

## **INFORMATION**

City Office – (785) 876-2550

Located at 524 Kiowa

### Office Hours

Mon: 9am – 6pm

Tuesday-Friday: 8am – 2pm

City Maintenance – Ron (785) 608-3547

Certified Operator - Bob (785) 640-8750

Next Meeting – March 10<sup>th</sup>, 2008

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

## **Regular Council Meeting February 11<sup>th</sup>, 2008**

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

Mayor Gibson called the meeting to order at 7:00 p.m. Members present: Mayor Scott Gibson. Commissioners Jason Klenklen, Marlin Youngquist, Steve Stanton and Mark Roberts. Members absent: None

Citizens in attendance were Sandi Goetz, Bob Holliday, Tim Byers, Elke Lassiter, Bob Schuenight, and Dale Barnum.

### **OATH OF OFFICE**

Motion by Youngquist to approve the appointment of Dale Barnum to the vacant Council position, second by Klenklen. The motion passed 4-0.

Clerk Zimmerman administered the Oath of Office to Mr. Dale Barnum. The Oath of Office was signed and returned to Clerk Zimmerman to be sealed and filed with the City records.

### **OPENING COMMENTS:**

Lambda Tau sent a thank you note to the City for the donation to their Christmas Events.

Clerk Zimmerman read aloud an email from a couple looking to purchase a home in Ozawkie. The couple own three rescued dogs and four rescued cats, whom all have special needs, therefore they would like to know whether the City would be willing to grant a variance for the number of animals allowed. They assured the City that the animals would not be replaced after passing and they would abide by the 3-pet ordinance from then on. The City's

decision will affect whether the couple will limit their house hunting to outside the City limits. Motion by Stanton to approve the waiver. Councilman Roberts voiced his concerns regarding the difficulty in keeping track of the number of animals in the house and making sure the animals were not replaced. The Council also discussed the need to be fair to all citizens and enforce the ordinances that the City approved. The Council agreed to have Clerk Zimmerman send a polite response to the couple explaining the City's position and inform them that a variance will not be granted at this time.

Park Committee Chairperson, Elke Lassiter, requested Council's approval to order a teeter-totter for the City Park using the money earned from the quilt fundraiser. Role call vote: Roberts Yah. Stanton Yah. Youngquist Yah. Klenklen Yah. The motion passed 4-0.

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

The Mayor and Council wish to express their concerns for the City of Kirkwood, Missouri, regarding the recent tragic shooting rampage at Kirkwood City Hall. Charles Lee "Cookie" Thornton shot and killed two police officers, two council members and the public works director during a council meeting on February 7<sup>th</sup>, 2008. Swoboda and a reporter also were wounded. Police shot and killed Thornton at the scene.

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

Motion by Klenklen to approve the agenda, second by Youngquist. The motion passed 5-0.

## **IV. APPROVAL OF CONSENT ITEMS**

### **a) MINUTES OF THE JANUARY 14<sup>TH</sup>, 2008 MEETING**

Councilman Stanton wanted to clarify his report from the January 14<sup>th</sup> meeting. After some discussion and research, his statement of intentions to coordinate an agreement with the Sheriff's Department was retracted due to past trends. In the past, agreements with the Sheriff's Department were difficult to enter into, due to their lacking resources and budget constraints.

Councilman Roberts expressed his concern regarding item #6, Utility Service Company Agreement in the January 14<sup>th</sup>, 2008 meeting minutes. He stated that he didn't feel that both sides were fairly and equally portrayed in the minutes, and requests that this be corrected in the future. He informed the Council that he had several concerns that he pointed out at the meeting that were not reflected in the minutes. The first was regarding the aging infrastructure and the consideration that the City looks into the 5-year financing plan to help fund the project. He was also concerned of the financial impact to citizens who may be struggling due to limited income. He felt that it was the Council's duty to present the information to the public for citizens to have advance notice in order to prepare for the increase.

Clerk Zimmerman apologized and explained that leaving the statements out of the minutes was not intended to skew the portrayal of the topic, but to condense the minutes to avoid several pages of discussion. Councilman Stanton and Mayor Gibson both reviewed the unofficial minutes before they were sent out to the public.

Mayor Gibson informed the Council that he reviews the minutes before they are sent out to the public, and although they didn't come across as unfairly portrayed to him, he understands and suggests that the Council all review the minutes before they are sent out to the public. The Councilmembers agreed to review the minutes before the Friday morning after the meeting in order to prevent this situation from reoccurring.

Motion by Klenklen to approve the Minutes of the January 14<sup>th</sup>, 2008 meeting, second by Youngquist. The motion passed 5-0.

### **b) JANUARY TREASURER'S REPORT**

Treasurer Bieker furnished the Mayor and Council with a monthly financial report for January. The report reflected credits/debits of \$44,500.76/\$6,995.74 for General, \$4,471.54/\$2,896.60 for Water, \$2,314.16/\$1,032.21 for Sewer,

\$0/\$13.03 for Parks, \$4,429.16/\$1,406.78 for Special Highway, \$0/\$222.86 for Equipment Reserve and \$3,101.19/\$4,147.20 for Trash. The total receipts/expenditures for January were \$58,816.81/\$16,714.42.

Motion by Klenklen to approve the January Treasurer's Report, second by Stanton. The motion passed 5-0.

**c) JANUARY WARRANT REGISTER**

The January Warrant Register reflected an expenditure amount of \$6,898.64 for General, \$2,780.21 for Water, \$504.35 for Sewer, \$0 for Trash \$222.86 for Equipment Reserve, \$184.46 for Special Highway and \$28.52 for Park. Total expenditures for January were \$10,618.74.

Councilman Stanton questioned the gas bill again, which was larger than usual for this time of year. Mayor Gibson informed the Council that in order to avoid the pipes freezing and breaking, the building has to stay at a somewhat warm temperature. The Council agreed to begin looking into repairs for the shop for the 2009 budget.

Motion by Klenklen to approve the Warrant Register, second by Stanton. The motion passed 5-0.

**V. REPORTS:**

***Planning & Zoning:***

Committee Chairperson, Sandi Goetz informed the Council that the Planning & Zoning Committee met on February 4<sup>th</sup> with no plans to review. Members present were Grace Jolly, Lynn Drown and Sandi Goetz. Due to some miscommunication issues, the committee approved to add the sentence, "no grading or construction may take place until all fees are paid and a building permit has been issued," to item #2 under the NOTICE section of the building permit application. Motion by Klenklen to approve the addition, second by Youngquist. After some discussion, the Council agreed to add "site work" between the words "no" and "grading". Motion by Klenklen to amend the motion to add "site work" between the words "no" and "grading, second by Stanton. The motion passed 5-0.

Ms. Goetz informed the Council that the committee has future plans to review the definitions in the amended building codes.

The Council requested that City Inspector, Richard White, be notified when a building permit is presented to the Planning and Zoning, so that he may have more involvement in the approval process. Clerk Zimmerman will research the cost and more discussion will take place at the March Council Meeting.

Councilman Klenklen requested that the Planning and Zoning committee look into lowering or removing the \$45 administrative fee for building permits that do not require inspections. Mayor Gibson suggested that Clerk Zimmerman look into whether the City would be able to allocate the fee for a Planning and Zoning training fund for the committee members to attend P&Z classes. Role call vote: Roberts Yah. Stanton Yah. Youngquist Yah. Klenklen Yah. Barnum Yah. The motion passed 5-0. The Planning and Zoning committee will research options and give recommendations to the Council.

The Council agreed to have the Planning and Zoning Committee look into the policy regarding what is required for cleanup after a home has been damaged. Councilman Klenklen would like to make sure that there are requirements for having utilities disconnected and capped off which include the City being responsible for capping off water and sewer connections to ensure that it is done properly.

The next Planning and Zoning Meeting is March 3<sup>rd</sup>, 2008 at 7pm.

***Streets:***

Street Commissioner Youngquist thanked Mayor Gibson for his time and effort in removing the snow.

Citizen, Doris Dillinger, contacted the office with a complaint that the street in front of her house is always wet. Councilman Youngquist will look into this.

The Council discussed the condition of Kiowa Drive. After much discussion, the Council agreed to work together and attend County Meetings to get the County to update the street so that the City may take possession of it.

***Utilities:***

Utility Commissioner Klenklen reported that he has begun work on the first utility newsletter, which will go out with the March minutes. The newsletter will include information regarding utility right-of-ways and sewer inspections, as well as, tips on tree planting in city right-of-ways.

There will be a Corps Property Informational Meeting on February 21<sup>st</sup> at 7pm at the Township Hall. Councilman Klenklen reported that he is in the process of forming the Corps Ground Management Committee. Anyone who is interested in setting on this committee is asked to contact the Ozawkie City Office.

Mayor Gibson informed the Council that the City needs to begin working on hydrant flow testing and that if assistance is needed, the Kansas Rural Water Association will be available.

Councilman Klenklen reported that if anyone has tree limbs that are near or setting on utility service lines, **DO NOT REMOVE THEM YOURSELF**. Please contact Westar Energy for assistance.

Councilman Klenklen will begin looking into the service and upkeep of weather sirens in Ozawkie. Currently, only one out of three sirens is working properly.

Councilman Klenklen reported that when Westar Energy inspects all of the safety lights, he will have them look into replacing the current lights with new vapor lights.

Councilman Klenklen informed the Council that he has begun working on updating the Utility Franchise Agreements.

***Parks:***

Nothing to report.

***Law Enforcement:***

Law Enforcement Commissioner Stanton reported that he will not be able to provide a Calls for Service reports in the future for Ozawkie due to an upgrade with the County Sheriff's Department computer software.

***Governmental Affairs:***

Governmental Affairs Commissioner Roberts provided the Council with a list of bills that are currently being reviewed by the Kansas Legislature. At this time, most of the bills have minimal to no impact on the City. House Bill 2747, however, will allow for annexation approval without city or county involvement. This could be detrimental to the City because if, for instance, several homes were annexed into the City, the City's utility infrastructure may not be able to handle the load.

Anyone who is interested in reviewing the bills being reviewed by the Kansas Legislature should visit [www.kslegislature.org](http://www.kslegislature.org) or [www.lkm.org](http://www.lkm.org).

The cost of stamps will increase by 1¢ on May 12<sup>th</sup>, 2008. If you currently are using the "forever stamp" you can continue to use it after May 12<sup>th</sup>.

Councilman Klenklen reported that the GIS Survey has been delayed due to the recent bad weather.

***Tree Board:***

Councilman, Dale Barnum, will take over the Tree Board, with the help of Elke Lassiter. Anyone who is interested in sitting on the Ozawkie Tree Board is asked to contact the City Office at 876-2550.

***Maintenance:***

The County picked up all tree debris sitting by the road on February 4<sup>th</sup>, 2008.

The City maintenance shop needs a replacement for the bottom section of the north garage door. The cost of the bottom section from Overhead Door out of Kansas City is \$275.00. The Council requested that Public Works Employee Thomas obtain 4 bids before purchasing a replacement section.

Mayor Gibson requested that the councilmember's stop by the shop when they have some time to review the condition of the building and begin researching upgrade costs for the 2009 budget.

***Certified Operator:***

Certified Operator Schuenight reported that he rebuilt one of the chlorine regulator and it is back in working order.

***City Clerk:***

Clerk Zimmerman requested permission to attend the 58<sup>th</sup> Annual City Clerks and Municipal Finance Officers Association of Kansas (CCMFOA) Spring Conference at the Wichita Marriott from March 11<sup>th</sup> through the 14<sup>th</sup>. Topics for the conference include: IRS Regulations Dealing with Employee Benefits, KORA, KOMA, Problems and Challenges with Special Assessment Financing, FMLA, Municipal Financing Tools, FLSA, Accounting – Alternative Sources of Funds, New Audit Standards, Ethics for Officials, Budgeting for Small to Medium Size Cities, Time Management, Preventing Employee Fraud, Microsoft Word/Excel, Property/Liability Risk Management, ABC, Reporting Sales Tax, and several more. The cost for the conference is \$185.00. At the meeting, Clerk Zimmerman could not give an exact cost for the hotel but estimated to be around \$80 - \$90 per night, which includes a discount for being a member of CCMFOA. For prior conferences, the City has paid Clerk Zimmerman the federal rate for mileage, plus \$32 per day for meals. Clerk Zimmerman explained that the conference teaches important information, helps maintain and create new contacts and networks, motivates, teaches new ideas and provides continuing education credits towards the 40 hours needed for recertification of her CMC, which expires on June 15<sup>th</sup>, 2011. At the time of the meeting, the amount of certification credits earned by attending the conference was not known. Motion by Klenklen to approve Clerk Zimmerman attending the conference, with a total budget not to exceed \$650.00, second by Youngquist. The motion passed 4-1 with Stanton opposing.

## **NEW BUSINESS**

### **VI. Dog Issue – Sheriff's Department**

Captain Tim Byers, Jefferson County Sheriff's Department, attended the Council Meeting to discuss a recent incident in which it was necessary to destroy a dog which had been running at large within the city for some time. Some concern had been expressed about whether it was necessary to have destroyed the dog. In order to clear up any misinformation, Captain Byers agreed to appear before the council. He related that the Sheriff's Department had become involved in response to a citizen's request for assistance. Two deputy sheriffs responded and were attempting to contain the animal when it exhibited aggressive behavior toward one of the deputies. The second deputy, believing the dog represented a significant threat to the safety and welfare of the other deputy sheriff, took action in response.

### **VII. City Seal**

Clerk Zimmerman presented two bids for the new City seal embosser. The first is from Diamond Printing, out of Topeka which is for the seal only, not a new embosser, for \$125 - \$150. The second is from V & K Details, out of Illinois for a new seal and a new embosser. The cost for the art and extra engraving time, plus a desk embosser is \$146 and approximately \$136 for all of that but a pocket embosser as opposed to a desk embosser. The Council requested that Clerk Zimmerman obtain sample work from each company before the Council can make a decision.

### **VIII. Business License**

Clerk Zimmerman presented the Council with a business license that she formatted using Microsoft Word. According to Chapter 5, Article 2 of the City ordinances, a license is required in order to maintain a home business in the City of Ozawkie. The license is issued by the City Clerk after a \$10 fee is paid. Clerk Zimmerman requested that the Council consider adding a note to the end of ordinance 5-201 which would acknowledge that the City is not responsible for making sure that the business owner has received all other necessary licenses. Councilman Roberts questioned as to why this is being done and Clerk Zimmerman explained that a citizen requested a business license

and she abided by the ordinances in issuing the license. The Council requested that Clerk Zimmerman contact other cities to review their Business License ordinances.

**IX. Township Agreement**

Mayor Gibson requested that the Council review the current City-Township Hall Building Rental Agreement and make any changes or updates that they see fit to. The current agreement allows the City to utilize 2/3 of the office space at the cost of 2/3 of the gas and electric utilities. The City is allotted 2 days each month to hold meetings in the hall. Mowing and snow removal around the building are the City's responsibilities. Clerk Zimmerman furnished the Council with a 2/3 utility cost spreadsheet for 2003-2007. The spreadsheet reflected an average of \$212 per month for 2003; \$197.61 per month for 2004; \$234.90 per month for 2005; \$247.12 per month for 2006; and \$249.66 per month for 2007.

The Council will review the agreement and discuss the issue at next month's Council Meeting.

**X. Executive Session – Employee Discussion**

Motion by Youngquist to go into executive session under K.S.A. 75-4319(b) (1) – personnel matters of non-elected personnel, at 9:40pm for 15 minutes, second by Roberts. The motion passed 5-0.

Council reconvened at 9:54pm.

Motion by Klenklen to run an employment ad for a City Maintenance Employee for three weeks in the Valley Falls Vindicator, Oskaloosa Independent and City Website, second by Stanton. The motion passed 5-0.

**V. ADJOURNMENT**

Motion by Klenklen to adjourn at 9:55pm, second by Youngquist. The motion passed 5-0.

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Melissa A. Zimmerman  
City Clerk