

Council Chambers
City Hall
February 19, 2008
7:30 P.M.

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.

Cash balances for the month of January 2008 were presented. Expenditures with balance of the budget for the month of January 2008 were presented.

Appropriation Ordinance Nos. 3215 and 3216, allowing claims, which had been checked by the Council, were presented. Moved by Councilmember Begnoche, seconded by Councilmember B. Hess, 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 Clerk, Calvin Wohler, read a "Thank You" from the Davies family. WasteWater Superintendent, Jerry Davies' mother had recently passed away. The City sent a plant for the services.

A "Thank You" was read from the Crawford family. Bobby Crawford's step-mother had recently passed away and the City sent a plant for the services.

City Attorney, Michael Ryan, presented several items for action and/or information.

Resolution No. 1432, was presented for approval. The Resolution determines it is advisable to pay off a lien on property of \$1500.00 and back taxes of \$2,569.26 so a grant from CDBG can be received to demolish the condemned house. The house is at 951 Sherman Street. The demolition grant will be applied through NCRPC. Moved by Councilmember Smith, seconded by Councilmember Baker, to adopt Resolution No. 1432 as presented. The motion carried unanimously.

Resolution No. 1433, entitled "A RESOLUTION AUTHORIZING IMPROVEMENTS OF THAT PART OF THE HEALTH DEPARTMENT SUBDIVISION, REQUIRING A STREET WITH CURB AND GUTTERING TO ALLOW FOR THE CONTINUATION OF CONSTRUCTION OF NEW HOMES IN SAID SUBDIVISION, IN THE CITY OF CLAY CENTER, KANSAS PURSUANT TO K.S.A. 12-6A04 Et Seq. AS AMENDED.", was read and considered by sections. Moved by Councilmember Wallace, seconded by Councilmember D. Hess, to adopt Resolution No. 1433 as presented. The motion carried unanimously.

Resolution No. 1434, was presented for review. The Resolution prohibits any type of communication antenna, communication tower or wind turbine to be constructed until further discussion of the Council. The Council will try to adopt an Ordinance in the near future to address such construction. Moved by Councilmember Smith, seconded by Councilmember B. Hess, to adopt Resolution No. 1434 as presented.

Mr. Ryan informed the Council that letters have been sent to all parties of interest of the condemned house at 1003 2nd Street. Mr. Ryan stated he would like to hear from the Attorney who has represented persons who might have interest in the house before demolition.

Mr. Ryan stated him and Police Chief, Bill Robinson, are working on a new agreement with the Sheriff Department in regard to joint operations in the Law Enforcement Center. The agreement will be presented to the Council when finalized.

Rex Keister, Sales Representative from KanEquip of Clay Center, appeared before the Council to discuss a problem with a lease written on a wheel loader in May of 2007. When the lease was written it asked for a \$13,000.00 down payment in which the City paid. It was determined later that the down payment should have been \$17,621.47. KanEquip

is asking for an increase from \$17,621.47 to \$18,484.92 in annual payments for the next four years to make up the difference. The Council discussed the change of payments at length. Moved by Councilmember Wallace, seconded by Councilmember B. Hess, to pay the additional amount of annual payments. The motion carried 7-1. Councilmember Begnoche voted "nay".

Council reviewed and discussed a revised Development Agreement between City of Clay Center, Clay Center Public Utilities Commission and Enterprise Venture Corporation for the Center Heights development. The Agreement has been in the works for a long time and may be ready for approval. Gilmore & Bell, P.C. with their representative, Joe Norton, have spent a lot of time to come up with the Agreement as presented at this time. Moved by Councilmember Begnoche, seconded by Councilmember D. Hess, to adopt the current development agreement as presented. The motion carried 5-3. Councilmembers B. Hess, Smith and Wallace voted "nay".

Resolution No. 1436, was presented for review. The Resolution allows Commercial Group Inc. to apply for housing tax credits with the Kansas Housing Resources Corporation for the development of affordable single family rental housing to be located in the Center Heights housing subdivision. Moved by Councilmember Begnoche, seconded by Councilmember Jordan, to adopt Resolution No. 1436 as presented. Motion carried 5-3. Councilmembers B. Hess, Smith and Wallace voted "nay".

Resolution No. 1437, was presented for review. The Resolution allows Commercial Group, Inc. to apply for housing tax credits with the Kansas Housing Resources Corporation for the development of affordable multi-family rental housing to be located in the Center Heights rural housing incentive district. Moved by Councilmember Begnoche, seconded by Councilmember D. Hess, to adopt Resolution No. 1437 as presented. Motion carried 5-3. Councilmembers B. Hess, Smith, and Wallace voted "nay".

Resolution No. 1435, entitled "A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF CLAY CENTER, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING (CENTER HEIGHTS PROJECT).", was read and considered by sections. Moved by Councilmember Begnoche, seconded by Councilmember D. Hess, to adopt Resolution No. 1435 as presented with the Hearing date to be set as early as possible to meet State Statutes and on a regular scheduled Council meeting date. The motion carried 5-3. Councilmember B. Hess, Smith and Wallace voted "nay".

Committee reports were as follows:

Fire Department-A hydraulic lift broke on a Fire Truck and was taken off and hauled to Salina for repairs.

Street and Alleys-A report was given in regard to debris clean up from the ice storm of December 11, 2007. The City will seek reimbursement from FEMA for storm damage expenses.

City Property-A parking lot next to City Hall has been priced to the City for \$25,000.00. We are not interested at this time.

Committee studying the need for a new franchise agreement with Twin Valley Telephone and revise the Eagle Communication franchise agreement.

Cemetery-Department has hired Bloom Construction to remove many of their hanging and broken branches at a cost of \$5,670.00. This cost will be filed with FEMA.

Lights, Water & Sewer-Department has filed with FEMA the cost of two stand-by generators that were damaged during the ice storm.

Building Permits-Moved by Councilmember Jordan, seconded by Councilmember Wallace, to approve a building permit for Ruth Mayo for a 12' x 16' addition to a shed at 1425 Grant Avenue. The motion carried unanimously.

Emergency Preparedness-Councilmember D. Hess gave a report on his visit to Greensburg, Kansas. His report

touched on their emergency situation after a tornado destroyed their town last year.

Ad Hoc Recycling Committee-Committee will be sending out a questionnaire to residents about recycling.

Mayor Brown gave a report of a meeting she went to in Ft. Riley. The housing needs of soldiers was discussed at the meeting. A lot of information about what is affordable housing for soldiers was presented.

Moved by Councilmember Smith, seconded by Councilmember B. Hess, to go into an Executive Session for fifteen minutes to discuss personnel issues with the City Attorney and Mayor being present. The motion carried unanimously. The meeting went into an Executive Session for fifteen minutes.

The meeting reconvened after fifteen minutes.

Mayor Brown has visited with Don Muths, Eagle Communication representative, in regard to updating the video equipment used for Council meetings.

There was a short discussion of beginning demolition procedures on a house at 1011 6th Street.

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