

MINUTE RECORD
Regular Council Meeting City of Haven

Meeting: REGULAR

Date: March 1, 2010

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: Don Ford

Council Member: Jeff Stringer

Council Member: Amy Hirst

Council Member: John Mitchell

Council member: Paula Scott

ABSENT: None.

Others: Sonia Yutzy, Leslie Warden, Allen Blake, Bill Thomas, Larry Bolton, Dean Chesnut.

City Administrator, Allen Blake, requested an addition to the agenda. He said that Mayor Littlestar's work schedule has changed and so it is necessary to discuss a change in the Council's meeting night. Council member, Paula Scott, moved to add the item to the agenda. Jeff Stringer seconded, and the motion passed five to zero. Mayor Littlestar asked that it be discussed under "City Administrator Project Updates."

No one signed up in advance of the meeting to deliver public comment so there was none.

Executive Session to Discuss Open Records / Open Meeting Complaint Filed by Chesnut

Stringer moved that the Council recess into executive session pursuant to the attorney-client privilege exception to discuss the complaint filed with normal session to resume in council chamber at 7:30 PM. Amy Hirst seconded, and the motion passed unanimously. City Attorney, Larry Bolton, was present to address the Council. City Administrator, Allen Blake, and City Clerk, Leslie Warden, remained in attendance for the executive session at the request of the Council.

At 7:30 PM, the Council resumed regular session with no action taken during executive session.

Executive Session to Discuss Rights / Responsibilities regarding Employment Law

Hirst moved that the council recess into executive session under the attorney-client privilege exception to discuss the above-listed issue with regular session to resume at 7:50 PM. Don Ford seconded Hirst's motion, and it carried. The Council requested the City Administrator remain in attendance.

At 7:50 PM, the Council resumed regular session with no action taken during executive session.

Executive Session To Discuss Acquisition of Real Estate for Water Project

Ford moved that the council recess into a 30-minute executive session under the acquisition of real estate exception to discuss the purchase of real estate for the water project. Stringer seconded, and the motion carried. Council requested that City Attorney, Larry Bolton, and City Administrator, Allen Blake, remain in attendance.

Council resumed regular session at 8:20 PM with no action taken during the executive session. Stringer then moved to permit the City Attorney to proceed with acquisition of real estate to install a new water well for the City. Scott seconded, and the motion passed with five "yes" votes.

Opening of Bids for Demolition of 120 N. Kansas Avenue

Mayor Littlestar opened the following sealed bids for demolition of 120 N. Kansas Avenue:

Dave Richardson Construction (Haven)	\$ 14,700.00
Victor Steffen, Jr. Backhoe & Irrigation Service (Haven)	\$ 11,578.00
BRAK-Hard Concrete Construction Company, LLC (Dodge City)	\$ 9,350.00 + Tax (if without Project Exemption Certificate)

All bidders provided proof of liability insurance. Hirst and Stringer both voiced that they would like to keep the money local. Ford pointed out that BRAK-Hard's bid was \$2,000 lower than the lowest local bid. Mayor Littlestar responded that the City is not obligated to take the lowest bid. Mitchell then moved and Ford seconded to accept the bid from BRAK-Hard. Mitchell and Ford voted in favor, but Stringer, Hirst, and Scott did not. Therefore, the motion failed. Scott then moved and Stringer seconded to accept the bid of \$11,578 from Victor Steffen, Jr. Backhoe & Irrigation Service. The motion passed three to two. Ford and Mitchell held the opposing votes.

Maintenance Project Updates

At 8:30 PM, maintenance supervisor, Allen Andresen, provided the following updates:

- A fuel conservation policy has been completed and was presented. Mayor Littlestar suggested a clause be added to address the warming up of diesel vehicles.
- The bucket truck and digger passed safety inspection though a few minor recommendations were made. Other rubber goods and safety equipment also passed. The blankets and sleeve still need to be tested.
- Water to the entire town will be shut off for the afternoon of Wednesday, March 3, for a leak repair and installation of a water tap. The Council suggested the fire hydrant at Reno and Second should undergo replacement at that time as well if Inman Excavating is available. Ford moved to approve installation of the new fire hydrant at Reno and Second not to exceed \$3,000. Mitchell seconded, and the motion passed unanimously.
- A water leak on 6th Street was recently repaired. A great deal of water was lost due to the size of the leak. 3D Excavating out of Inman was hired to bore in new service there for \$350.
- In a few weeks the new sewer lagoon should begin discharging.
- The trash truck has been to Wichita twice for repairs, but the problem still persists. Andresen is going to schedule it to go in again next week. The problem has to do with the check engine light and fuel injection. Andresen noted that there are about 14 months left on the truck's warranty.

Mitchell asked why Silvers Street, which goes through an addition owned partially by Lloyd Schmidt, was re-rocked and graded. Andresen said that Mark Loehr requested it. Mitchell pointed out that Schmidt did not request it. Stringer pointed out that it is a public street, and Mayor Littlestar said that is simply normal maintenance.

Mitchell wanted to know if the maintenance department had any cold mix. Andresen answered affirmatively but said that what is on hand is not too good, though he did use some to fill potholes by the Kwik Shop. The Council noted potholes at 2nd and Emporia, a few by the grade school trash, and one in the middle of Sedgwick. Andresen said he probably wouldn't fill the pothole in the middle of Sedgwick because the street will need to be torn up to repair a water leak soon. Don Ford mentioned that the concrete on Stadium Drive is broken up and worsening.

Mitchell mentioned that one of the coaches came into his store and requested a copy of the concession stand key, which he had received from Merritt Wright. Without authorization Mitchell refused to make a copy. Andresen and Blake noted that this seems to happen every year, that the school loses their key. Andresen suggested requiring a key deposit.

City Administrator Project Updates

At 8:50 PM, Blake addressed the Council:

- Winter Concrete estimated that the installation of five ADA ramps and the two alley approaches east of Kansas Avenue on Main Street would cost \$6,750. Mayor Littlestar reminded the Council that the City must show progress with the ADA ramps and suggested the broken concrete on Stadium be fixed at the same time. Scott made a motion to approve the estimate from Winter Concrete so long as the work does not exceed \$6,800. Hirst seconded, and the motion passed five to zero.
- Severe weather season is approaching, and the City will be testing the tornado sirens on March 9 at 1:30 PM.
- The state legislature is considering the addition of a 5.3% tax to utility bills, specifically water and utility. It is estimated this would help the budget shortfall by providing an extra \$140 million. If the proposal passes, it's likely it would go into effect July 1.
- The Sublease Agreement between the City of Hutchinson and Haven pertaining to the 800 MHz radio system has arrived. Nothing has changed since the last discussion. It is a 12-year lease with annual payments of \$1,414.56. However, 911 funds will cover the first three years. The agreement does require the Mayor and Clerk's signatures. Scott moved to approve the sublease agreement and authorize the Mayor to sign. Ford seconded, and the motion passed unanimously.
- An insurance adjuster has reviewed the wind damage at the Community Building, as Mitchell suggested. The adjuster estimated the needed repairs to be about \$200.95, which is considerably less than the City's deductible. The adjuster did not find any damage other than the few missing shingles. The Council agreed to wait until tornado season is over before authorizing any repairs.

Ordinance 589: Council Meeting Date

Because Mayor Littlestar's employer has changed his work schedule, he will soon no longer be able to attend meetings on Monday nights. Therefore, in order for him to continue to serve appropriately as Mayor, a change in meeting date was proposed. Mitchell said he did not think it was a good precedent to change the long-standing meeting day. Furthermore, his experience has been that Fridays are quite busy and thus bad nights to hold meetings. When Ford asked if the change would be short-term, Mayor Littlestar said he honestly didn't know and unfortunately he has no control over it. However, he was clear that he would love to continue to serve as Mayor.

Scott conceded that Friday night does stink, but if she were in Littlestar's shoes, she would want the same consideration. She also felt that the Council owed the change to those that elected Littlestar as Mayor.

Scott moved to approve Ordinance 589 changing the Council's meeting dates to the first and third Fridays of each month. Ford seconded, and the motion passed four to one. Mitchell held the opposing vote. Graciously, Mayor Littlestar thanked the Council for their consideration.

For clarification purposes, it was discussed that April will be the first month effected by the Ordinance, meaning the first meeting will take place on April 2, 2010. Council packets will then be provided on the Tuesday prior to meetings.

Appointment to Ambulance Board

Ford moved to approve the appointment of Roger Meier as the Haven Township representative to the Haven Community Ambulance Board for a two-year term. Hirst seconded, and all voted in favor.

Appointment of Committee to Update Capital Improvement Plan

This item was tabled.

Review Low Water Crossing Estimate

The Council agreed to skip the executive session so they could first review the low water crossing estimate. Reed Dozing estimated installation of the new low water crossing at \$30,525. Blake recommended if the Council chose to approve the expenditure that they do so pending approval of it being added to the State Revolving Loan. Mitchell felt that the estimate was quite high considering the limited amount of use of the crossing. Blake said that the crossing would undoubtedly eventually wash out because water carries much

force. Ford said it seems like a terrific amount of money and perhaps the crossing could be fixed for less. Blake said the repairs were the engineer's recommendations.

To Scott, it seemed like a no-bid contract. Blake said the City could not get financing if they took bids and said it was unlikely we would get bids for half the amount if bids were taken. Scott said she felt blind without other bids or information to consider. The Council collectively decided the estimate was too expensive, though no vote on the issue was taken.

Executive Session to Review Applications

Stringer moved that the Council recess into a 30-minute executive session pursuant to the non-elected personnel exception to review applications. Hirst seconded, and the motion passed unanimously.

At 9:55 PM, the Council resumed regular session with no action taken during executive session. Stringer moved and Hirst seconded to allow Blake to negotiate two employees for possible hiring. All voted in favor.

Minutes:

Minutes from the February 15, 2010, council meeting were unanimously approved with a motion from Scott and a second by Ford.

Accounts Payable

Scott moved for the approval of the payables totaling \$87,240.92; Stringer seconded. The motion passed unanimously.

Members were a summary comparing receipts between the Jayhawk and Quickbooks computer programs.

Council Concerns:

Mitchell asked that City Clerk, Leslie Warden, look into the CenturyLink bill and ensure the long distance restriction is in place for the pool, ball diamonds, and community building.

Mayor Littlestar has received a complaint about the appearance (i.e. junk, trash) of the rentals at South Topeka in the alley. Blake advised that a 14-day notice had been served to one of the owners but was returned due to a wrong address. The notice will be resent.

Littlestar also mentioned that the library needs a time clock.

Mitchell noted that Jones' building, located at 207 S. Sedgwick, is "full of trash" and riddled with wrecked cars and junk. Also, Jones is using the East easement, which, according to neighbors, is owned by the City. Mitchell passed around his digital camera showing pictures of the property. Blake said he spoke to Bob Jones earlier in the day, and Jones apologized that it had gotten so bad. He agreed to have it cleaned up in thirty days.

Stringer asked for clarification regarding the new water well. There will not be any trenching done under the highway, Blake confirmed.

It was reported that the police are not enforcing the law against J-turns, which have become quite commonplace on Kansas Avenue. Blake advised he would try to improve that but generally violators are warned unless persistent.

Though no formal vote was taken, the Council okayed the Logo Committee, comprised of the City Clerk, Erin Peterson of PRIDE, and Susan Stucky of the Chamber of Commerce, to move forward with the written recommendations provided. This includes the expenditure of \$150.00 with Artshirt, Inc. of McPherson to work up four logos for review. The Council would like to make the final decision on a logo for the City.

Ford pointed out that Dean Chesnut is the local representative for BRAK-Hard. (At the commencement of one of the previous executive sessions, after the demolition bid had been voted on, citizen, Dean Chesnut,

handed his business card to Ford.) Chesnut addressed the Council and said "state law requires you to take the lowest responsible bid," referring to KSA 12-2828. Blake advised that Haven is a third class city and therefore does not fall under the authority of the statute. Chesnut asked incredulously if Haven does not have to follow state statutes. Stringer said the Council wanted to spend the money locally. Chesnut argued that spending it with BRAK-Hard is keeping it local due to his involvement. Scott smartly noted that the sealed bid did not present it that way. She asked why he handed his business card and made his association with the company known only to one council member. Chesnut said he was asking to address the council because he was not on the agenda. She asked how come he did not disclose he was representing BRAK-Hard on the sealed bid. He answered questioning why the City did not take the lowest bid. Mayor Littlestar said the City is not obligated to accept the lowest bid. Chesnut said we will let the Attorney General decide that. Scott still pressed for an answer to her question. Chesnut finally answered that he didn't think he needed to disclose he was the local BRAK-Hard representative.

Adjournment:

At 10:15 PM, Stringer moved for adjournment. Scott seconded, and the motion passed unanimously.

Cody R. Littlestar, Mayor

Attest:

Leslie Warden, City Clerk