

Council Chambers  
City Hall  
August 21, 2007

A Public Hearing was held to hear any comments to the proposed published 2008 budget. The budget and notice of hearing was published in the Dispatch on August 10, 2007. There being no one to speak to the Council about the budget 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 minutes of the two previous Public Utilities Commission meetings were presented.

Municipal Judge's receipts for the month of July 2007 were \$3,286.00.

Appropriation Ordinances Nos. 3190 and 3191, allowing claims, which had been checked by the Council, were presented. Moved by Councilmember B. Hess, seconded by Councilmember Smith, that these ordinances 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 two items for action.

**Ordinance No. 2205**, entitled "AN ORDINANCE AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE LOAN AGREEMENT BETWEEN CLAY CENTER, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE PURPOSE OF FINANCING A WASTEWATER TREATMENT PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE AMENDED LOAN AGREEMENT.", was read and considered by sections. Moved by Councilmember Wallace, seconded by Councilmember Smith, to adopt Ordinance No. 2205 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".

A revised lease with USD #379 for use of the baseball diamond was presented for approval. Moved by Councilmember Wallace, seconded by Councilmember Jordan, to accept the Lease Agreement for use of "Campbell Field" by USD #379 as presented. The motion carried 7-0-1. Councilmember Baker abstained.

City Clerk, Calvin Wohler, presented two licenses for approval.

Moved by Councilmember Smith, seconded by Councilmember B. Hess to approve an Electrical License for Richard Smith d/b/a CDI Enterprises. The motion carried unanimously.

Moved by Councilmember Begnoche, seconded by Councilmember D. Hess, to approve a tree trimming license for Jim Dunbar d/b/a Jobs Unlimited. The motion carried 7-0-1. Councilmember Smith abstained.

Jim Dunbar appeared before the Council asking that commercial tree trimmers be allowed to haul tree limbs and brush to the City burn site. In the past they have not been allowed to do this. A lengthy debate followed concerning the rules of the burn site. Moved by Councilmember D. Hess, seconded by Councilmember Begnoche, to allow commercial tree trimmers to use the City burn site and make sure the limbs and brush comes from inside the City limits of Clay Center. The brush must conform to current size restrictions and no commercial hauling can begin until the current brush pile has been burned. Motion carried 6-1-1. Councilmember Smith voted "nay" and Councilmember Wallace abstained.

Clay Center resident, Roland Milligan, 336 W. Lincoln Avenue, appeared before the Council to request that property at 301 W. Lincoln Avenue be vacated. The property is being used for business purposes and not zoned for it. Mr. Milligan presented two petitions from residents that live in that area complaining about increased traffic, dust and noise. Moved

by Councilmember Smith, seconded by Councilmember Begnoche, to have a letter sent to Chris and Kathy Cox, owners of the above-mentioned property, to have all materials removed from there as soon as possible and take no longer than 30 days. The Contractor that has material on the property will be notified to haul rock on to the street to control dust. The motion carried unanimously.

Committee reports were as follows:

**Ways and Means**-Moved by Councilmember Begnoche, seconded by Councilmember Wallace, to approve the 2008 budget as presented during the budget hearing. The motion carried unanimously.

**Ordinance No. 2204**, "AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES LEVIED FOR BUDGET YEAR 2008 NECESSARY TO FINANCE PUBLIC SERVICES FOR THE CITY OF CLAY CENTER, KANSAS.", was read and considered by sections. Moved by Councilmember Begnoche, seconded by Councilmember Wallace, to adopt Ordinance No. 2204 as presented. The motion carried unanimously.

**Streets and Alleys**-Committee received two bids for paving a part of Meadowlark Road and Sky Vue Drive at the Industrial Park. Hall Brothers was the low bidder of \$110,650.00. Moved by Councilmember Begnoche, seconded by Councilmember D. Hess, to accept the Hall Brothers paving bid and discuss later the funding for the project. The motion carried 7-1. Councilmember B. Hess voted "nay".

Street Commissioner, Gary Wachsnicht, explained to the Council that the trash truck is in Salina for repairs. The engine went bad. Mr. Wachsnicht stated that he is renting a trash truck until ours is repaired.

**City Parks & Pool**-The Pool closed August 14, 2007. Committee is going to be meeting to discuss rent for tables.

**Lights, Water and Sewer**-Committee presented a bid from Bruna Implement for a trade in of a skid steer loader. The trade in amount of \$19,995.00 was presented. Discussion followed. Moved by Councilmember Smith, seconded by B. Hess to purchase the new Gehl skid steel loader at a trade in price of \$19,995.00. The motion was defeated 6-2. Councilmembers Smith and B. Hess were the only ones voting "yea".

Moved by Councilmember Fox, seconded by Councilmember Begnoche, to have the WasteWater Department Head, Jerry Davies, and Street Commissioner, Gary Wachsnicht, have a joint meeting to discuss the efficiencies of getting rid of one of the smaller skid steer loaders, most likely the one at the WasteWater Plant. The motion carried unanimously.

**Building Permits**-Moved by Councilmember Jordan, seconded by Councilmember B. Hess, to approve the following building permits:

An 11 ½ ' x 4 ½ ' roof over entry to basement for Ted and Mindy Hedman at 1302 Grant Avenue.  
A 4' x 16' porch roof for Robert Heilman Trust at 415 Dexter Street.

The motion carried unanimously.

**Emergency Preparedness**-City's new tornado sirens have arrived. It will take several months to install them.

**Police Advisory**-Committee is placing ads in the newspaper and radio to hire a new Animal Control Officer.

**Old Business**-Mayor Brown passed out information in regard to the Negotiation Committee's meeting with representatives of the Neighborhood Renaissance Foundation. The negotiation concerns eight acres of land in the Center Heights sub-division being considered for thirty new houses. Several items requested by each party were discussed. What the negotiation left on the table when the August 14<sup>th</sup> meeting was over was assumed agreeable. On August 16, 2007 Joe Norton received a counter offer from the Neighborhood Renaissance Foundation. Mr. Norton advised that the Council should be informed of what has taken place and for them to decide any further directions for the Committee.

Moved by Councilmember B. Hess, seconded by Councilmember Smith, that the City stay with its offer that was

proposed at the August 14<sup>th</sup> meeting with highlights being:

City to extend sewer service to the property.

All 12<sup>th</sup> Street improvements to be paid by the TIF.

All infrastructure paid by developer and then be reimbursed by TIF.

No payment for land by the TIF.

Motion carried 6-2. Councilmembers Begnoche and D. Hess voted "nay".

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