

## **INFORMATION**

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

### **Office Hours**

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

City Engineer – Kyle (785) 608-3547

Next Meeting – August 13<sup>th</sup>, 2007

*www.ozawkie.org*

## **Regular Council Meeting July 9<sup>th</sup>, 2007**

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

Mayor Gibson called the meeting to order at 7:03 p.m. Members present: Mayor Scott Gibson. Councilmember's Mark Roberts, Jason Klenklen, and Marlin Youngquist. Members absent: Kirk Vernon and Elke Lassiter. Clerk Zimmerman and City Attorney, John Kurth, were both in attendance.

Citizens in attendance were Ken Bieker, John Magnuson, Dan Rosencutter, Larry Goetz, Sandi Goetz, Kevin Klenklen, Dennis Reiling, Bill Rice, Linda Rice, Jennifer Best, Dottie Hissong and Deb Adams.

### **OPENING COMMENTS:**

No opening comments.

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

No Council comments.

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

Mayor Gibson requested that agenda item #12, Security Benefit – John Magnuson, be moved up to item #6 due to Mr. Magnuson having a long drive home. Motion by Youngquist to approve the amended agenda, second by Klenklen. The motion passed 3-0.

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

#### **a) MINUTES OF THE JUNE 11<sup>TH</sup> MEETING**

Motion by Klenklen to approve the Minutes of the June 11<sup>th</sup>, 2007 meeting, second by Roberts. The motion passed 3-0.

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

Treasurer Bieker furnished the Mayor and Council with a monthly financial report for June. The report reflected credits/debits of \$32,503.22/\$6,339.86 for General, \$3,101.76/\$4,310.86 for Water, \$1,442.29/\$1,586.58 for Sewer, \$75.00/\$1,442.60 for Parks, \$0/\$222.86 for Equipment Reserve and \$1,876.29/\$1,450.00 for Trash. The total receipts/expenditures for June were \$38,998.56/\$15,352.76.

Motion by Klenklen to approve the June Treasurer's Report, second by Youngquist. The motion passed 3-0.

## **c) JUNE WARRANT REGISTER**

The June Warrant Register reflected an expenditure amount of \$6,343.10 for General, \$2,572.62 for Water, \$887.13 for Sewer, \$4,185.60 for Trash, \$222.86 for Equipment Reserve and \$24.06 for Park. Total expenditures for June were \$14,235.37.

Motion by Klenklen to approve the Warrant Register, second by Youngquist. The motion passed 3-0.

## **V. REPORTS:**

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

Committee Chairperson, Sandi Goetz reported that the committee did not meet in June. Ms. Goetz did, however, meet with two citizens, who needed information regarding building permits. Mel Armstrong, of 604 Delaware, approached Ms. Goetz with interest to make alterations to his existing home. The other is a new citizen wanting to move a temporary moveable building in on his property, but is on a time constraint due to the deadline he was given to move out of his previous residence. Ms. Goetz informed the Council that, after reviewing his situation, she gave him approval to move the building onto his property, but required him to submit a site plan after he has moved into his new home in Ozawkie.

The next Planning and Zoning meeting is July 16<sup>th</sup> at 7pm at the Township Hall.

### ***Streets:***

Street Commissioner Youngquist reported that he has received one bid for the concrete and curb and guttering work. The bid was from Ben Schreiner for \$15,690.00. The Council agreed to accept Hamm's bid for asphalt work, but remove a portion of the work, for budgetary reasons. Councilman Youngquist recommended only putting a 2" overlay on central west from the intersection of Kansa for \$2,700 and Meadowlark from the intersection of Delaware to the intersection of Sioux, for \$8,910. Motion by Roberts to approve Ben Schreiner's bid and Hamm's bid, for the two areas, for the amount of \$27,300, second by Klenklen. The motion passed 3-0.

### ***Utilities:***

Utility Commissioner Klenklen reported that he has been researching costs for demolishing the tennis court and re-seeding the area afterwards. The Corps of Engineers expect the City to either demolish the tennis court and bring the land back to its original state, or clean the tennis court up and maintain it. Councilman Klenklen will do more research and discuss it at the August Council Meeting.

Councilman Klenklen informed the Council that he hopes to have the Corps Management Plan ready for Council's review at the August Council Meeting.

Certified Operator Truhe recently had the Kansas Rural Water Association perform a sludge review on the lagoons and the City reportedly has no sludge problem.

### ***Parks:***

The Council agreed to recruit volunteers for July 21<sup>st</sup> at 9am to erect the new swing set. Larry Goetz donated the cement, Bill Kuntzsch donated the Auger, and Jason Klenklen donated the Bobcat. Mark Roberts agreed to volunteer his time to help get the swing set up.

### ***Law Enforcement:***

While working on the 2008 budget, the Mayor and Council have been considering retaining a Municipal Judge once again, to help enforce City ordinances. In the past, there have been questions as to whether the City can even

enforce the ordinances through a municipal court, if there is no law enforcement or code enforcement officer. Municipal Judge, Dennis Reiling, was in attendance to answer any questions citizen's, or councilmember's may have. Mr. Reiling explained that without some sort of municipal court, with a prosecutor and judge, the City's ordinances, not including traffic violations, could not be prosecuted. The purpose of the municipal court would not be for income, but as a service to the citizen's. With all the correct steps, all of the ordinances can be enforced through the municipal court. Mr. Reiling will charge a retainer fee of \$200 per month. After much discussion, the Council agreed to research the topic and consider retaining the judge when putting the 2008 budget together.

***Governmental Affairs:***

July 19<sup>th</sup> is the next meeting date for the Meriden/Ozawkie Area Chamber of Commerce. Time and location have yet to be announced.

***Tree Board:***

Mayor Gibson reported that Kim Bomberger has been contacted to help teach the maintenance employee's how to prune trees correctly. Ms. Bomberger is hoping to conduct a training session in September.

***City Maintenance:***

Mayor Gibson reported that the John Deere 5510 Tractor is due for its 1000 hours basic maintenance. The total cost for the service is \$690.67. The Council agreed that the servicing should be done by the maintenance department. Motion by Roberts to have the maintenance department perform the maintenance, second by Klenklen. The motion passed 3-0.

***Animal Control Officer:***

Animal Control Officer, Kyle Truhe, furnished the Council with a report for June. The report showed 1 raccoon was picked up at 107 Sunrise on June 28<sup>th</sup> and 1 skunk was picked up at 150 Main Street on July 8<sup>th</sup>.

***City Clerk:***

Clerk Zimmerman contacted 8 printing companies requesting bids for printing the new City letterhead, but only 3 companies' submitted bids. Councilman Klenklen recommended that Clerk Zimmerman contact Davis Publications. Clerk Zimmerman agreed to do some further research and have actual numbers for the Council at the August Council Meeting.

The Fire Department would like Clerk Zimmerman to issue burn permits, which would require interested parties to fill out paperwork. After some discussion, the Council agreed not to have the City Clerk issue the permits, since citizens of Ozawkie would not be allowed to burn, due to City ordinances, the extra work would not be a service for citizens, but only for people outside the City limits.

Mayor Gibson requested that the Council consider allowing Clerk Zimmerman to come in a few hours later on Council Meeting days, so that she would only be working a 9-10 hour day as opposed to a 12-13 hour day. The Council agreed that on the second Monday of the month, Clerk Zimmerman can come in around noon, as opposed to 9am.

Clerk Zimmerman reported that she received her plaque and is official a Certified Municipal Clerk.

The Council recessed at 8:17pm until 8:22pm.

**NEW BUSINESS**

**VI. Security Benefit**

Clerk Zimmerman furnished information at the June Council Meeting regarding a retirement benefit for City employees. John Magnuson, an Independent party for Multi Financial Securities Corporation, attended the Council meeting to answer any questions that the Mayor and Council may have regarding Security Benefit's 457 Government Retirement Plan, which consists of mutual funds. Mr. Magnuson reiterated that the plan is for city, county, and state employees and the minimum number of employees required to participate is one. The cost to the City for this plan is absolutely nothing, but the City can choose to participate by adding a certain percentage to the retirement account(s). The only cost is a ¾% administration cost, which is paid by the investing employee(s). The minimum amount to be invested by the employee each month is \$25.00. There is no start-up fee and all the City has

to do to implement the plan is pass a resolution, and once the 30 day petition period is over, the employee's can begin to invest. The Council agreed to consider this information when creating the 2008 budget.

## **VII. Main Street Property**

Councilman Klenklen excused himself from all discussion due to a conflict of personal interest.

Even though a quorum was not present because only two councilmember's were available to discuss this issue, the Mayor and presiding Council agreed to listen to comments and concerns from citizens. Citizen, Bill Rice, explained to the Council that when he purchased his lots, R-4, 5 & 7, he was told that no houses would be built to obstruct his view of Lake Perry because the block south of him has been zoned for business. He has concerns that his property value will be greatly decreased if his view of the lake is obstructed. To solve this issue, if the City is considering plating the north end of the Main Street Property and selling the lots for residences to be built on, he would like to purchase a lot 65' wide and 150' deep, to prevent his view from being obstructed. Citizen, Kevin Klenklen voiced similar concerns, and expressed interest in purchasing land south of his house to maintain his view. Jennifer Best, representing Brandon Best, apologized for causing such a commotion by requesting to purchase a small portion of the land. Ms. Best would like the Council to know that Brandon Best only wants a small piece of the lower property to possibly build a car wash, and before he can move forward with his intentions, he needs to know whether the Council would be willing to sell him a portion of the land.

In 2006, the City of Ozawkie paid \$443.78 in property taxes for the land. In March of 2006, the land was appraised by Don Chubb, from Griffith & Blair Commercial Realtors, who recommended selling the property anywhere from \$3.00 to \$4.00 per square foot. In June, 2006, Marc Bunting recommended selling the property for approximately \$5,227.20 per acre. There are approximately 3 ¼ acres of empty land.

Mayor Gibson apologized for not having a quorum, but hopes to have one at the August Council Meeting so that a decision can be made regarding the land.

Councilman Klenklen returned to his position once all discussion on this matter had concluded.

## **VIII. Goetz Complaint**

Deb Adams attended the Council Meeting and apologized to the Council for any disturbances that her barrel structure may have caused. Ms. Adams explained that, in her opinion, her barrel structure is no different than a jungle gym or basketball goal. City Attorney, John Kurth, explained that the situation is something that should normally be solved between neighbors, as opposed to involving the City Council. The Council agreed to help Larry Goetz and Deb Adams reach a compromise suitable to both parties. After much discussion, it was understood that Deb Adams would move the barrel structure to the northeast section of her property, out of Larry Goetz's sight, and also, take the barrel down when not in use. Councilman Roberts requested the structure be moved, resolving the issue by the August 13<sup>th</sup> Council Meeting. Both parties agreed.

## **IX. Policy for Pulling Water Meters**

Clerk Zimmerman presented a recommendation for an ordinance regarding the City pulling water meter's if a citizen does not pay his or her water bill. Councilman Klenklen suggested that the City implement a tamper proof seal for the water meter's, before the action of actually pulling the meter occurs. The idea is that the meter will only be pulled if the seal has been tampered with. City Attorney, John Kurth, explained that if a citizen turns a water meter on once the City has turned it off, for whatever reason, the Citizen can be charged, under State Statute, with theft of services. The Council requested that Clerk Zimmerman look into modifying the recommended ordinance, and have the changes ready for discussion at the August Council Meeting.

## **X. Emergency Response Plan**

Mayor Gibson informed the Council that he will be working with Doug Schmitt, from Jefferson County Emergency Management, Dan Rosencutter, Fire Chief, and Bob Holliday, assistant Fire Chief, to create an Emergency Response Plan for the City.

**XI. Dog Issue (Adams)**

Deb Adams was in attendance and assured the Council that the situation has been resolved.

**XII. Update Solicitation Signs**

Mayor Gibson recommended that the City look into updating its solicitation signs, due to the recent adoption of the Green River Ordinance. The ordinance only allows for non-profit organizations to solicit, but they must still have a permit issued by the City Office. Clerk Zimmerman will look into the cost to purchase standard signs.

**V. ADJOURNMENT:**

Due to a time constraint, agenda item #13 and #14 will be discussed at a continuation of this meeting. Motion by Youngquist to adjourn tonight's meeting at 9:45 until July 23<sup>rd</sup> at 7:00pm, second by Klenklen. The motion passed 3-0.

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Melissa A. Zimmerman  
City Clerk