

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

**Meeting: REGULAR**

**Date: September 21, 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: Amy Hirst**

**Council Member: Paula Scott**

**ABSENT: Don Ford, council member.**

**Others: Sonia Yutzy, Leslie Warden, Allen Blake, Lloyd Schmidt, Charles Arndt, Cheryl Savaiano, Emil Savaiano, Perry Stussy, John Ricker, Bryce Matteson.**

At the start of the meeting, Lloyd Schmidt requested that he be added to the agenda. Council member Paula Scott requested an addition to the agenda to discuss the burn site.

**Public Hearing Regarding Coop's Additional Liquid Fertilizer Storage:**

The Coop had previously presented a plan to the Planning Commission for additional storage of liquid fertilizer, and the Planning Commission recommended it. City administrator Allen Blake pointed out that the Coop was not asking for a special use permit, but the Planning Commission and then City Council must approve anything done in an industrial zone.

At that time, Perry Stussy, representing the Coop, addressed the Council. He distributed a packet of information, which included a letter from the Kansas Department of Agriculture approving the Coop's bulk fertilizer storage facility. He also noted that the State would come out and do a final inspection upon completion of the construction. Perry fielded questions from the Council regarding safety and containment issues. State regulations require the Coop to have containment to cover 110% of its largest tank, and their Bentonite containment will hold 722,000 gallons. The Coop's currently has two 35,000-gallon tanks for liquid fertilizer storage. The plan is to have Skinner Tank Service construct two 635,000-gallon tanks for additional storage. Perry pointed out that currently the City receives \$53,000 in property taxes from the Coop, and this additional storage will increase that. Paula Scott said she had no problems if the Planning Commission had no problems, and Mayor Littlestar commented that it appeared they had met all state regulations.

At 7:14PM, the public hearing was closed. Paula Scott moved for approval of the Coop's plan for expansion of additional storage of liquid fertilizer. Jeff Stringer seconded, and the motion passed four to zero.

**Public Comment:**

Vic Steffen said he came solely to thank the City Council for having the chuckhole in front of his house fixed, that he thought the Council would like to hear something positive for once. He said the street now looks nice and the repairs appear to have been done quite professionally.

**Celebration of Cheryl Savaiano's Retirement:**

At 7:15PM, the Council presented a plaque to Cheryl Savaiano for her years of dedication and service as the Haven City Clerk. She was also given a gift card, which was purchased with personal donations from the Mayor, Council and City Administrator. Cheryl thanked the Mayor and Council and said they had always been generous and supportive to her through the years. Pictures were taken and cake was shared.

### **Overpopulation of Cats:**

At 7:29PM, Susan Stucky and Christy Nienstedt approached the Council about the overpopulation of cats in their neighborhood. Susan stated that at any given time during the day 3 – 4 cats could be found in her yard. The cats also populate the alley and yards along the 200 block of 5<sup>th</sup> street. They use neighbors' yards and flowerbeds as a litter box, and it has created a stench in the neighborhood. Council member Jeff Stringer said he had experienced the stench on his nightly walks with his wife. Stucky said the feeder (owner) of the cats had a court date regarding this issue in February or March, and at that time, the problem did begin to improve. However, the situation appears to be deteriorating now. She also noted that the owner feeds and waters the cats daily, sometimes placing the food in the nearby alleys to draw cats nearer. Christy Nienstedt said she contacted the owner's landlord about the overpopulation of cats at the residence, and the landlord assured her she has the wrong address.

At one point in time, Stucky had a cat trap in her backyard, and it was removed from her yard and the cat removed from it. Though she does not have proof, she believes it was the cat owner that trespassed onto her property and removed the trap and cat. Because of this issue, Stucky is now not on good terms with her neighbor and she hates that.

Nienstedt, Stucky, and Blake all agreed this is a big problem and a public hazard. By City ordinance, one is only allowed to have a total of four pets. However, owners are not required to register or license cats. City Administrator Allen Blake suggested the two attend the owner's next court date on October 1 at 1:30PM. At that time, they could ask the City prosecutor to ask the Judge to order that the owner cannot feed the cats outside or that she cannot have any cats, etc. Stucky and Nienstedt worried about the owner claiming that the cats are not hers, and Blake said that in the eyes of the law, if you feed the animal, it belongs to you.

Stucky and Nienstedt thanked the Council for listening to their concern. Mayor and Council noted the date and time of the owner's upcoming Court date.

### **Neptotism Policy:**

At 7:35PM, prior to Merritt Wright addressing the Council, City Administrator Allen Blake noted that he did visit with Wright regarding his son, Adam's bill for maintaining the ball diamonds and how it violated the City's nepotism policy. The City used to drag the diamonds. That process has advanced because the City does not own a commercial drag. Previously, volunteers did the work. Blake added that the City *can* pull the commercial drag with their equipment, but the maintenance department may not do as good a job as the Recreation department has done.

Merritt Wright told the Council that he was unaware of the nepotism policy, enacted in 1999. He apologized that Adam had been paid for his work and has gone over the policy with him. Since 2000, he has had Adam helping to keep up the ball diamonds and at times has paid him out of his own pocket. Adam has about nine years of experience in ball diamond maintenance, some of which came from working at Fun Valley. Merritt noted that if the field is not kept up, it erodes and blows. According to Merritt, the Halstead Recreation Director, who works full-time, works on Halstead's ball diamonds 11 months out of the year.

Usage of the ball diamonds has greatly increased. In 1996, there were about 36 kids involved in ball sports, and now there are over 100. Greater games and practices really eat away at the fields.

Furthermore, Merritt has used his son, Adam, and to-be daughter-in-law, Afton to umpire games. He says it is difficult to find umpires, and he needs dependable people that he can have a relationship with, and he would like to use his currently hired umpires / refs for the basketball season. He said he would hire Adam to umpire and landscape even if he weren't his son.

Kevin Boese, a member of the Recreation Board, told the Council that he would like for the board to be able to choose the help that cares for the field.

Boese and Wright's comments put off the impression that they were trying to work around the nepotism policy by having the Board do the hiring. Council member Paula Scott and City Administrator Allen Blake pointed out that the nepotism policy has nothing to do with who does the hiring. The nepotism policy prohibits employment of family members when the employment creates a situation where one person supervises, manages, or will be supervised or managed by another family member.

It was noted that Adam and Afton are technically hired as contract labor for umpiring and field maintenance. City Administrator Blake pointed out to the Council that there would be a question as to whether the nepotism policy applies to contract labor. Whether it does or not, the reasoning behind enacting the nepotism policy, which was to have a good system of checks and balances, still exists.

Council member Paula Scott told Merritt that the last invoice for \$300 from Adam for field maintenance contained no real quantification or detail as to the extent of work done, and this raised a red flag for the Council. In small towns, it is hard to find someone who is not related to someone else in town, but the City does need to have a fair process. She noted that paying Adam for his work does create the appearance of impropriety, and the Council cannot always be addressing complaints regarding this issue. Reference was made to a gas bill issue from 2007. Council noted that in the past Merritt and Sandy performed field maintenance as part of their regular duties.

Mayor Littlestar suggested that the umpire and field maintenance positions be advertised in the paper. Merritt Wright agreed to this as long as the Recreation Board does the choosing, but also asked that he be allowed to handle the hiring of umpires. Council member Jeff Stringer said we better advertise, and Scott agreed so that everything will be done as objectively as possible. She pointed out that this is a protection for the City and Merritt's family as well. Stringer said the only around the situation is to have Adam do the work as a volunteer. Merritt said he already has a core of umpires that he likes using and does not want to go to the extra of advertising.

At this point, around 8:12PM, Kevin Boese appeared fed up and resigned from the Recreation Board because everything was becoming "too political." He said it appeared the Council didn't think the Recreation Board was performing adequately, and if this issue is such a big deal, then everything will be a big deal. He said he was done with the recreation program, and his kids will no longer participate in it.

Merritt appeared quite disappointed at this, and finally promised the Council he would not write Adam another check for anything related to the recreation program. He said he just wants to be involved in the program that he loves so much. Recently he and his family discussed this issue over dinner, and they all agreed that whatever was best for the recreation program was best for all.

It was finally agreed that the field maintenance and umpire positions would be advertised. Merritt said he would create the advertisement and then go over it with City Administrator Allen Blake.

Upcoming events in the recreation department were discussed.

After the discussion was wrapped up, Council member Amy Hirst asked Kevin Boese to please reconsider his resignation because he is very important to the program and the work he does has not gone unnoticed. Boese agreed things got heated and apologized.

### **Paul Moore Estate and Nature Park:**

City Administrator Allen Blake advised that we have sent a plan to the Paul Moore Estate but have not heard anything about approval yet.

At 8:30PM, Mary Andresen, chairperson of the Park Board, presented plans for Pioneer Nature Trail to the Council and handed out a packet of information regarding the same. According to the Park Board's current plans, the trail will start between the Community Building and maintenance building. The benches shown in the diagram will be paid for out of the Park Board's budget, not the Paul Moore Estate. Andresen noted that the swing set will have to be moved, and the grills will have to be removed. At the southeast corner, the board plans to place desert-like plants. The southwest corner will contain more native plants that will

require watering. In some places, the split-rail fencing will have to come down. At this time, the Park Board would like to get started with placing the benches and cement for the same.

Council member Paula Scott mentioned the water park plan previously presented by Glenna Norris and thought it might be fun to have a little bit of that worked into the nature trail. Andresen responded that the plumbing that kind of project required presented a problem. Scott thought we could still make it happen and asked Andresen to keep it in mind. Mary Andresen said the Park Board would like to have Glenna added to the board. City Administrator Blake said we would need to ask Glenna if she is interested first.

The Park Board has asked Mr. Hobbs (shop teacher at the high school) to help with creating a new sign for the horseshoe pit at Veterans Park.

Andresen indicated the Park Board would begin working to get the benches placed and with Blake's help, would begin taking bids for the concrete work required for the nature trail.

### **Allen Field Addition:**

Lloyd Schmidt drew a diagram of the Allen Field addition on the whiteboard in the Council room and discussed the plans for a water line for the addition. Emil Savaiano, Lloyd Schmidt, and Harold Voth currently own the Allen Field addition. The engineer they have been working with to develop the area is asking questions that Schmidt needs the Council's help to answer. Essentially, Schmidt wanted to know how much the City planned to participate in the developing of the addition. He indicated that now would be a good time to get the development underway because people are hungry for work. Overall, it appeared that it would be best to carry the water line to the corner of Haven Buhler and First Street and to carry the line south parallel with Haven Buhler road.

Council member Paula Scott asked Schmidt to obtain from his engineer a drawing and cost estimate of the possible plans, and then we would have our City engineer review the same.

### **Burn site:**

Scott advised that the burn site looks like a dump. All seemed in agreement with that. Mayor Littlestar said it needs to be reshaped and re-leveled. Scott mentioned the weeds mounting atop the hills at the burn site. Blake pointed out that Allen Andresen had just mowed the lagoons over the weekend but still needed to spray weeds. Council member John Mitchell said the maintenance crew just grated the back road to the burn site, which is not for public use, and that this would probably cause more people to attempt to utilize the back entrance. Blake said that road would likely be unavailable soon because the farmer may plant wheat there. It was suggested that the City obtain bids for the reshaping and re-leveling of the burn site. Blake advised he would do that.

### **Maintenance Updates:**

Allen Andresen, maintenance supervisor, did not attend the Council meeting but provided Mayor Littlestar with the update information. The mayor advised that the maintenance crew has begun trimming trees and has made a preliminary sweep with the street sweeper.

### **Neighborhood Revitalization:**

City Administrator Blake advised that Mayor Littlestar and Harland Priddle were able to make an interlocal agreement with the Hutchinson Community College. Though the Council had previously approved the agreement, they gave the Mayor approval to sign the interlocal agreement, with a motion by Paula Scott and a second by Amy Hirst. The motion passed unanimously.

### **Water Project:**

At 9:07PM, the Council began re-reviewing the water system study since the City is considering undertaking a large water project through an opportunity by the USDA Rural Development loan and grant system. A project through the USDA would include everything previously mentioned except a water treatment system. Council member Paula Scott asked how the grant amount is determined, and Blake

advised it would be based on the average water bill in the state of Kansas and how it compares to an average water bill in the City of Haven. Doing the water project through the USDA Rural Development loan and grant was discussed favorably, and it was pointed out that whether or not the project was done through the USDA the City would be required to perform a preliminary water study. Scott said she was definitely pro-infrastructure maintenance but felt we should give people the opportunity to see what the City is buying. The mayor and Council agreed that the public should be given a chance to have questions answered and concerns addressed and hoped Willis Wilson of Aquatech could be present for the meeting. The water system study and project plans will be available for public viewing at the next council meeting set to take place at the Haven Community Building at 7:00PM on October 5, 2009.

### **Amending Golf Cart Ordinance**

City Administrator Allen Blake presented to the Council a draft of an ordinance that would repeal Ordinance 583. The new ordinance would replace it with an ordinance to allow golf carts, work site utility vehicles, and mini utility vehicles on the city streets but not on roads where the speed limit is over 35mph. Scott made a motion to approve it as Ordinance 585. Stringer seconded the motion, and it passed unanimously.

The Council decided not to hold an executive session regarding personnel as the agenda indicated. The issue will not be addressed until year-end.

### **Council Concern:**

Stringer had an individual approach him regarding the drainage for the new assisted living facility going in on north Reno. Stringer felt that without curbing a drainage problem might develop. Blake pointed out that road belongs to the township, not to the City, and that the City does not plan on putting in curbing there. Scott indicated that though the facility has been under construction for some time, she was not made aware of it until quite recently. She asked if there were any zoning issues that the owners / builders should have approached the City about, and Blake said there were no zoning issues because that area is zoned multi-family. She said it would have been nice if the owners had informed the City Council about the facility as a courtesy. Sonia Yutzky of The Clarion said there might be a second facility build if the first one goes well.

### **Minutes:**

Minutes from the September 8, 2009, council meeting were approved by a motion from Jeff Stringer and a second by Paula Scott. The motion passed four to zero.

### **Accounts Payable:**

Jeff Stringer moved for the approval of the accounts payable, totaling \$158,479.67; Paula Scott seconded Stringer's motion, and the motion passed unanimously.

### **Adjournment:**

At 10:00PM, Stringer moved for adjournment. Scott seconded, and the motion passed unanimously.

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Cody R. Littlestar, Mayor

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Leslie Warden, City Clerk