

**MINUTE RECORD**  
Regular Council Meeting City of Haven

Meeting: REGULAR

Date: September 8, 2009

**THE CITY COUNCIL MEETING IN REGULAR SESSION WAS CALLED TO ORDER AT 7:00 PM BY CODY R. LITTLESTAR, MAYOR WITH THE FOLLOWING COUNCIL MEMBERS PRESENT:**

Council Member: Jeff Stringer

Council Member: John Mitchell

Council Member: Don Ford

Council Member: Paula Scott

ABSENT: Amy Hirst, council member.

Others: Sonia Yutzy, Leslie Warden, Allen Blake, Allen Andresen, Leon Dick, Holly McCrory, Ryan McCrory, Lisa Stringer, Anne Hale, Kyle Stringer, Patty Miller, Jennifer Vierthaler, Vernelle Voth, Ann Chesnut, Andrew Chesnut, Colton Chesnut, Christopher Scott, Gary Cox, Karl Matlack, Tony Brauer, Connie Brauer, Victor Steffen, Karen Steffen, Leon Fournier, Jr., Liz Shank, Bill Thomas, Fay McMurray, Polly Schultz, Joanie Kelley, Shirley Robinson, Jan Beeney, Mary Andresen, Bryce Matteson, Darla Stussy, Jessica Stussy, Rosalie Schmidt, Lloyd Schmidt, Charles Arndt, Don Huston, Don Etchison, Steve Carmichael, Josh Ensley, David Pepin, Ed ?.

**Public Comment:**

The meeting began with public comment.

***Ryan McCrory*** works for the city maintenance department and stated that he feels the controversy going on in town belongs only to (John) Mitchell. He said that when he goes into Mitchell Hardware to purchase items for the City, John questions his ability and belittles him. He delivered a quotation from a text on government ethics that said one cannot support both private and public interests. He concluded his comments by saying Council member John Mitchell should remove himself from the Council.

***Darla Stussy*** lives four miles outside of Haven but works for Haven EMS and has always told people she is from Haven. She stated that what's going on is horrible and childish and pointed out that it appeared Mitchell had little care for the businesses / individuals he may have harmed while he was closed. She felt that Mitchell got on the Council only to be able to go through receipts. She also commented on Jeff Stringer's previous comments about not attending public events because public comment is bothersome, stating these comments caused her to lose faith in him as a Council member. Darla indicated that she now tells people she is from Burrton, not Haven, when asked where she's from.

***Karl Matlack*** works at Stinger. He defended Mitchell against some of Stussy's comments by noting that Mitchell did take consideration for their business while he was closed. Also, should Mitchell Hardware shut down, it would cost Stinger an extra \$5,000 - \$10,000 per year to obtain the same items from somewhere else.

***Leon Dick*** lives and owns rentals in Mt. Hope. He said that all this bickering could lead to Haven's death. Haven should pull together and patronize its local businesses. He will not invest in Haven (by purchasing rental property) if the bickering continues.

***Patty Miller*** moved to Haven from California. She came here for the pride, sense of community, and fellowship that Haven had to offer. Her young son is "impressed to live across the street from the Mayor because the Mayor owns the City," and he loves to go to Mitchell Hardware because John is so nice to him. She concluded by saying, "As a city, let's not squander."

***Josh Ensley*** is the son of Allen Andresen, maintenance supervisor. His opinion is that all the nitpicking and tearing down of the maintenance department is unwarranted because they daily go above and beyond the call of duty. He agreed that all the bickering needs to stop.

***Mary Andresen*** is the wife of Allen Andresen, maintenance supervisor. She began her comments by noting how Council member Mitchell points out all the atrocities in town but neglects to take care of his own. She cited his weedy, unkempt flowerbeds. She told of a time that she and Allen went into Mitchell Hardware on personal business. A discussion ensued amongst them, and it became clear that John and Allen had differing viewpoints, at which time, Mary alleges, John called Allen "a piece of excrement." Mary contended that this did not help John Mitchell garner business from them. Mary felt that John Mitchell should step down from the Council because he cannot adequately fulfill the role of Council member and businessman. She also expressed her disapproval of John Mitchell dragging our town through the mud. On her final note, Mary pointed out that we used to be the town that was one letter away from "heaven" and now we are four letters from "hell."

**Jennifer Vierthaler** hopes Mitchell Hardware stays open because she doesn't want to see more empty buildings downtown. However, she wishes John Mitchell would have taken the meeting that was offered to him by Allen Blake. She used to read the Clarion but does not anymore because she knows it would all be about the shed or Littlestar. She indicated she is tired of this because there are lots of other things we could talk about. She said she thinks Cody has a lot of good ideas if we would let him do his job and seemed to understand Jeff Stringer's reasoning for not attending public events. She asked the public to bring their issues to the Council room instead of pulling Council members aside at home or public events to discuss problems. She used to wonder where all the young people are but sees now that the old and those resistant to change have choked them out. This has caused the young to move away and / or to spend their money in Hutchinson and Wichita. She ended by saying that she shops at Yoder Hardware because "it's actually clean."

**Lloyd Schmidt** was mayor for twelve years and said he never had anything like this go on. Quite simply, he suggested everyone put this aside and quit saying bad things about each other, noting that it is "up to us now to bury this axe."

**Don Etchison** has lived in Haven for 23 years. Haven is still alive and breathing, he pointed out. However, he voiced some disapproval at the airing of Haven's "dirty laundry." He said he had no plans to take sides but is on the side of Haven. As others suggested, he agreed we must pull together. After citing how cooperative John Mitchell has always been with him and his wife, he asked that everyone "let bygones be bygones."

**Andrew Chesnut** spoke about how there is nothing for kids in Haven, nothing to keep people in town. "We need a little Y," he suggested. He said the vandalism and graffiti occur because kids don't have anything to do.

**Sheila Volweider** has lived in or near Haven for thirteen years and has always appreciated Mitchell Hardware. She said she loves old things, which is why she goes into Mitchell Hardware. She hopes he doesn't clean it up. "You're a very helpful man," she said to Mitchell. She also noted that Cody Littlestar and his family were pleasant neighbors when she lived in town. Because of her positive opinion of the two men, she felt sad about the recent goings on in Haven. She concluded her comments by saying, "Blessed are the peacemakers or else we'll all have pacemakers."

**Tony Brauer** began his public comment from the crowd rather than the podium and told Allen Blake, City Administrator, he wasn't going to the podium. Because of Blake's insistence he follow the protocol of all who had spoken before him, Mr. Brauer said he had said everything he wanted to say and said no more.

**Victor Steffen** spoke solely about a chuckhole in front of his house at 509 E. 2<sup>nd</sup>, caused by the APAC-Shears crew when they resurfaced the street. To keep it from becoming a larger chuckhole, he parks a car over it. He has reported it four times and asked that we get a hold of the APAC-Shears folks to have them come and fill it back in.

**Connie Brauer** does not live in town and admitted to the same. However, people in the country need the hardware store too, she articulated. She pointed out that John Mitchell has generously put in many hours and donated many supplies to PRIDE.

**Charles Arndt** served as a Council member for many years. He said he's sure there's more than enough blame to go around, but at this point, we must work to solve. "Don't drive the wedge deeper," he pleaded.

**Don Huston** worked for the City for 32 years. He said he thinks it is ridiculous that the Council cannot get along. He boasted that he could have saved the Council tens of thousands of dollars if they had listened to his advice about cutting down trees before the 2005 ice storm. He noted how the Council never came to him during the ice storm of 2005 to ask how things should be done. He said history has shown that if John Mitchell closes the hardware store that will be the end of the hardware store for Haven. After all, when Cantwells closed, that was the end of the furniture store; when Hempstid's closed, that was the end of the variety store. Furthermore, he wishes he didn't have a business and two houses in Haven. When he ran the maintenance department, he directed his employees to buy everything locally, which meant patronizing the hardware store then owned by the Kritz family. He concluded his comments by saying that the people of Haven don't support a restaurant or else there would be one.

At 7:45PM, for the most part, public comment ended, and the floor was given to Council member John Mitchell. Mitchell posed several questions to Mayor Cody Littlestar. Taking quotations from recent news articles, he asked who approached Mayor Littlestar six to eight months ago about the problems at Mitchell Hardware. Mayor Littlestar answered that the entire crew approached him, and Ryan McCrory confirmed this. Mitchell asked if Mayor Littlestar made a change to the purchasing policy without consulting the Council, and Littlestar said there was no policy change. Mitchell asked if additional man-hours were taken into account before advising the maintenance crew they could choose where to shop. Littlestar said they were. Mitchell asked if this was discussed with the Council, and Littlestar said it was not. Mitchell said he felt that was wrong.

Mitchell noted that news articles said that “a few people” and he harassed the maintenance crew. He repeatedly asked Littlestar who the “few people” were and asked how the Council could hold him responsible for what his customers say.

When that went nowhere, he turned to City Administrator, Allen Blake, for answers as to who the “few” were and how he could be held responsible. Blake told Mitchell that was not to talk about in Council meeting. However, he would be glad to discuss that in a separate meeting where something could actually be accomplished. Mitchell went on to inquire about a quote Blake had allegedly provided to the newspaper. He asked Blake what confrontations the maintenance crew had experienced in his store and wanted to know how he did not give the maintenance crew enough respect. Blake had two responses: 1) that’s not a good quote and 2) cussing the maintenance crew out does not show them respect.

Mitchell concluded his platform by stating that he did not bother, annoy, or hassle the maintenance crew while they shopped in his store and that he would challenge any or all of them to take a polygraph. He said he would take one too and he would pay for all of them. Blake noted that one couldn’t take a polygraph about one’s own opinion.

Council member Jeff Stringer asked Mitchell what it would take to mend things, and Mitchell said he didn’t know. Don Ford suggested that Mitchell just be a merchant when customers come in, that he should just sell them what they want. Mitchell said the controversy started when he started trying to improve the maintenance crew’s safety with the use of personal protective equipment.

Council member Paula Scott pointed out that the City does not own the hardware store and that John Mitchell is a personal businessman who made a personal business decision to close his personal business. She felt that it really was none of the City’s business and told Mitchell that “none of us owes business to you.” She believes someone would buy the store if it were for sale. When you have a business, she advised, it should be all about the customer; you should not have to attempt to force people to do business with you. She also noted that oftentimes perception becomes reality. Specifically, to Mitchell, she said, “If your attitude tonight is indicative of how people feel when they’re in your store, I wouldn’t shop there either.”

Since January, the City has spent \$1089.03 at Yoder Hardware and \$2710.91 at Mitchell Hardware. Mitchell wanted to discuss the maintenance department’s purchases only, but it was pointed out that it doesn’t matter who spent the money because it’s all City money. The data show that the City of Haven does support its local businesses.

Scott said she felt like Mitchell should not be forcing us to do business there, that it is a conflict of interest. Karl Matlack shouted out from the audience that it wasn’t a conflict of interest because no voting was going on. Scott responded that it still gave the appearance of impropriety. When Mitchell was required to pinpoint the problem, he admitted he wants more of the City’s business. Scott asked if he wanted a threshold, and he answered no. The City of Haven did business at Mitchell Hardware in August and has already made purchases there this month, Scott emphasized. She asked Mitchell if he was satisfied that he had drawn an audience. He answered, “Somewhat yes.”

At this time, Karl Matlack asked to speak again. He said he thinks the City should make a policy to do their best to shop locally.

Council member Stringer had a simple solution: the City will patronize Mitchell Hardware and John will leave the maintenance crew alone while they’re in there. Council member Ford said he thought this was a good solution. Scott said she felt that overall we had done that. Mitchell would not go for it because he felt this solution required him to admit wrongdoing. Council asked Mitchell what it would take, and he said his solution would require an executive session regarding personnel. He then made a motion that the council enter a five-minute executive session to discuss personnel. Don Ford seconded the motion. It passed 3 to 1 with Scott holding the opposition vote. At 8:25PM, the Council went into executive session.

At 8:32PM, the executive session ended, but due to the time needed to allow those attending to return to their seats, regular session did not resume until 8:36PM. No action was taken during executive session.

At this time, Council member Mitchell announced that he would not make a decision about Stringer’s proposed solution at the meeting. Mayor Littlestar asked what Mitchell would like to happen in the meantime, and wondered if Mitchell planned to get the citizens in an uproar again if the City purchases where they please until his “grand decision.” Mitchell said he didn’t know.

Finally, it became clear no resolution would be reached so Council decided to tend to the rest of the night’s agenda.

### **Maintenance Updates:**

Allen Andresen, maintenance supervisor, informed the Council that the old warehouse has now been painted but still has two spots that need touch up.

### **Park Board Request:**

Andresen indicated he had received a request from the Park Board for the maintenance crew to assist them with some of their projects through use of the bobcat. McCrory and Andresen both indicated they would be

willing to volunteer their time to do this. None of the Council members indicated they had a problem with this, and McCrory and Andresen received a word of thanks from the Park Board chairperson.

Though the maintenance crew still consists of only two individuals, Andresen indicated they are ready to begin trimming trees throughout town.

**End of Summer:**

The pool is now closed, except for the restrooms. Andresen wanted to know how the pool's solar blanket should be stored. After several ideas from the Council, Andresen was told to simply tarp the blanket up as best he could. Mayor Littlestar asked if the maintenance crew could repair the sprinklers at the ball diamonds, and Andresen indicated they could and would.

**Steffen's Request – 509 E. 2<sup>nd</sup>:**

Andresen will get APAC Shears back into town to repair the chuckhole reported by Victor Steffen.

**City Administrator Project Updates:**

**Water Project:**

City Administrator, Allen Blake, discussed how he had found a better way to fund the much-needed water project through Rural USDA Development. The project would be the same as the one previously discussed that was to be done gradually over 30 – 35 years. However, by doing the project through the Rural USDA Development, the project could be done up front and paid for over 40 years. Additionally, the City would be a likely candidate for a \$630,000 grant. In Blake's opinion though, taking on a project like this would require the city to raise water rates. The average user (5,000 gallons) would see an increase of \$20 per month. The water project would give the City a larger storage water tower and a new water well so we would have back up. It would centralize storage of water and provide better water flow as well as shut-off valves.

In order to start the project, the City would first have to undergo a preliminary engineering study, which could be done by Aquatech for a maximum of \$10,000, which Blake thought was very reasonable. Mayor Littlestar asked if the study cost could then be rolled into the 40-year loan, and Blake indicated he thought it could.

Council member Stringer admitted this needs to be done, and it seemed all of Council agreed they should look again at the recent water study.

**New City Clerk:**

Though the Council had already approved the hiring of Leslie Warden as City Clerk, she had not yet been appointed. At 9:04PM, Stringer moved for the appointment of Leslie Warden as City Clerk. Mitchell seconded the motion, and it passed 4 – 0. Mayor Littlestar swore Warden in.

**Maintenance Cell Phones:**

Blake looked into the City purchasing cell phones for the maintenance department but admitted that providing the employees with a monthly cell phone allowance would cut the City's cost in half. Radios would not be eliminated, however; they would be for standby use only.

Council member Ford moved for the monthly payment of \$40 to supervisors and \$20 to other employees for cell phone allowance with the stipulation that those receiving the cell phone allowance must have an active line. (Currently, this only applies to the maintenance department.) Stringer seconded, and the motion passed unanimously.

**Paul Moore Estate:**

Blake provided the Council with a copy of a letter he wrote to Larry Bolton, City attorney, regarding the intentions of the City to use the Paul Moore Estate money for a wildlife park. He and Mary Andresen, Park Board chairperson, worked together in this endeavor. The Estate's attorney recently advised that something must be in place by September 25.

**Fire Hydrants:**

The City received only two bids for the used fire hydrants. Vicki Gilmore came in as the high bidder at \$27.50 and therefore assumed the privilege of first choice. Ron Back was the other bidder at \$26.50 and indicated he would like two fire hydrants. Council agreed if fire hydrants were left the City would advertise for bids again.

**EMS Property:**

Blake informed the Council that the real estate contract had been approved by the City attorney and signed by Mr. White. The contract still needed the signatures of the City Clerk and Mayor. The City will pay \$8700 for the property and pay for the closing costs and title insurance. The Council indicated they had heard only one concern about the intention to tear down the old building at 120 N. Kansas.

At this time, a short discussion ensued about the need for a shelter for the burn site attendant during the winter.

**Refuse Driver:**

Stringer moved for a fifteen-minute executive session regarding personnel. Ford seconded the motion, and it passed unanimously. Council entered executive session at 9:30PM. No action was taken during the

session. At 9:45PM, the Council resumed regular session and Stringer moved for the hiring of Richard Ehrlich as the refuse driver at \$12 per hour with the stipulation that he must pass a drug screening. Ford seconded the motion and it passed four to zero.

At this time, it was decided that the Council would take up employee evaluations at the next Council meeting. However, a discrepancy regarding Dwayne Palmatier's pay rate was discussed, and Blake advised he would research to make sure Palmatier is at the same hourly rate as he was last year.

**Cheryl Savaiano's Retirement:**

The previously planned retirement party for Cheryl was canceled at her request. However, the Council agreed that they would still like to do something to show their appreciation for her. At 9:52PM, Council agreed that a short celebration for her will take place at the next Council meeting, September 21, 2009, at 7:10PM.

**Minutes:**

Minutes from the August 17, 2009, council meeting were approved by a motion from Jeff Stringer and a second by John Mitchell. The motion passed four to zero.

**Accounts Payable:**

Paula Scott moved for the approval of the accounts payable, excluding Mitchell Hardware totaling \$112,164.58. Jeff Stringer seconded Scott's motion, and the motion passed unanimously. Jeff Stringer moved for the approval of payment to Mitchell Hardware, totaling \$56.13. Ford seconded the motion. Mitchell abstained from voting, and the motion passed three to zero. Members were provided a financial statement dated August 31, 2009, a comparison of fund balances to the 2009 budget, and a summary reconciling receipts between the Jayhawk and Quicken computer programs.

**Adjournment:**

Mitchell moved for adjournment. Stringer seconded, and the motion passed unanimously.

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Cody R. Littlestar, Mayor

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Leslie Warden, City Clerk