

The following are subject to modification and are not official minutes until approved by the Governing Body.

**CITY OF COLWICH, KANSAS
CITY ADMINISTRATIVE CENTER
310 S. 2ND STREET
REGULAR COUNCIL MEETING
SEPTEMBER 17, 2018
7:00 P.M.**

1. CALL TO ORDER

Mayor Terrence D. Spexarth on Monday, September 17, 2018 at 7:00 p.m. called the regular monthly meeting of the Colwich City Council to order.

ATTENDANCE

Present were Mayor Terrence D. Spexarth, Councilmembers Stephanie Guy, Angela Banz, Kevin Dorritie, Pamela Winegarner with Victoria Duling absent.

Staff members present were Corey Heck, Public Works Director, Mark Hinkle, Police Chief, Michael Rau, Fire Chief, Andrew Marino, City Attorney, Katie Wetta, Deputy City Clerk and Diana Brooks, City Clerk.

PLEDGE OF ALLEGIANCE

After a moment of silence in honor Deputy Kunze, the Sedgwick County Sheriff's Deputy, killed in the line of duty, Mayor Spexarth lead the audience, staff and Council in the Pledge of Allegiance.

2. NOTICES AND COMMUNICATIONS

There were no notices or communications.

3. CITIZEN COMMENTS

Mr. Dan Stockemer, Prairie Hill Vineyard, 21421 W 37th St. N, highlighted a Balloon and Art Festival scheduled for October 21st in which he invited the Mayor, Council and public to attend. He stated the event was being done to benefit Youth Horizons.

4. PURCHASE REQUESTS AND ITEMS NEEDING COUNCIL ACTION

- A. Review of the request to approve Resolution No. 482 amending the closure date for the ICM IRB issue for ELEMENT Ethanol Plant – Kim Bell, Gilmore and Bell

Ms. Kim Bell, Gilmore and Bell, Bond Counsel, reminded the Council that the original resolution set a closing date for the issue of December, 2018. She highlighted the terms of the original issue and explained the procedure for extending the date to December, 2019. Councilwoman Guy questioned the reasons for the delay. Mr. Jason Freidberg, ELEMENT Project Coordinator, explained that financing for the project met with challenges causing construction delays thus causing the plant operations to begin hopefully mid-summer 2019.

Councilwoman Banz moved that the Council approved Resolution No. 482 determining the advisability of issuing Industrial Revenue Bonds for the purpose of financing the acquisition, construction and equipping of an ethanol bio-refinery facility in the City of Colwich. Councilwoman Winegarner second the motion. Motion carried 4-0.

- B. Review of the request to adopt Ordinance No. 712 amending city code as it pertains to animal control

Ms. Brooks stated that Mayor Spexarth requested the animal control chapter be reviewed by those who attended the animal control training in July to assure the city code met with the current regulations discussed during the training session. She stated minor changes were made and requested adoption of Ordinance No. 712. Councilwoman Guy requested one clarification be made regarding the number of hours a dog would be held in the kennel.

Councilwoman Winegarner moved that the Council adopt Ordinance No. 712 amending Chapter 2 – Animal Control of the City Code as amended. Councilman Dorritie second the motion. Motion carried 4-0 upon a roll call vote with Councilwoman Guy voting yea; Councilwoman Banz voting yea; Councilwoman Winegarner voting yea and Councilman Dorritie voting yea.

- C. Request to adopt Ordinance No. 713 amending Chapter 7 – Fire in connection with an application for a variance from the 2012 International Fire Code

Mr. Andrew Marino, City Attorney, stated that the City did not have provisions in the city code to grant a variance from the adopted International Fire Code. He stated Ordinance No. 713 provided for a mechanism to request a variance from that code. Chief Mike Rau, Fire Chief, stated that ELEMENT was requesting a variance to the fire code as it pertained to the keeping of diesel fuel and a variance to the building code as it pertained to enclosing a room housing caustic materials. Councilwoman Guy requested the ordinance be amended requiring the applicant to pay all the city's costs associated with granting the variance.

Councilwoman Guy moved that the Council adopt Ordinance No. 713 amending Chapter 7 – Fire to allow for consideration of variances to the 2012 International Fire Code as amended. Councilwoman Banz second the motion. Motion carried 4-0 with Councilwoman Guy voting yea, Councilwoman Banz voting yea; Councilwoman Winegarner voting yea and Councilman Dorritie voting yea.

- C-1 Review of the request to adopt Ordinance No. 714 amending Chapter 4 – Buildings in connection with an application for a variance from the Colwich Commercial Building Code

Mr. Marino stated that Ordinance No. 714 mirrored Ordinance No. 713 with the exception the variance would be to the Colwich Commercial Building Code. Councilwoman Guy requested the same amendment be made to Ordinance No. 714 that was made in Ordinance No. 713.

Councilman Dorritie moved that the Council adopt Ordinance No. 714 as amended. Councilwoman Banz second the motion. Motion carried 4-0 with Councilwoman Guy voting yea, Councilwoman Banz voting yea; Councilwoman Winegarner voting yea and Councilman Dorritie voting yea.

- D. Review of the request to purchase body armor

Chief Mark Hinkle, Police Chief, requested the Council approve the bid from 911 Custom for the purchase of body armor at a cost of \$955 each. He stated the total cost for the purchase was \$2905.00 which included shipping and handling.

Councilwoman Guy moved that the Council approve the purchase of three sets of body armor from 911 Custom at a cost of \$2905.00. Councilwoman Winegarner second the motion. Motion carried 4-0.

- E. Review of request to send out bid request for new patrol vehicle

Chief Hinkle requested permission to send out bids for the new patrol vehicle.

Councilwoman Banz moved that the Council approve the Police Chief's request to solicit bids for a new patrol vehicle. Councilwoman Winegarner second the motion. Motion carried 4-0.

5. CONSENT AGENDA

- A. Approval of the minutes of the August 20, 2018 regular Council meeting
- B. Approval of the Appropriations Ordinance Nos. 18-08-02 and 18-09-01
- C. Approval of the August financial reports
- D. Monthly purchase orders – if any

Councilwoman Guy moved that the Council approve the consent agenda as presented. Councilwoman Winegarner second the motion. Motion carried 4-0.

6. COMMITTEE REPORTS

- A. Park Committee – Councilwoman Guy reported the Park Committee met and discussed the dog park and decided to look at the costs associated with the dog park. Their consensus was that if the cost was more than they felt was appropriate they would wait and put the funds towards a splash pad.

Councilwoman Guy reported that IC Trees would be donating 35-40 trees for Colwich Memorial Park and asked for volunteers to assist in the planting of the trees. The possible dates are 9/29; 10/13; 11/3; 11/10 or 11/17.

Mayor Spexarth reported that the Tuesday Disc Golf Club donated \$700 towards the improvement of the disc golf park for a total donation amount of \$1,300 from the club. He highlighted the work that needed to be completed and the future installation of a shade structure made from old railroad rails to be used for posts.

- B. Heritage Festival – Ms. Terri Nicholson, President, Colwich Community Foundation, reported that things were in place for the festival. Katie Wetta reported that all big events had been sponsored and paid for.

7. DEPARTMENT HEAD REPORTS

- A. City Engineer – Mr. Ben Mabry, City Engineer, stated he had nothing to report. Mayor Spexarth requested information regarding the water tower rehab program. Mr. Mabry stated that a preconstruction meeting was held, colors chosen for the repainting of the tower, and additional inspections if requested by Council would be done at the firm's hourly rate. He stated that the company would begin work the 2nd or 3rd week in October and have 30-45 days to complete the project.
- B. Fire – Michael Rau, Fire Chief, presented the monthly report and requested that the Council approve the Fireworks Permit for the Heritage Festival contingent upon the company submitting the permit before the event.

Councilwoman Winegarner moved that the Council approve the fireworks permit for Stellar Fireworks contingent upon the permit being filed before the event. Councilman Dorritie second the motion. Motion carried 4-0.

- C. Public Works – Mr. Corey Heck detailed the monthly department report. Councilwoman Guy questioned Council's opinion on an area in Colwich Memorial Park where the IC Trees could broadcast seed over a section of land to see if trees would voluntarily grow.
- D. Police Department – Chief Mark Hinkle detailed the monthly department report. Council complimented the department on the National Night Out event and the new officer being visible early in the morning.

E. City Clerk – Ms. Diana K. Brooks, City Clerk detailed the monthly department report.

8. GOVERNING BODY COMMENTS

Mayor Spexarth stated that there was a rumor that Waste Connections was throwing away the recycling instead of using the materials for their intended purposes. He stated that Herschel West with Waste Connections informed him that they still recycle, however, homeowners who put regular trash into their recycling bins will not have their recycling bins dumped. He stated that recycling materials had been sent to China however, there was so much trash being sent with the recycling materials, China no longer wanted the materials.

There were no governing body comments.

9. EXECUTIVE SESSION

There was no need for an executive session.

10. ADJOURNMENT

There being no further business, Councilwoman Guy moved for adjournment at 8:12 p.m. Councilwoman Winegarner second the motion. Motion approved 4-0.

Respectfully submitted
Diana K. Brooks, City Clerk