

## **INFORMATION**

City Office – (785) 876-2550  
Located at 524 Kiowa

Office Hours  
Mon: 9am – 6pm  
Tuesday-Friday: 8am – 2pm

City Operator – Gordon (785) 608-3547

Next Meeting – September 15<sup>th</sup>, 2011

[www.ozawkie.org](http://www.ozawkie.org)

## **Official Minutes of Regular Council Meeting August 16, 2011**

### **I. CALL TO ORDER:**

Mayor Stanton called the meeting to order at 7:26 pm following the Budget hearing. Members present: Mayor Steve Stanton, Councilmembers Mark Larson, Bradley McNary Mel Armstrong, and Joe Beck. Councilmember Nancy Leek was absent.

Citizens in attendance were Sandi Goetz, Marilyn Blevins, Margie Payne, Judy Hasty, Barb Griffith, Bill Parker, James Shaw, Bob Holiday and Wayne McNary.

A city employee in attendance was City Clerk Rita Christlieb.

### **OPENING COMMENTS:**

Citizens in attendance stated that since December 2010 three Council meetings have been canceled and suggested that they needed to be rescheduled and not canceled.

Sandi Goetz of 107 Vista View Court requested that the Council reconsider the City's policy of needing two complaints against a residence before action is taken.

### **II. COUNCIL COMMENTS/QUESTIONS/CONCERNS**

Mayor Stanton stated that he would like to address the issue of the Planning and Zoning Meeting Minutes. He stated that in the unofficial August meetings it stated. "Why was the budget meeting closed? Why are long standing committees denied consideration of budgetary request?" Mayor Stanton stated that the Budget Workshop was not closed and was open to the public to come and sit in on and listen to.

Ms. Goetz said that she had attended to request funds. Councilmember Larson told Ms. Goetz that as a Committee member that she could request funds from the Council at any time and was not restricted from requesting funds during regular Council meetings.

Mayor Stanton said that he has concerns regarding the minutes of the Planning and Zoning Committee and that they have certain regulations and procedures to follow. The Planning and Zoning Committee is not an advisory committee to the Mayor and Council. He stated that the Budget Workshop was not open for public discussion but a time for Council members to hammer out details of next year's budget.

Mayor Stanton read part of planning and zonings minutes for July 2011 that read “the committee had questions concerning the Mayor’s authority to make new ordinances or remove, rescind or veto long standing ordinances without the City Council Vote. The Committee would like a legal answer to that question, answered directly by the city’s attorney, Mr. John Kurth.”

Mayor Stanton stated that every citizen has the right to question anything that goes on in Council, but that is not the place of the Planning and Zoning Committee. The Committee does an outstanding job on honing planning and zoning issues within the City. But it is not the purpose of the Committee to address issues within the Council. If a member of the committee has a concern about something in the Council, they need to address it as a Citizen and not in the Planning and Zoning meetings. That time is reserved for planning and zoning issues.

Mayor Stanton continued to state that some of the material that was printed in articles in the newspaper and letters written by Mr. Larry Goetz contained some out and out lies. Such things as the Council buying what it wants without approval. He stated that at one of the council meeting reference in the articles there was a vote on equipment of 2 for and 2 against, and that as Mayor he broke the tie and voted for purchase of the equipment. There was no collusion. Mayor Stanton stated that he ignored the first two complaints and letters, but is concerned that Planning and Zoning is putting these complaints in their minutes. He stated that Planning and Zoning has done an outstanding job in their committee on resolving Planning and Zoning issues, but he needs them to stay on course. Ms. Goetz stated that her name was not on any of the articles or letters, but that her husband’s was on them. She stated that the minutes of Planning and Zoning for August are unofficial and that she will represent them to the committee to remove the comments.

Mayor Stanton stated that this issue will not happen again.

Lynn Drown told the Council that the Committee is not responsible for the comments that a private citizen puts into the newspaper.

Mayor Stanton replied that she was correct and that he may have not made himself clear. His concern is that the issues in the newspaper, letters and phone calls have overflowed into the Planning and Zoning Committee. The Council and Planning and Zoning need to work together to put fines on tax bills for violators and not need to have a municipal court.

Mayor Stanton spoke saying, that Sandi Goetz is excellent at developing ordinances and fines for the City and her work and that of the Committee is greatly appreciated.

Mayor Stanton then requested of Ms. Goetz and of the committee that they begin work on the nuisance ordinances. Discussion followed.

Mayor Stanton requested that the Committee have a nuisance proposal by the October meeting.

### **III. APPROVAL OF AGENDA:**

Motion by Larson to move item #12 to #4, second by Armstrong. The motion passed 4-0.

### **IV. SM Ball**

Shawn Ball of S.M. Ball Waste Disposal Service presented to the Council a request for a raise of rates for the Trash Service. He stated that he has not raised his rates since 2008 and needs to raise them due to the increase in fuel prices. He is requesting a raise of \$.50 per stop.

Motion by Larson to give S.M .Ball an increase of \$.50 per start in October to be paid starting in November, second by Armstrong. Carried 4-0.

Shawn Ball also informed the Council that he has had request from other Cities regarding recycling. He stated that he does now offer that service if the City would be interested.

### **V. APPROVAL OF CONSENT ITEMS**

#### **a) MINUTES OF THE JUNE MEETING**

Councilmember Larson made a motion to accept the Regular Meeting, June minutes. Councilmember Beck second. Motion carried 4-0.

#### **b) JULY TREASURER’S REPORT**

Treasurer Bieker furnished the Mayor and Council with the monthly financial report for July. The report reflected credits/debits of \$3,358.27/\$5,509.36 for General, \$5,555.08/\$2,853.99 for Water, \$1,589.00/\$1,384.49 for Sewer, \$0.00/\$5.00 for Parks, \$0.00/\$0.00 for Equipment Reserve, \$4,143.24/\$0.00 for Special Highway and \$2,420.20/\$2,458.50 for Trash. The total receipts/expenditures for July were \$17,065.79/\$12,211.34.

Motion by Larson to change title on report from June to July and then approve the July Treasurer's Report, second by McNary. The motion passed 4-0.

### c) **JULY WARRANT REGISTER**

The July Warrant Register reflected an expenditure amount of \$9476.56 for General, \$2852.07 for Water, \$3102.20 for Sewer, \$2458.50 for Trash \$0 for Equipment Reserve, and \$19.51 for Park. Total expenditures for July were \$17,889.33.

Motion by Larson to approve the Warrant Register, second by Beck, the motion passed 4-0.

## **VI. REPORTS:**

### ***Planning & Zoning:***

Chairperson, Sandi Goetz informed the council P&Z met on Aug. 2<sup>nd</sup>, 2011.

Ms. Goetz presented the Moving Container Permit to the Council and the unofficial Planning and Zoning Minutes for August.

Councilmember Larson gave Ms. Goetz a suggestion about the Permit to make some changes and give stiffer fines for the violation. Ms. Goetz took the suggestion and said that she will work on it and represent it in next month. Permit was tabled until next month.

Ms. Goetz requested that the Council grant permission of her to go to the KOMA/KORA class in Lawrence, Ks. Discussion followed.

Councilmember Beck made a motion to send and pay for Ms. Goetz and Councilmember Leek to attend, second by Armstrong. Carried 4-0.

### ***Streets:***

Councilmember Armstrong stated he was getting bids on patching and looking at work on some of the curbs and drainage.

### ***Utilities:***

Councilmember Larson gave the Council a pack of 5 bids for a new maintenance building to have 6 bays for equipment in a 30x60 building. He stated that the funds are available. Money is in the current budget. The estimate for the building is about \$18,000.00. The issue was tabled until Councilmember Leek could attend.

He stated that they are still working on the insurance payment for well #3 which was struck by lightning a few months back. He stated the new pump would cost approximately \$21,000.00

He reported that there had been many miscellaneous water breaks in the city recently.

Councilmember Larson then requested that the Council grant Maintenance Gordon Smith a City Credit card of his own with a credit limit of \$2500.00. He then stated that it should be tied to Mr. Smith and canceled if he should leave City employment. He made a motion that Council grant a credit card to Gordon Smith for \$2500.00

Mayor Stanton said that he does not want maintenance to have his own credit card. If a large purchase is necessary an emergency a check can be written on very short notice in most cases. He wants purchases to go through Council and be approved by them.

Discussion followed.

Motion died to lack of a second.

Councilmember Armstrong made a motion that two City Checks be kept in the City office with the Treasurer signature on them in case of an emergency.

Second by McNary. Carried 4-0.

***Governmental Affairs:***

Nothing to report.

***Parks:***

Councilmember Larson made a request to allow Councilmembers McNary switch Commissioner seats, McNary from Parks to Law Enforcement and Beck from Law Enforcement to Parks. Council agreed.

Councilmember McNary informed the Council that he had received an application from the Potawatomie Band for grant money for the City Park.

Council member Beck stated that he would like to see more community interaction. He would like to begin certain community events such as clean up days. He would like to schedule a cleanup day for the fall and encourage the community to stay and mingle after the cleanup

He also stated that he would like to begin work on “Ozawkie Days” for 2012 that could include cook offs, local music, talent shows, fireworks, bounce house for children and the like.

His target date for the fall cleanup is October 15, 2011.

***Law Enforcement:***

Nothing to report.

***City Maintenance:***

Nothing to report.

***Certified Operator:***

Nothing to report.

***City Clerk:***

Nothing to report.

**NEW BUSINESS**

**VII. Ozawkie Days 2012**

Covered under Parks.

**VIII. Newsletter**

Mayor Stanton stated that Mrs. Leek has suggested that each Councilmember write about ½ page article about their commissioner seat, and that planning and zoning do the same to be placed in the October City Newsletter.

**IX. Mowing Ordinance**

Mayor Stanton stated that he would like to revise the Mowing Ordinance to state that “one notice per owner per year” would be sent regarding mowing and upkeep of property before fines be assessed to the property.

**X. Junked or Abandoned Vehicle on Private Property**

Mayor Stanton said that he and Councilmember Bradley McNary would go through town and check on the abandon vehicle.

**XI. Nuisance Abatement Ordinance**

Already Covered

**XII. Yard Light Ordinance**

Mayor Stanton read an opinion by Sandy Jacquot regarding an inquiry that he had Clerk Christlieb send to her on 7-27-11 regarding veto power of the Mayor. She stated that the “mayor must veto the ordinance on or before the next

council meeting. This means he must veto the ordinance before it takes effect.” Mayor Stanton stated that according to the Statues, the old light ordinance is still in effect and that the new one is void because it was not done properly. He asked the Council if they wanted to let the old ordinance stand or if they desired to change it to the new one. Armstrong motioned that the old Yard Light Ordinance stand as it was written, second by McNary, carried 4-0.

### **XIII. Tree Overhangs**

Discussion followed as to trees hanging low into the street and as to whether the homeowner or the City is responsible to maintenance on the trees.

### **XIV. Keystone Learning Center**

Mayor Stanton told the Council that he has meet and talked with the principal of the Keystone Learning Center. The Principal informed the Mayor that he and his office are looking forward to working with City of Ozawkie and if any concerns arise to contact his office.

### **XV. Resolution from Fema**

Tabled by Council.

### **XVI. Closing Comments**

Councilmember Beck stated that he is concerned about a clear and visible view of the road at the top 92hyw. The double yellow lines need to be repainted.

Councilmember Beck stated that the Corp ground is not being brush hogged once a month and that he would like to see it done even though it is not in the current Corps agreement.

### **XVII. Adjournment**

Motion by Armstrong to adjourn at 9:27pm, second by McNary. The motion passed 4-0.

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Rita Christlieb  
City Clerk