

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
SEPTEMBER 14th, 2009**

Mayor Harold D. Stickney called to order the second special meeting of the Common Council for the month of September, 2009 at 5:30 p.m. Present at roll call were Councilpersons Reetz, Starr, Murphey, Pischke, Schleining, Ressler, Chris Beesley, City Attorney, Rex Harris, Community Development Director, Bob Morrison, Public Works Director, and Christine Redden, Finance Officer. The Pledge of Allegiance was stated.

AGENDA

Councilperson Murphey moved, with a second by Councilperson Pischke, to approve the agenda. The motion unanimously carried.

BOOT HILL PARK PROPERTY PURCHASE

About 30 people from the Boot Hill Subdivision came with concerns regarding the park property purchase passed in a Resolution on September 8th, 2009. Larry Van Zetten, spokesperson for the neighborhood, stated they read about the Resolution in paper; the title was not just for a park; they were told by a councilperson that it was not intended for a park but for a road; the dept. heads said it was needed for an easement but no road; questioned the land east of the property; violates their property covenants; discussed the Spring Creek bridge needing rebuilt due to DOT owning the present one and the 2010 budget amount of \$150,000; previously when the subdivision was set up, there was a park but the City didn't want it so it went away; not discussed with the residents; the property is for residential homes; safety and road damage; and they are requesting that the purchase be stopped. The Mayor stated that the easement would be a gated emergency access only; there wouldn't be a road built. Larry stated that if there was a flood, one or two people wouldn't help anything at the Treatment Plant. Councilperson Murphey stated that the Plant flooding is not the problem; the added amount of flood water collection through the manholes and sewer lines during the flood is where the problem would be created; the men would need to be at the Plant. This would be emergency access, there wouldn't be truck traffic all the time; there could be a park for the kids to play in, instead of playing in the streets; the City owns the lot to the east; and the National Guard is doing an amended lease agreement. Attorney Beesley stated that if there would be a road, there would be approval from the Architectural Committee from the Subdivision. He also stated that if the residents didn't want a park, that would be fine with the City, then the property could just sit there with no development; covenants aren't violated. Larry wondered why there is a need for access now. Councilperson Murphey stated that the situation is no different than the Gordon Street Extension Project; we need access for the southern portion of town and it wasn't addressed before; this wasn't addressed before either. No one is losing anything; is there a problem with the lot being empty now? Someone answered no, so Councilperson Murphey stated then the only change out there would be a gate on the other property at the end of this lot. Susan Culberson wondered if the owners don't approve the purchase, would spending the \$42,000 be a good investment. Councilperson Murphey stated that if there were problems at the Sewer Plant that would affect all homes in the entire City, then yes it would be a good investment to alleviate those problems. He also mentioned that we could go ahead and put an easement through the property, then sell the remaining portion of the lot. When questioned on a different route by the settling ponds, Bob stated that there was private property there so this was more logical. Attorney Beesley stated that if they have concerns about constructing a road, we can do an agreement that would stay with the property stating there wouldn't be development; this would be their assurance that nothing would happen. John Culberson stated that he understands the bridge issue and that the City does need access to the Plant; however, he is concerned about the covenants. A short discussion was held on the City having another avenue which would be condemnation of the property for the easement. The Mayor suggested having Rex, Attorney Beesley, Larry, and John on a Committee to meet with the Architectural Committee to come up with an agreement to be filed with the land. Councilperson Reetz stated that he didn't know there wasn't an agreement and that he doesn't know if it's the right thing. The Mayor thanked everyone for coming and sharing their concerns.

The Council discussed the avenues that were pursued and that there were no other options; the legality of the City crossing property during an emergency situation; the covenants not being violated with no development; the Resolution title being misleading; when property is subdivided, covenants are not recognized by the governing agency or board; and the kids playing in the street rather than a park.

GEOTECHNICAL EXPLORATION PROPOSAL – GORDON STREET

Rex presented the Geotech proposal from American Engineering Testing Inc. for the work to be completed on the Gordon Street Extension. Attorney Beesley discussed the landowner agreements and construction easements which will be completed shortly. Rex discussed there wouldn't be a problem with County or with GF&P crossing the Trail. Councilperson Schleining moved to table this until the next meeting. Seconded by Councilperson Ressler, the motion unanimously carried.

EXECUTION SESSION

Councilperson Schleining moved to go into and out of an executive session due to personnel at 6:55 p.m. with Christine present. Seconded by Councilperson Murphey, the motion unanimously carried. The session adjourned at 8:27 p.m. with no action taken.

ADJOURNMENT

With no further business, Mayor Stickney adjourned the meeting at 8:29 p.m.

ATTEST:

CITY OF CUSTER CITY

Christine Redden
Finance Officer

Harold D. Stickney
Mayor