

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

**August 5, 2013
7:30 P.M.**

PRESIDING: Mayor Rodney Eggleston

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

ALSO ATTENDING: Janise Enterkin, City Clerk; Brad Jantz, City Attorney; Ray Huff, Police Chief; Mark Sauerwein, Director of Emergency Services; Mark Jacob, Angie Croxton, Kelley DeGraffenreid; Karen, Harvey County Independent; Jim Ireland

ADDITIONS/DELETIONS TO THE AGENDA

MOVED BY JENSON AND SECONDED BY JACOB TO APPROVE THE AGENDA WITH NOTED CHANGES: MOVE 6A TO 7A EXECUTIVE SESSION; ADD 10A INGRESS/EGRESS, 10B SLUDGE HAULING/BREECH OF CONTRACT. MOTION CARRIED.

CONSENT AGENDA

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

MINUTES OF THE REGULAR COUNCIL MEETING OF JULY 15, 2013.

PAYROLL CHECKS 26997-27074

GENERAL DISBURSEMENT CHECKS 59397-59405, 59406-59420, 59422-59440.

MOTION CARRIED.

MOVED BY EMMEL AND SECONDED BY JENSON TO APPROVE HALES SALES AND SERVICE CHECK #59379 & 59421. MOTION CARRIED. JACOB ABSTAINED.

BUDGET PUBLIC HEARING

Mayor Rodney Eggleston opened 2014 Budget Public Hearing at 7:37 PM
City Administrator, Jaci Reimer presented the 2014 proposed budget summary to the Council. The mill levy is set at a safe level if a tax lid were to be imposed. 5 year Capital Improvement Plan was adopted by Council to plan for future projects. Money set aside for every fund so the city can pay cash on projects.

Mayor Eggleston opened Public Comment at 7:50 PM. There were no comments given. Public Comment was closed at 7:51 PM.

MOVED BY JENSON AND SECONDED BY JACOB TO APPROVE THE 2014 BUDGET AT 64.879 MILL LEVY. MOTION CARRIED.

Mayor Eggleston closed the 2014 Budget Public Hearing at 7:52 PM.

PUBLIC COMMENT

Mark Jacob came before Council and commented on the truck route proposal that Council had discussed at the last meeting. He voiced his concern about the train tracks and routing trucks to Washington street where they will have to wait at tracks. He said he was concerned with safety issues. Mayor Eggleston said he would be getting with Jaci to discuss options regarding the truck route. There is a lot of work to be done before decisions are made.

MOVED BY EMMEL AND SECONDED BY JENSON TO RECESS INTO EXECUTIVE SESSION FOR PROPRIETARY INTEREST AND TRADE SECRETS WITH MAYOR, COUNCIL, CITY ADMINISTRATOR, CITY ATTORNEY, CITY CLERK, RON BEEMILLER, WB SERVICES, DENNIS KALP, CHIEF RAY HUFF AND EMERGENCY SERVICES DIRECTOR MARK SAUERWEIN IN ATTENDANCE FOR A PERIOD OF 20 MINUTES BEGINNING AT 7:58 PM. MOTION CARRIED.

Meeting reconvened at 8:20 PM with no binding action taken in Executive Session.

Ron Beemiller WB Sevices gave a statement to the public regarding the fire at Green Energy Products in the Industrial Park. Mr. Beemiller explained that they were still under investigation with the insurance company so is limited on what he can report on. He said, "The fire started at 8:04 AM, the plant was not running yet. The best they can ascertain is a light fixture or bulb exploded and fell on a pallet of chemicals which then ignited the remainder of the plant. Everyone got out okay, the first responders did an exceptional job. Most importantly, all the safety features of the building that were in place for this sort of event did exactly what they were intended to do." He thanked everyone that was involved and they continue to move forward.

Ray Huff, Police Chief explained that the police department was responsible for establishing a perimeter to keep people out of the area so the fire fighters could do their job. Chief Huff complimented the maintenance staff for their work with the fire and with the flooding. He also complimented city staff, fire department and fire chief for their professionalism.

Mark Sauerwein, Director of Emergency Services, reported that units from Halstead and Sedgwick County were called out. Sauerwein said he spent 2 hours critiquing the response to the fire with Sedgwick County Fire. A mutual aid contract is being signed with Sedgwick County. He said the fire protection that was in place worked well. Council member Emmel said that he hopes the community understands the level of risk and that it could have been a major disaster. Sauerwein reported that there was no need for evacuation because all residents were outside the blast zone.

NEW BUSINESS

No new business

STAFF REPORTS

Jaci Reimer, City Administrator, reported to Council regarding:

- a) Fighting fire and floods. Staff has been able to document that all dams held. Alpha Survey is filing for a LOMR for the city.
- b) A significant sewer plant event occurred when rain infiltrated the sewer plant. Mayer Specialties was called to pump out the lift station.
- c) Noise ordinance is being reviewed, asking for direction from Council.
- d) Jaci will be meeting with Mayor Eggleston on the Truck Route.
- e) Ingress/Egress on agenda.
- f) Council member Noone asked about the Industrial Park being shown as in the flood plain. Jaci said they are working to fix the flood map.

Brad Jantz, City Attorney, presented Council with the Ingress/egress easement final.

MAYOR AND COUNCIL REPORTS

Council members Emmel, Vigil & Noone attended the July 24th Flood Mapping meeting with FEMA in Halstead. Council members reported that representatives for FEMA were on hand to answer questions.

OLD BUSINESS

MOVED BY EMMEL AND SECONDED BY JENSON TO APPROVE INGRESS/EGRESS EASEMENT. MOTION CARRIED.

Council member Jacob asked if Keenan Kelley had been noticed about sludge haul breach of contract. He wants Keenan to know that he could be liable for any overage in cost the city may have from the time we had to hire a different sludge hauler to the day his contract expires. Attorney Jantz said that the city is tracking damage with records from Wichita and a history of charges. Reimer said that Wichita is hauling sludge only when called.

CONSENSUS OF COUNCIL TO HAVE CITY ATTORNEY JANTZ SEND A RESERVATION OF RIGHT LETTER TO KEENAN KELLEY STATING THE INTENT OF THE CITY TO HOLD HIM RESPONSIBLE FOR ANY OVERAGE DURING 3 YEAR CONTRACT AGREEMENT.

* Council requests a copy of the letter.

Council member Noone asked if there is going to be a new noise ordinance discussion? There are some residents that want to attend the discussion. Council discussed that the problem is a civil dispute and will have to be dealt with in court if needed.

MEETING/DATE REMINDERS

August 5, Public Hearing and Approval of 2014 Budget

September 21-22, Fall Festival

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

Meeting adjourned at 9:23 PM

Janise P. Enterkin, CMC
City Clerk