



MINUTE RECORD
Regular Council Meeting City of Haven

Meeting: REGULAR

Date: September 17, 2012

THE CITY COUNCIL MEETING IN REGULAR SESSION WAS CALLED TO ORDER AT 7:00 PM BY MIKE ALFERS, MAYOR, WITH THE FOLLOWING COUNCIL MEMBERS PRESENT:

Council Member: Don Ford

Council Member: Paula Scott

Council Member: John Mitchell

Council Member: Don Etchison

Council Member: Adam Wright

Others: Hailey Lyda for The Clarion, Roy Lanning, Mike Kennalley, Tom Oxley, Marlin Cohn, Jack Parker, Kim Peirce, Rob Pell, Larry Bolton, City Attorney, Allen Blake, and Leslie Warden.

No additions to the agenda were necessary. No public comment was delivered.

Public Hearing on Annexation of Haven Steel Products (Resolution 262)

Allen Blake addressed the Council regarding the proposed annexation. He began with a summary of things that Haven Steel has done for the community over the years, including the installation of horseshoe pits at Veterans' Park.

Next, he went through each of the sixteen considerations for annexation pursuant to KSA 12-520(a). Annexation of Haven Steel Products and Reno Manufacturing into the City limits would increase their property taxes by \$5,792.00 based on 2011 valuations.

Mike Kennalley, attorney for Haven Steel Products, responded. He said that Haven Steel does not need water and does not want to be annexed. Mayor Alfery asked what the City could do to welcome them into the community, and Kennalley said that Haven Steel does not want to be a member of the community, in reference to the annexation. He noted that for forty-four years the City and HSP have enjoyed a mutually beneficial relationship and that "we just don't want to be annexed."

Mitchell asked what harm would come to HSP through annexation. Kennalley responded that that was not something to consider relevant to the applicable statutes on annexation. Mitchell noted that the Council does not intend to implement ordinances on noise or pollution so he doesn't see what harm annexation would cause HSP. Kennalley answered that once annexed Haven Steel doesn't know what the future holds. They are happy with the way things are now, but really, he can't say there's some direct harm that would come to the business by annexation.

Mayor Alfery commented that it was a mistake that Haven Steel Products / Reno Manufacturing were given the benefits of City services for so long without being annexed and cited the Council's responsibility to taxpayers.



Kennalley insisted the annexation proceedings started because the Council perceived Haven Steel's desire to have City water services. Next, he presented exhibits to show the City is annexing Haven Steel because of budget shortfalls, which he found to be improper.

At this time, Blake presented the City's plan for extension of City services to the area proposed to be annexed under Resolution 262.

Kennalley responded to several of the considerations under KSA 12-520(a). Most notably, he pointed out that Haven Steel currently has two working water wells, and extending City water services out to Haven Steel duplicates services. Even if Haven Steel did need water, he says the plan to extend water services to Haven Steel would not be completed soon enough. He said he does not feel like the two prongs of the statute have been met. He urged the Council not to annex Haven Steel into the City because he doesn't see that the City has anything to gain by doing so.

Scott asked to hear from Roy Lanning, a member of the Economic Development Committee. Lanning noted that there's some land by Haven Steel that remains undeveloped. Currently, the Committee is working on a housing project but expects in the next five years for more industry to be in the area. If not, Lanning says the Economic Development Committee will have failed.

Marlin Cohn asked why now is the time for this annexation. Mayor Alfery again reiterated that it was the City's mistake to have gone so long without annexing Haven Steel.

Blake noted that the plan for extension of services, involving the distribution phase of the Water Project, will actually be complete by January of 2013. This will occur regardless of the annexation.

Jack Parker pointed out that Haven Steel and the City have enjoyed a great working relationship for the last forty four years; not once has Haven Steel ever had an issue with the City until now. Noting the City's desire to have further development, Parker said the City has no idea what Cohn could bring to this area, but emphasized that the City must work with him. Cohn does have other projects, unrelated to Haven Steel, in mind for the undeveloped area.

At 7:50 PM, Mitchell moved to close the public hearing. Etchison seconded, and the motion passed unanimously.

Mitchell moved to adopt proposed Ordinance 610 regarding the annexation of Haven Steel Products. Scott seconded, and the motion passed three to two. Wright and Etchison held the opposing votes.

At this time, the Mayor asked for a two minute break.

Before exiting, City Attorney, Larry Bolton, noted that the hearing on the motion for reconsideration regarding the Cupps matter is set for October 5, 2012, at 10:00 AM.

Discuss Having a Work Session to Review Water Rate Study

Blake advised that John Hoss of Ranson Financial has completed the study of the City's water rate structure, but advised that Hoss has no open Monday evenings from now until the end of 2012. Therefore, he thought he'd see if the Council wanted to choose a non-Monday night to



have a work session so that Hoss could present the study. After brief discussion, Blake advised he would find out when USDA needed the rate study information and then work backwards from there to try to get Hoss to a Monday night meeting.

Discuss Street Lights in Front of Shep Chevrolet

Shep Chevrolet is going to be adding a building to their site and re-organizing the front drive, which will make it necessary for a street light to be removed. There was consensus among the Council that this is not problematic.

Executive Session

At 8:02 PM, Wright moved for the Council to recess into a fifteen-minute executive session pursuant to the non-elected personnel exception in order to discuss communication issues with the City Administrator. Etchison seconded, and the motion passed unanimously.

Regular session resumed. At 8:18, Scott then moved for the Council to re-enter executive session pursuant to the same exception in order to discuss the same matter for an additional fifteen minutes. Wright seconded, and all voted in favor of the same.

At 8:35 PM, regular session resumed with no action taken during executive session. Blake then asked how the Council would like for him to handle incidents that occur between two employees. Though no motion was made, Scott advised that she felt like the Council should hear about any behavior that is forming a pattern related to work performance or work behavior but also said she does not want to micro-manage.

City Administrator / Public Works Director Updates

City Administrator, Allen Blake, addressed the Council and provided the following updates:

- Don Hindman is 50-67% complete with clean-up of the mobile home park. Scott expressed her appreciation for the work that has been done there, but the Council agreed that Hindman would be on his own, as far as use of the burn site, with the remainder of the clean-up. Blake will retrieve the key.
- The fire hydrant at 5th and Stadium has failed and cannot be repaired. APAC-Kansas, Inc. would charge \$2500 to replace it. The Public Works Department is capable of installing the hydrant, but parts alone would cost around \$1,800. Blake noted that the department is pretty tied up with the construction projects in town. Wright moved to authorize an expenditure of \$2500 to have the hydrant replaced by APAC-Kansas, Inc., only if the PWD could not get to it by Friday. Etchison seconded, and the motion carried.
- All the work on the Kincaid Equipment electrical upgrade is complete. The PWD is just waiting to pull the wire through conduit.
- Tree trimming has begun. Five or six loads of brush have been taken to the burn site.
- Blake requested Council permission to paint stripes for angled parking at the concrete area just north of the old drug store. Employees of Hutchinson Credit Union have been complaining about a lone vehicle that is parked parallel there from time to time. Blake has put in a phone call to the owner of the drug store but it was noted that the subject property is in the street right-of-way.
- The Water Project is still proceeding nicely. Outages are now affecting customers west of Kansas Avenue, but all outages should end after early October.
- Make a Difference Day appeared to be a success. Mr. Rice finished up the pool building alone on Sunday, and it looks really nice.



In regard to the pool report, Mitchell questioned the difference between commodity amounts for 2012 and 2011, thinking maybe this was related to gas expense. Warden advised she would look into it.

Due to a question from Wright, Blake will check to see who is liable if one of the valve casings is broken off before they are permanently set.

Chief of Police Updates

Chief Rob Pell provided the following updates:

- He passed both tests from the motor carrier inspection course.
- Two weed letters went out today.
- A brief discussion about parking on Emporia between Sunset and 8th Street took place. Pell advised that parking there on either side of the street is legal but putting up No Parking signs is an option. The governing body took no action on this.

Minutes

Scott moved and Etchison seconded to approve the September 4, 2012, meeting minutes. All voted in favor of the same.

Accounts Payable

Etchison moved to approve payment of \$133,247.44 to accounts payable, excluding those to Mitchell Hardware. Wright seconded, and the motion passed five to zero. Etchison then moved to approve payment of \$889.86 to Mitchell Hardware. Wright seconded, and the motion carried.

Council Concerns

Mitchell suggested having partitions placed in the City Office, citing the occasion to want to speak privately with the City Clerk. Scott asked the Clerk if one has ever asked for additional privacy to speak to her. She advised that no one had yet. Scott noted the availability of the Council room and Blake's office should privacy be necessary. Mayor Alferts asked if any of the Clerk's remodel ideas had included partitions; none involved partitions or walls. Mitchell suggested the rigid 5-6' tall partitions covered in fabric. Scott said her work has them all over the place, and they do not afford privacy; that privacy can only be delivered with four walls and a door. No action was taken regarding this.

Adjournment

Around 9:00 PM, Mitchell moved and Wright seconded for adjournment. The motion passed unanimously.

/s/
Mike H. Alferts, Mayor

Attest:

/s/
Leslie Warden, City Clerk