County acknowledged receipt of the letter. Council member Emmel recommends sending letters and asking acknowledgement and response to the documents and be specific. Council member Noone asked what can be done to become an item on the counties agenda.

A draft of Ordinance 818, Historical Society was presented to Council. Jantz said he can expand the Ordinance in regards to treatment of loaned and given items. Marsha Nordstrom said the Historical Society has a form that people fill out when a donation is given. A lease is brought to them every year from the school for the WPA dolls. Ordinance 818 will be on the next agenda for approval.

Mark Sauerwein, Director of Emergency Services gave his annual report for the year. He reported that EMS is better staffed with 3 people in school for EMT and Firefighter I training. He is working on the CIP and grant funding. Mark discussed the proposed changes on billing, it has been since 2001 that rates were adjusted. Mileage will be re-adjusted to actual miles.

MAYOR & COUNCIL REPORTS

Council member Jacob proposed a 5% increase rather than a 10% increase for the salary of the City Administrator. Mayor DeHaven explained his proposal as being a salary readjustment in comparison to other City Administrators from cities with similar population. Council members said they would like to have more time to view the information that was presented to them and make a decision at the next meeting. Mayor DeHaven also presented Council with performance review forms for Council to choose for use next year.

MOVED BY JACOB AND SECONDED BY VIGIL NOT TO ACCEPT 10% INCREASE BUT PROPOSE A 5% INCREASE INSTEAD.
MOTION DENIED 1-4 JENSON ABSTAINED DUE TO CONFLICT OF INTEREST.

MOVED BY JACOB AND SECONDED BY JENSON TO TABLE THE DECISION ON CITY ADMINISTRATORS SALARY TO FEBRUARY 4TH COUNCIL MEETING.
MOTION CARRIED. JENSON ABSTAINED DUE TO CONFLICT OF INTEREST.

MOVED BY VIGIL AND SECONDED BY JENSON TO SUPPORT RESOLUTION 012113 ENCOURAGING ACTION BY KANSAS CONGRESSIONAL DELEGATION TO OPPOSE EFFORTS OF U.S. CONGRESS THAT WILL BE DETRIMENTAL TO TAX-EXEMPT BOND FINANCING AND COPIES OF RESOLUTION SENT TO LEGISLATORS.
MOTION CARRIED.

NEW BUSINESS

MOVED BY JENSON AND SECONDED BY VIGIL TO APPROVE DELEGATE ERIC PURK AND ALTERNATE ADAM ENTERKIN FOR KRWA ANNUAL MEETING. MOTION CARRIED.

OLD BUSINESS

Sports complex maps draft 1 & 2, asked Council to bring back responses to next meeting.

Council and Police Chief Huff discussed 911 calls regarding Willson kennel. The Police Chief explained that Willson's have blocked the dogs view to the alley, bought bark collars, but they can not be left on for 24 hours at a time due to causing sores. Other dogs in the neighborhood bark also. Attorney Jantz explained that the issue is a nuisance issue which is handled in court, it is not something that is included in the kennel agreement. The kennel owner has satisfied the agreement. The inspection of the kennel has been passed. Council agreed that the city has the responsibility to respond to the citizens on the petition and inform them that the Willsons have satisfied their requirements as stated for their license and that a nuisance complaint is a civil issue.

MOVED BY VIGIL AND SECONDED BY JACOB TO APPROVE THE NEWTON MEDICAL CLINIC CONTRACT AS PRESENTED GIVING THE MAYOR AUTHORITY TO SIGN FINAL CONTRACT. MOTION CARRIED.

MOVED BY EMMEL AND SECONDED BY VIGIL TO RECESS INTO AN EXECUTIVE SESSION FOR PROPRIETARY INTEREST AND TRADE SECRETS FOR 10 MINUTES BEGINNING AT 10:17 PM WITH COUNCIL, MAYOR, CITY ADMINISTRATOR, CITY ATTORNEY AND CITY CLERK IN ATTENDANCE. MOTION CARRIED.

Meeting reconvened at 10:43 PM with no binding action taken in Executive Session

MEETING/DATE REMINDERS

Feb. 9th, SCAC meeting, Wichita

Feb. 19th, Council meeting, due to Presidents Day on Feb. 18th

MOVED BY VIGIL AND SECONDED BY JENSON TO ADJOURN. MOTION CARRIED.

Meeting adjourned at 10:45 PM

Janise P. Enterkin, CMC
City Clerk