

CITY OF HUMBOLDT
REGULAR CITY COUNCIL MEETING
MINUTES
MONDAY, AUGUST 13, 2012 - 7:00 P.M.

The Council met in regular session on Monday, August 13, 2012 at 7:00 p.m. in the Community Room at City Hall. Mayor Davis called the meeting to order at 7:02 p.m. with the following Councilmembers present: Aikins, Crawford, Julich, Roether, Shreeve, Slater, Smith and Walburn. Also present were City Attorney Fred Works, City Administrator Larry Tucker, City Clerk Jean Flores, Sewer Superintendent Roger Vincent, Water Plant Superintendent John Hodgden, Utility Foreman Patricia Sanchez, Chief of Police Brian Dillow and Fire Chief Kent Barfoot.

The meeting was opened with the Pledge of Allegiance and Councilmember Crawford gave the invocation.

Motion by Aikins, second by Walburn to amend the agenda by deleting Consent Agenda Item 3d. Resolution regarding Notice to Americans with Disabilities Act, and adding Item 8a. Resolution to consider Kansas Pride Resolution. Motion carried unanimously. (City Attorney Fred Works requested more time to research and prepare the ADA resolution.)

Patricia Sanchez introduced new Maintenance Workers Alan Maxton, Kevin Wood and Justin Houk.

Councilmember Aikins expressed thanks and appreciation to the Humboldt Volunteer Fire Department for their hard work, especially during this dry season and the frequent fires.

Public Comments were made by the following: Anna Ford who disagrees with the City's policy on utility reconnect and disconnect fees and the manner in which utility bills are prorated; she disagrees with the possible sales tax increase for street improvements; she asked what happened to the money that was in the Street Fund; and said that City money should be used wisely.

Terry Butts asked the status of the sales tax refund agreement the City has with Dollar General; Richard Weilert asked why, during an economic crisis, the City would raise the sales tax, adding this would not be an incentive to move to Humboldt; Connie Isaac agreed with everyone that had spoken that this is not the time to raise the sales tax.

Motion by Julich, second by Aikins that Items A, B and C of the Consent Agenda be approved as presented. Motion carried unanimously. The Consent Agenda consisted of the following:

- a. Approval of minutes of Regular Council Meeting July 9, 2012 and Special Council Meeting July 30, 2012
- b. Warrant Ordinance No. 1753 dated July 31, 2012 in the amount of \$43,685.05 and Warrant Ordinance No. 1754 dated August 13, 2012 in the amount of \$79,092.06
- c. Adoption of Ordinance No. 1472-Standard Traffic Ordinance and Ordinance No. 1473-Uniform Public Offense Code

Larry Tucker presented the 2013 Budget. Mayor Davis commented that, contrary to the talk around town, no Parks Superintendent has or will be hired at this time and there had been some confusion over this in preparing the 2013 Budget.

The Public Hearing on the 2013 Budget was opened at 7:23 p.m. Terry Butts was not in favor of the 5% raises for Department Heads, and stated she would like to keep one-half of her business's sales tax as Dollar General does, and asked Councilmembers to use more common sense and be more attentive to business owners; Marilyn Davis was not in favor of hiring a Parks Superintendent, also asking why the ADA requirements were not met at the time the swimming pool was renovated, and why the Water and Sewer Plants have been allowed to deteriorate over the years; Anna Ford was against the 5% pay raise for Department Heads and the increase in the mill levy and stated the City should purchase only the necessities.

Rex Heape, Shafer, Kline & Warren, stated that the Sewer Plant improvements are not due to wear-and-tear, but due to new requirements. The Mayor added that improvements to the Water Plant just need to be brought up to speed. He added that, at some point in time, we need to step up to the plate and increase the mill levy to stay afloat, we must do what we need to do as a business because the City must be run like a business.

Jerri Lucke asked what happened to the equipment reserve funds and if they were depleted, adding that now is not the time to increase the mill levy.

David Weilert said, when it comes to sales tax, how much is enough? He said his chiropractic clinic is one of the oldest businesses in town and that he would like to keep the mill levy where it is, or possibly lower it.

Larry Hoepker asked if money was budgeted for the Humboldt Planning Commission to extend utilities out of the city limits. Larry Tucker responded that \$10,000 for water and \$10,000 for sewer had been budgeted for 2013.

There being no other comments, the Public Hearing on the 2013 Budget was closed at 8:03 p.m.

Motion by Julich, second by Slater to accept the 2013 Budget as is. Four voted aye (Aikins, Julich, Slater and Walburn), three nay (Crawford, Shreeve and Smith), and one abstained (Roether). Motion carried.

Nuisance abatements included 218 Charles (owner Nellie Ketcherside), in which City Attorney Works said he had made contact with someone in Erie that is in charge of the affairs; 403 Bridge (owner James Parker), in which the Mayor and City Attorney said this has become a different matter at this time; 203 Neosho (owners Guy and Mitzi Ellsworth), in which the Mayor stated he had been contacted about putting a mobile home on this property and that the property would be taken care of; and 617 N. 6th (owner Mike Dillon), in which the resident had previously been granted 90 days to take care of it, 60 days are still remaining for repairs and junk removal.

Motion by Aikins, second by Walburn to allow the resident at 617 N. 6th 90 days to clean up the nuisance property. There was no vote and the motion died as the resident still has 60 days to comply.

Bids were received from Shafer, Kline & Warren, Inc., Iola (\$16,910.00), and BG Consultants, Inc., Emporia (\$18,675.00), for Sewer Plant improvements. Councilmembers requested more information before a decision is made on these improvements. Motion by Aikins, second by Julich to table this issue until the next Regular Council Meeting. Motion carried unanimously.

Discussion was held on the possibility of extending electricity at Neosho River Park over to the new outdoor amphitheatre area by putting up electrical outlets. City Administrator Larry Tucker said no funds had been set aside for the project this year. Motion by Aikins, second by Roether to approve JB's Electric, LLC (John Baker) to extend electricity just to the north and not the south at Neosho River Park. City Attorney Works suggested that the Council wait and bid again next year when funds are available as prices could change. Aikins withdrew her motion and no action was taken.

Bill Caton, Excel Development, and Chris Bauer, Humboldt Housing Action Team, were present with a request and application to pursue a Kansas Housing Resource Corporation (KHRC) grant/loan for middle income housing. The plan calls for ten new houses to be built and sold to income qualified applicants over the next five years. After discussion that the City could be administrator of the grant, City Attorney Works suggested that, if the City chose to apply for the grant, that they appoint someone to administer it, suggesting the Humboldt Housing Authority, as they already have staff in place, otherwise the City would have to jump through hoops. Motion by Smith, second by Julich to adopt Resolution No. 8-13-12B, a Resolution authorizing application for and participation in the Middle Income Housing Program offered by the Kansas Housing Resources Corporation. Four voted aye (Julich, Roether, Shreeve, Smith), three nay (Aikins, Crawford and Slater), one abstained (Walburn). Motion carried.

Note: *As adopted in the Code of Procedure for Kansas Cities, Second Edition, Section 31. Votes; Non-Ordinance Matters. Unless otherwise specifically required by law, the adoption or rejection of resolutions and other motions shall be by a majority of those present. An abstention shall be counted with the prevailing side.*

Motion by Aikins, second by Walburn to adopt Resolution No. 8-13-12C, a Resolution whereas a local municipal government has a responsibility to develop the capacity to undertake a viable community development effort and declares this City to be an official entrant in the PRIDE Program for the year 2012. Motion carried unanimously.

Motion by Aikins, second by Roether to appoint Larry Tucker as Primary Director and Joann Roether and Otis Crawford as Alternate Directors of the Kansas Municipal Gas Agency (KMGA) Board of Directors. Motion carried unanimously. The terms will start September 1, 2012 and run through August 31, 2014.

Due to the dry conditions and lack of rain, Humboldt Speedway has made a request to purchase raw "gray" water from the City, approximately 75,000 gallons per week. According to John Hodgden, Water Plant Superintendent, they would need to provide their own pump as the City's is not large enough to handle this capacity, and would need to check in at the Water Plant so City staff can get a count of trucks and their capacity as this is the only way to meter the water sold. Larry Hoepker asked if this gray water would be made available to farmers, too, as water is running out for their livestock. Motion by Julich, second by Shreeve to allow raw water to be sold at \$3.00 per 1,000

gallons. Julich then amended his motion to sell raw water on a temporary basis for consumption of livestock and watering, but not for drinking, and under the supervision of Water Plant Superintendent John Hodgden with the quantity to be monitored.

At the suggestion of City Attorney Works, all previous motions were withdrawn at this time and the motion was re-worded as follows:

Motion by Aikins, second by Julich, to authorize the sale of gray water at \$3.00 per 1,000 gallons for drought relief with the terms and conditions to be stipulated by John Hodgden. Motion carried unanimously.

City Administrator Larry Tucker reported on the following: A Town Meeting will be held at 7:00 p.m., Monday, August 20, 2012 in the Community Room at City Hall to discuss street improvements and the mail ballot to decide the sales tax increase; City directional signs have been received, locations will be selected this week, and a big thank you to the PRIDE Committee for their help with this project; the Humboldt Zoning Board of Appeals met August 8 and denied a variance request by Troy and Yolanda Habiger, 403 N. 12th, to place a sign in their yard advertising their daycare center; and discussions are still being held on the Neosho River Park and Franklin Park.

Motion by Julich, second by Slater to adjourn. Motion carried unanimously. Meeting adjourned at 9:27 p.m.

/s/ Nobby Davis
Mayor

ATTEST:

/s/ Jean M. Flores
City Clerk