

## **INFORMATION**

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

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

City Maintenance – Ron (785) 785-640-1194  
Certified Operator – Travis (785) 608-3547

Next Meeting – July 13<sup>th</sup>, 2009

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

## **Regular Council Meeting June 8<sup>th</sup>, 2009**

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

Mayor Feuerborn called the meeting to order at 7:00 p.m. All members present: Mayor Christopher Feuerborn, Councilmember's Mark Roberts, Dale Barnum, Steve Stanton and Mark Larson.

Citizens in attendance Jason Klenklen, Jeff and Rena Kilgore, Tim Byers, Ben White, Dan, April and Mason McCollum, and Wayne McNary.

City employees in attendance were Janelle Schuler and new city clerk Rita Christlieb.

### **OPENING COMMENTS:**

In opening comments, Mr. Kilgore of 401 Kiowa requested city water and sewer for new home to be built on County Property adjacent to City of Ozawkie. House plans are drawn, site plan in the works pending water / sewer hookup. Councilman Larson stated he would get with Mr. Kilgore to discuss his request and bring it to the entire council for discussion.

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

Councilman Roberts reported that a citizen complained that a pool was being drained. Article 15-407 covers ordinances regarding water discharges. It is causing a problem and it smells. Discussion followed.

Lynn Down requests to have her permit of 2008 rescinded. No action was need because ordinances state that the permit is viable or active for only 180 days from issue.

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

Motion by Stanton to move item #6 Mr. McCullom's fence to item #5, second by Larson. The motion passed 3-1.

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

### **a) MINUTES OF THE MAY 12<sup>TH</sup> MEETING**

Motion by Larson to approve the minutes of the May 11<sup>th</sup>, 2009 meeting, second by Stanton. The motion passed 4-0.

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

No Report due to Mr. Bieker being out of town. May Treasurer Report will be presented at July Council Meeting for approval.

### **c) MAY WARRANT REGISTER**

The Warrant Register reflected an expenditure amount of \$6,213.48 for general, \$2,213.18 for water, \$3,324.17 for sewer, \$1,220.54 for trash, \$222.86 for equipment reserve, and \$45.19 for parks. Total expenditures for May were \$13239.42. Councilman Stanton questioned the gasoline bill from Casey's for the amount of \$480.79. This was due to gas for the pumps to pump the sewer ponds. A motion by Barnum was made to approve the warrant register, second by Larson. The motion passed 4-0.

## **V. MR. MCCOLLUM'S FENCE:**

Item was tabled at last months meeting. Councilman Roberts made contact with John Kurth and it was determined there would be a fee of \$100-150 to draw up a variance. Councilman Roberts suggested that perhaps the McCollum's share half of the cost. City should not be responsible for the payment. Council needs to decide tonight. Councilman Stanton wants variance granted to McCollum, but wants citizens aware of permit and zoning ordinances. Tim Beyers, a neighbor to Mr. McCollum, states that he likes the fence and it does not affect his view or property value. Mayor Feuerborn wants the council to resolve it tonight. Councilman Barnum says council should move forward with a motion and city pay fees. Councilman Larson states that city should move on and leave issue alone not to be revisited. Councilman Stanton agrees that there are other fences that are not up to code. But at this time a variance should only be issued for McCollum. Jason Klenklen stated that a motion was in place to have fence moved in 90 days and it had not yet been rescinded. Councilman Stanton gave a motion for variance to be granted to McCollum with no strings attached. No second was given. Councilman Roberts stated that the issue must be resolved at this meeting and not continue to carry on. Other fences in code violation must be dealt with on a case by case basis as it is brought to council. Councilman Roberts stated that Mr. McCollum made a good faith effort and was diligent in duty to resolve it. Councilman Roberts motioned that a variance should be granted and his property is cleared, and that Mr. McCollum be asked to share ½ of the expenses with the city. Motion will be pending Mr. McCollum accepting to pay ½ of fees, with understanding that if not agreeing variance would not be granted. It was seconded by Barnum. It carried 3-1 Stanton opposed.

## **VI. REPORTS:**

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

Ben White, standing in for Committee Chairperson, Sandi Goetz was to report for planning and zoning. Peggy Whitmarsh of 401 Sioux wants to put up a chain link fence around back of property. Dig safe confirmed no gas lines in area where they are digging. One foot of fence would be on 405 Sioux's property. 405 Sioux is in agreement with fence as long as it is in the records that property is still owned by 405 Sioux. Larson made a motion to allow this, Barnum second. Discussion followed. Motion died. Councilman Stanton says no variance should be granted. City should not be involved in agreement between two landowners. Landowners need to consult a lawyer and made contract to transfer 1 ft of property. Councilman Stanton made motion to have a temporary fence set up, Robert second. Motion carried 4-0. New site plan is to be drawn up and proper fees applied for permit. Councilman Roberts says there should be amendment to the site plan signed and fees paid before moving on with fence.

Planning and zoning also had concerns about junked out cars, boats and non-registered cars in violation of city codes. They need to be cleaned up to keep the city clean and beautiful.

There are over 50 homes without stand alone light poles in violation of city ordinance.

### ***Streets:***

Street Commissioner Youngquist has resigned effective immediately. Mayor Feuerborn read the letter. Street Commissioner duties were transferred to and will be under the control of Councilman Larson pending appointment of new Street Commissioner. A thank you letter is to be drafted and sent to Councilmember Youngquist.

Councilman Stanton stated that the overlay on Sunflower was poorly done and is getting worse, requests that the initial contract with the asphalt company be reviewed and then contacted to make necessary repairs.

Councilman Stanton states that at vehicle fire that burned in front of residence at 305 Delaware. He is contacting the fire / Sheriff dept for a copy of the report to request damages to road. Additionally the vehicle that struck the Gas enclosure east of Delaware and Sunflower locate a report and go after damages from their insurance.

733 Delaware Drive has a drainage problem water is running across street. Councilman Larson stated that city will act upon this problem.

Council is looking at a Saturday in the near future to look over streets and determine appropriate action to be taken.

### ***Utilities:***

Councilman Larson is in discussion with Doug Schmidt Jefferson County Emergency Management, to provide our old siren to another development on the lake. Currently in discussion with Water operator Adams reviewing costs and materials to relocate water line from city lot off Delaware and Sunflower. This access will be closed for a indefinite period of time pending completion of repairs.

### ***Governmental Affairs:***

Councilman Roberts reports that all 2009 annexation bills are dead and that the Budget for 2009 is \$14,500.00 and for 2010 is \$16,210.00. He predicts that the actual received will be less. The state revenue short fall in May was \$103 million. Mayor Feuerborn will get with Bieker on budget preparation.

### ***Parks:***

Nothing to report.

***Law Enforcement:***

Councilman Stanton stated that he rode with the sheriff and they made several traffic stops, both speeding and stop signs. He requested a trooper for Friday afternoon or evening to patrol. He also stated there have been complaints about a motorcycle speeding in the city. Councilman Stanton wants Councilman Roberts to work with him on complaints and be low key and talk with violators face to face first.

Mayor stated that there has been a lot of vandalism the past few weeks and that several streets signs have been damaged and need to be replaced.

***Leased Ground Management Committee:***

Mr. Jason Klenklen presented a rough draft of the 2009-2010 Land Management Plan. Two meetings have been scheduled to discuss and update the Plan in detail on June 11<sup>th</sup> and June 23<sup>rd</sup>. The Land Management Plan is updated annually to address annual inspection issues and ensure the proper use of budgeted funds. The committee would like feedback from the Council regarding the Corp of Engineers concern about citizens mowing on the lease area and the associated volunteer form(s) the Corp has requested. Councilman Roberts recommended that a councilmember sit on the Committee. Further discussion took place regarding the request that each individual (citizens) mowing on the lease ground sign a waiver/release form. Mr. Klenklen noted concerns committee members have about the logistics of this matter and impacts it could have on the City. Mayor Feuerborn stated that he would like a Corp representative to attend the next city council meeting. Mayor Feuerborn stated further action by the committee regarding the volunteer mowing form should be suspended until the lease and form request can be reviewed by the Council. The Mayor did not feel separate meetings were necessary for the discussion of the volunteer forms or the Land Management Plan. After more discussion, the Council and Mayor requested that both scheduled committee meetings be canceled. The 2009-2010 Land Management Plan is to be presented at the July council meeting so it could be approved prior to the July 30 deadline. Mr. Klenklen reminded Council that the committee was formed to manage and improve the lease area held by the City; any action taken on the leased property (including the spending of funds) had to be approved by Council. Mr. Klenklen voiced a concern that if the City was going to take the lead on lease issues/improvement and not involve the committee, then the committee should be formally dissolved. No further discussion or action was taken. Councilman Roberts requested a copy of the lease contract and current, annual inspection.

***Tree Board:***

Nothing to report.

***City Maintenance:***

Nothing to report.

***Certified Operator:***

Nothing to report.

***City Clerk:***

Clerk Schuler stated she needs council member's signatures at the bank and asked that they take official copies of last months minutes to the bank to get that done. Ms. Schuler reported that her last day as the city clerk will be June 30<sup>th</sup> and the training process will start with new city clerk Rita Christlieb. Ms. Christlieb is also present at the meeting.

**NEW BUSINESS**

**V. Contract Regarding Leisure Lane**

Councilman Roberts reported that the 4<sup>th</sup> signature for the contract was taken care of and will be filed with the clerk by Friday 6/12/09.

**VI. Employee Vacation Policy**

Discussion tabled until next month. Mayor Feuerborn stated that he would like to have an Executive Session at the next meeting regarding employee vacation and new employee, Rita Christlieb. Motion by Stanton, second by Roberts. Motion carried 4-0.

## **VII. Sioux Drive Complaints**

Councilman Roberts reported there is a boat parked on Sioux Dr. that has been there since Memorial Day Weekend. It may be disabled and there has been a complaint. Article 14-202 states that no boat is to be parked on roadways or public property. The mayor has authority to check and see if it is in violation. If it is a letter should be sent. Councilman Roberts also reported that article 8-303 stated the a motor vehicle that is not tagged, broken down, etc., for 30 days or more is in violation. Enforcement should be as follows, letter, tagged, then, towed. Several vehicles are in violation.

## **VIII. Executive Session**

Motion by Larson to go into executive session under K.S.A. 75-4319(b) (1) – personnel matters of non-elected personnel, at 9:30pm for a time not to exceed 15 minutes, second by Roberts. The motion passed 4-0.

Council reconvened at 9:45pm.

## **ADJOURNMENT:**

A motion was made by Larson to adjourn at 9:48 p.m. second by Barnum. The motion passed 4-0.

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Rita Christlieb  
City Clerk