

Council Chambers
City Hall
July 17, 2007
7:30 P.M.

A report was given by City Clerk, Calvin Wohler in regard to a Public Hearing, at 6:00 p.m., before calling the meeting to order. The Public Hearing was held by the Public Recreation Commission to hear comments from the citizens of the proposed budget for 2008. The proposed budget for 2008 will have an estimated expenditure of \$23,500.00. Hearing no one to protest the 2008 Public Recreation budget it was signed and presented to the City and the Public Hearing was closed.

Council met in regular session with Mayor Sharon Brown presiding and roll call showing Councilmembers: Steve Fox, Justin Begnoche, Daton Hess, Rhys Baker, Butch Hess, Charles Smith, Connie Jordan and Jack Wallace present.

Copies of the minutes of the previous meeting were presented and approved by the Council. Copies of the previous Public Utilities Commission meeting were presented.

Appropriation Ordinance No. 3186, allowing claims, which had been checked by the Council, was presented. Moved by Councilmember Begnoche, seconded by Councilmember Smith, that the ordinance be approved for payment. Upon being put to a vote by roll call this motion carried by a unanimous vote of all Councilmembers present.

City Attorney, Michael Ryan, presented a revised ordinance in regard to Nuisance Ordinance No. 2190. The new ordinance is No. 2200.

Ordinance No. 2200, entitled "AN ORDINANCE PROVIDING FOR CHANGES IN THE NUISANCE SECTION OF THE CITY CODE, IN THE CITY OF CLAY CENTER, KANSAS; AMENDING SECTIONS 8-208, 8-213, 8-214 AND 8-215, OF THE CITY CODE OF THE CITY OF CLAY CENTER, KANSAS, REPEALING SAID EXISTING SECTIONS AND AMENDING ORDINANCE NO. 2190.", was read and considered by sections. Moved by Councilmember Smith, seconded by Councilmember B. Hess, to adopt Ordinance No. 2200 as presented. The motion carried unanimously. Councilmembers Fox, Begnoche, D. Hess, Baker, B. Hess, Smith, Jordan and Wallace voting "yea" and no councilmember voting "nay".

Mr. Wohler presented two city licenses for approval.

Moved by Councilmember Smith, seconded by Councilmember B. Hess, to approve a Tree Trimming license for James and Catherine Bieker d/b/a Stone Ridge Tree Service of Concordia, Kansas. The motion carried unanimously.

Moved by Councilmember Begnoche, seconded by Councilmember Jordan, to approve a Recycling license for Jim Rieger d/b/a JR Recycling. The motion carried unanimously.

Jayson Hood and Mark Woodruff, representing Woods & Durham CPA's, appeared before the Council to give the Auditor's Report for year ending 2006. They reported from the just recently completed 2006 report. Auditor's Report, Balance Sheets, Revenue and Expenditure with Budget Comparison, Management Letter and Auditor's Opinion were reviewed. Items of concern were not having proof of bond filed in District Court for two construction projects and several times of having bank deposits not being pledged enough by the Bank where deposited. City staff will study having two 30 day peak periods per year when deposits can be higher than pledged securities.

Don Cooper, representing the Commercial Group of Topeka, Kansas, appeared before the Council to request a Resolution of approval for them. The Resolution would show the city council's support for a senior citizens complex to be built on Prospect Street and allow them to apply for tax credits for low income seniors. A discussion followed. Council would like further study before passing a resolution.

Committee reports were as follows:

Ways and Means-Committee met to look at 2008 draft budget proposal. Committee worked to set the mill levy about the same as 2007 budget.

Moved by Councilmember Begnoche, seconded by Councilmember B. Hess, to approve the 2006 audit report as given by Woods & Durham earlier. The motion carried unanimously.

Streets and Alleys-Committee reported the bond issue for street repairs is moving forward. Some streets were exchanged from an earlier listing because they were not original paved streets. An Ordinance and several Resolutions were presented for approval.

Ordinance No. 2201, entitled "AN ORDINANCE DESIGNATING CERTAIN STREETS WITHIN THE CITY OF CLAY CENTER, KANSAS, AS MAIN TRAFFICWAYS.", was read and considered by sections. Moved by Councilmember Begnoche, seconded by Councilmember Baker, to adopt Ordinance No. 2201 as presented. The motion carried unanimously. Councilmembers Fox, Begnoche, D. Hess, Baker, B. Hess, Smith, Jordan and Wallace voting "yea" and no councilmember voting "nay".

Resolution No. 1424, entitled "A RESOLUTION AUTHORIZING THE IMPROVEMENT OR REIMPROVEMENT OF CERTAIN MAIN TRAFFICWAYS WITHIN THE CITY OF CLAY CENTER, KANSAS; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.", was read and considered by sections. Moved by Councilmember Begnoche, seconded by Councilmember D. Hess, to adopt Resolution No. 1424 as presented. Motion carried 7-1. Councilmember B. Hess voted "nay".

Resolution No. 1425, entitled "A RESOLUTION OF THE CITY OF CLAY CENTER, KANSAS; AUTHORIZING THE RESURFACING OR REPAIRING OF CERTAIN PAVED STREETS WITHIN THE CITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.", was read and considered by sections. Moved by Councilmember Begnoche, seconded by Councilmember Wallace, to adopt Resolution No. 1425 as presented. Motion carried 7-1. Councilmember Smith voted "nay".

Resolution No. 1426, entitled "A RESOLUTION IN THE CITY OF CLAY CENTER, KANSAS AUTHORIZING FILING OF APPLICATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR A LOAN UNDER THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND ACT (K.S.A. 1988 Supp. 65-3321 through 65-3320).", was read and considered by sections. Moved by Councilmember Fox, seconded by Councilmember Begnoche, to adopt Resolution No. 1426 as presented. The motion carried unanimously.

Lights, Water, and Sewer-The new Twelfth Street lift station was tested yesterday, (July 16, 2007). There is still some work needed to the pump station and building.

Building Permits-Moved by Councilmember Jordan, seconded by Councilmember Smith, to approve a building permit for the Pizza Hut building at 638 W. Crawford. Pizza Hut is adding a patio on the south side of the building and foyers on the east and west side. The motion carried unanimously.

Public Recreation Advisory-A lease with USD #379 was presented for review. USD #379 has approved the proposed lease, now the City must approve. The lease is for the use of "Campbell Field" for the High School Baseball program. The lease is for five years beginning January 1, 2008 at \$100.00 per year. Council would like to see the lease written for one year and automatically renew each year thereafter until either party gives a 60 day notice to amend and/or terminate. Moved by Councilmember Jordan, seconded by Councilmember Smith, to propose the change to the lease to USD #379 before City signs final agreement. Motion carried 7-0-1. Councilmember Baker abstained.

Old Business-Mr. Ryan gave information to Council why the owners of the house at 1003 2nd Street have until August 25, 2007, to demolish or repair the house.

Council discussed the proposed Resolution being requested by the Commercial Group again. Commercial Group has hired a company to do a market survey for the senior housing they are planning. Council would like to see the results of the market survey before passing a Resolution in support of their project.

Council discussed having a new policy in regard to taking tree limbs at the city's burn site.

Moved by Councilmember Smith, seconded by Councilmember B. Hess to adjourn the meeting. The motion carried

unanimously. The meeting was adjourned.