

## Minutes of Regular Meeting

October 3, 2023

The Hoyt City Council met in regular session October 3, 2023.

Present were Mayor Robert Bell, council members Leonard Allen, Joe Romans, Larry Valdez and Becky McClane. Also present were Kenny Bryan, City Attorney Lee Hendricks and Chief of Police Dan Wentling. Council member Justin Faulkner was absent.

Present from Berkshire Hathaway were Hunter Anderson and Tyler Johnson.

Present from public were DeAnna Elikier and Jeremy Andrews.

Mayor Bell called the meeting to order at 7:00 p.m.

Motion made to approve minutes by Councilmember Allen, seconded by Councilmember Romans. Motion passed unanimously.

Public comment was made by DeAnna Elikier from 504 Highland. She said the council had previously granted her an allowance to keep geese on her property which would otherwise be in violation of the city code for 6 months. She never brought them to town. She asked the council if they could change the ordinance back to the way it was prior to the code amendment. The council discussed the matter and whether there was a reasonable way to allow such an action, when there was a clearly a valid reason to update the code. Councilmember Romans discussed a possibility of an allowance on a case-by-case basis. The Mayor shared he was in favor of allowing animals in town as they used to be. The council discussed that they would be agreeable to reviewing a recommendation from Ms. Elikier on how she would protect the citizens from her geese. She is emailing that to the City Clerk for review and preparation of a possible draft variance by the City Attorney.

Tyler Johnson with Berkshire Hathaway addressed the council. He discussed his background in real estate sales. He discussed real property owned by the Huebners south and west of the grocery store. He discussed that this property was going to be developed previously, but due to the requirement of curbs being installed in the area, the development died. He discussed a new development that has an "old school" approach. No curbs, no gutters. He discussed rock roads that could/would be chip and seal in the future. He discussed letting the water flow naturally over the property. Said it would encompass approximately 15 homes. There was a discussion on whether the property is even in the city limits. Councilmember McClane discussed that getting sewer and water to the property would be an issue. Johnson and Anderson stated that they would look into the city limits question with the County.

Jeremy Andrews appeared to discuss sediment in the ditch at Annetta Ave. north of 4<sup>th</sup> Street. He discussed how runoff from the Fire Department apron is causing erosion of the asphalt on the south side of the apron. The council discussed that the City has not been responsible for the maintenance of ditches per city code.

Kenny Bryan appeared to provide an update on sewer pumps. He discussed using the two old pumps and their parts to create one backup pump to be kept in the shop. Alliance Pump & Mechanical Service has stated that they would do the work for \$5,000.00. Motion by Councilmember Romans to pay the \$5,000, second by Councilmember Valdez. Passed unanimously 4-0.

### Permits

Councilmember Allen discussed two permit requests filed with the City and sent to the City Inspector. First was a request for a wooden fence at 505 Central. Councilmember Allen made it clear that it was his property. It is under review by Paul Crawford. The second was 106 Highland.

Councilmember Romans made a motion for Mayor to be able to approve the permit to 505 Central if the City Inspector approved it, so that the matter did not need to go in front of the council in November. Second by Councilmember Valdez. 3 yes, Allen abstained.

As to 106 Highland, the Council decided to wait to hear from Inspector Paul Crawford.

The City Attorney said we need greater detail on applications. The 106 Highland application does not explain what is being requested and included an unclear, written “map”. These applications need to be in greater detail so the Council may adequately review them. The Council agreed it would not proceed with the application without further detail.

No further public concerns.

Old business – Councilmember Romans discussed his discussion with Garrett with GAS. The City Attorney added additional detail from his conversation with Garrett. There are still approximately 17 homes which have not provided a response to the survey. GAS will continue to attempt to reach these people and if an in person visit isn’t possible they will send mailings with self addressed, stamped envelopes.

Councilmember Allen discussed responses to the lead and copper surveys. The City received 180 back from the first round and 37 back from the second round. There have been 54 no responses. The City Attorney discussed that the City has met its due diligence burden by contacting folks twice, so there is not a absolute need to attempt to contact the no responses again. If the City chooses to do so it may, but is not required to.

Pride of Hoyt asked if city would cover the excess cost of purchased Christmas lights over \$5,000. Documentation was provided on the request. Councilmember Allen made a motion to

approve any added expense over \$5,000 up to \$5,500, including shipping. Councilmember McLain seconded. Motion passed 4-0.

Councilmember Allen conveyed that Paul Crawford asked if city would be interested in creating a demolition permit. Council will consider forms left by Crawford. City attorney will review and bring back a form.

#### City Attorney

The City Attorney discussed a draft special event permit he provided to Councilmember Allen. They will review that permit and bring a version back to the council in November.

The City Attorney discussed a sign variance notice the city received from Jackson County. He discussed that the city has the right to comment on the request for a larger sign. Council said they are not interested in commenting.

#### Mayor

Mayor Bell said he went to the Mayors' meeting and learned about some grant ideas.

#### Police

Chief Wentling handed out his monthly police report. Chief said its been a fairly quiet month.

Councilmember Allen discussed the need for a new computer system for the police. The one they have now requires software for camera downloads that is problematic. Software upgrade would be \$8k-\$10k. New computer would be approx. \$2,100 from Computer Doctors. Councilmember Allen moved for \$2,100 to allow Computer Doctors to build a new computer. Councilmember Romans seconded. Vote passed 4-0.

Chief discussed he is speaking with a new officer. Hopefully he is hired by the end of the week. It was reported he could work days in Hoyt.

#### Parks

Councilmember McLane discussed that Felix DelToro wants to add bushes in the fall. She expects a plan in the future.

#### Streets

Councilmember Romans discussed an inch wide crack on the new asphalt on Eighth Street. He asked the council about whether we should get Bettis back out to look at it. McLane said a neighbor mentioned that this same crack has occurred every time the road has been asphalted.

Councilmember McLane said she was asked by a citizen about asphalt vs. chip and seal. Councilmember Romans said he has discussed it in the past but does not know about cost difference.

Councilmember Romans mentioned the American flag in the cemetery is in tatters.

Sewer

Nothing to report.

Water

Nothing to report.

Community Building

Nothing to report.

Jeremy Andrews discussed there are three bad fire hydrants in town. 4<sup>th</sup> and K-214, 5<sup>th</sup> and Eastern and 6<sup>th</sup> Street west of the jail need replaced. Council said they would get with Kenny Bryan on approach and likely Bob Ehrhart.

Motion to pay bills by Councilmember McClane, Second by Councilmember Romans, Motion passed 4-0.

Councilmember McClane made a motion to adjourn. Councilmember Romans seconded, motion carried 4-0.

Meeting adjourned at 8:16 p.m.

Minutes recorded by:  
Lee Hendricks  
City Attorney