

## **INFORMATION**

City Office – (785) 876-2550

Located at 524 Kiowa

### Office Hours

Mon: 9am – 6pm

Tuesday-Friday: 8am – 2pm

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

Next Meeting – April 13th, 2009

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

## **Regular Council Meeting March 9th, 2009**

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

Jason Klenklen called the meeting to order at 7:00 p.m. Members present: Commissioners Jason Klenklen, Dale Barnum and Mark Roberts. Members absent: Commissioners Steve Stanton, Marlin Youngquist and Mayor Scott Gibson.

Citizens in attendance were Sandi Goetz, Gary and Sharon Branson, Ken Bieker, Marilyn Blevins, Bill Park, and Chris Feuerborn.

**No formal business was conducted due to lack of a quorum.**

### **OPENING COMMENTS:**

Sandi Goetz reported a verbal concern voiced on 3/7/09 from a resident against the residence located at 100 Coyote Ave. There is a deplorable condition at the residence listed above. The side-covered deck is stacked with belongings and there was a sofa/divan sitting in the yard. Pictures and ordinances that were violated were presented to the council. Sandi urges the Mayor and City Council to take immediate action to see that the residence is cleaned up. Councilman Klenklen suggested that the residence move the couch to the curb for trash pick up. Councilman Roberts requests that a certified letter be sent to the residence to remove couch and clean up on the deck.

Sharon Branson reported that there are no volunteers for the annual city wide garage sales this year so far. Any help from residences, city employees or council members would be appreciated. Janelle Schuler has offered to volunteer to help with the coordination of the garage sales this year. Sharon Branson reported that she and Gary will be coordinating the 2009 annual garage sales again this year due to lack of volunteers. The Branson's are willing to train, anyone who would be willing to take over the coordination of the event. The sales will be held on May 2nd and all registrations are asked to be turned in by April 27<sup>th</sup>. Since the Branson's don't foresee any increases in cost, the registration fee will more than likely stay at \$7.50. Almost 100% of the registration fees go towards paying for advertising; however, there is a small portion of money leftover at the end of each year. For the last couple of years, the Branson's have been depositing the leftover money in a checking account that was created for the garage sale event. Their hope is that, in the future, the garage sale event will be self sufficient so that the coordinators will not have to pay for advertising and supplies out of their own pockets and then wait for registrations in order to be reimbursed.

Marilyn Blevins of 544 Delaware is concerned about the sound of the new storm siren. She reports that she could barely hear the siren inside her house during the test on Saturday February 28, 2009. Councilman Klenklen discussed the sound of the siren with Ms. Blevins. Attendees were reminded that this is an outdoor warning system and is not intended to be heard inside. An informative brochure will be sent to all residents regarding the new storm siren. Ms. Blevins also wanted to know about the corp ground being burned and where it was going to be burned to. Klenklen discussed that Lease Committee will most likely be burning what they did before. Klenklen is trying to coordinate with the fire department and Corp of Engineers a time/day for the burn to take place.

Bill Parker wishes to know if anything was determined with the contract for Leisure Lane. Unofficial contract was given to Mr. Parker and the councilman that was drawn up by Attorney John Kurth. Unofficial contract will be discussed later on in the agenda. Mr. Parker also had concern with money being spent on a volleyball court for the park. He expressed that the court was not maintained in the past and doesn't think it will be used very much. Maintenance of the volleyball court is also a concern. Parker would rather see the money spent on a parking lot for the park. Councilman Barnum explained that the parking lot would be cost efficient and if money allows and volleyball court would be considered.

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

Nothing to report.

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

**No action was taken due to lack of a quorum**

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

### **a) MINUTES OF THE FEBRUARY 9<sup>TH</sup>, 2009 MEETING**

**No action was taken due to lack of a quorum**

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

Treasurer Bieker furnished the Mayor and Council with a monthly financial report for February. The report reflected credits/debits of \$3,395.66/\$23,724.47 for General, \$1,899.75/\$7,420.92 for Water, \$609.53/\$710.23 for Sewer, \$0/\$13.20 for Parks, \$0/\$0 for Special Highway, \$0/\$222.86 for Equipment Reserve and \$873.93/\$0 for Trash. The total receipts/expenditures for February were \$6,778.87/\$32,091.68

**No action was taken due to lack of a quorum**

## c) **FEBRUARY WARRANT REGISTER**

The February Warrant Register reflected an expenditure amount of \$7,180.59 for General, \$3091.91 for Water, \$628.01 for Sewer, \$3402.74 for Trash, \$222.86 for Equipment Reserve, and \$47.92 for Park. Total expenditures for February were \$14,574.03.

### **No action was taken due to lack of a quorum**

## **V. REPORTS:**

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

Committee Chairperson, Sandi Goetz informed the Council that the Planning & Zoning Committee met on March 2<sup>nd</sup>. All members were present and Councilman Jason Klenklen. The committee discussed the auxiliary shed that was put in at 628 Delaware. Mrs. Goetz had sent a letter to the residence requesting a site plan and building application for the shed. The committee recommends that the City Council have a letter sent to 628 Delaware Drive reminding the resident that a site plan and permit application must be presented to the Planning and Zoning Committee.

The committee reviewed the privacy fencing at 316 Sioux. Fencing setback issue discussion was resumed. On January 30, 2009, City Attorney Kurth was contacted by e-mail concerning the setback issue. A reply to the e-mail was received on February 3, 2009, after the February 2 planning and zoning meeting. Attorney Kurth recommended in his e-mail

“That the committee could consider a variance from the ordinance that would expire when the person ceases to own the property. If the P&Z and the individual can reach an agreement, that would be best, then that can be memorialized in granting the permit application. I know that the P&Z makes the recommendation to the city commission so the commission would have the final word.”

After discussion the committee recommends to the Ozawie City Council that action be taken to correct the following violations of the fencing setback, an inoperable yard light (there is a post), and no house address number. It is recommended that a certified letter be sent to the resident on Sioux Drive. Please note that a site plan had been received by the February meeting.

### ***Streets:***

Street Commissioner Youngquist was not in attendance. Youngquist would like ideas and suggestions for the city roads.

### ***Utilities:***

Utility Commissioner Klenklen reported that the new storm siren is installed. It was installed 2/25/09-2/27/09 by Blue Valley Public Safety. A brief test was done on Friday 2/27 and a full test was done on Saturday 2/28 at 4pm. Areas that were tested with a Dosimeter included the baseball field and the Cul-de-sac at the end of Delaware. Klenklen reported that the equipment functioned normally and as expected.

Citizens are concerned about not being able to hear the new siren as well as the old one. Discussion between citizens and Klenklen took place regarding this matter. Klenklen once again cited factors that make the new siren different than the previous one.

Councilman Mark Roberts is disappointed with the outcome of the new storm siren and doesn't think that it's up to the standards that Blue Valley presented to the council. Roberts questioned if the siren's output was up as high as possible. Klenklen reported that it is within the stated standards. Klenklen discussed all the facts presented by Blue Valley in an attempt to resolve Councilman Roberts's concerns. Roberts requested that when the next test is ran with the siren that everyone is informed of the test and is present from the council. Klenklen reminded Mr. Roberts that the test had been planned for the 28<sup>th</sup> of February, but many were unable to attend. Klenklen reported that the next test will be coordinated by the fire department once the trees have full foliage. Roberts requested that a representative from Blue Valley Public

Safety be present at the next council meeting to discuss issues with the new storm siren. Klenklen stated he would speak with Blue Valley in order to arrange for a representative to visit with the Council, either at the April meeting or possibly during a siren test/separate work session.

Councilman Dale Barnum would like to have another test before the next council meeting. Klenklen responded that the next test will probably not be until May. Barnum also suggested purchasing weather radios for citizens to sell for very little cost. Klenklen will research grants and look into getting weather radios for the citizens. Klenklen will also look into the inconstancy with weather radios working along Delaware.

Klenklen reported that the annual water tower cleaning and inspection will take place at the end of this month and is being coordinated by City maintenance personnel.

Councilman Klenklen is working with the fire department to begin hydrant flow testing. No date has been established.

Klenklen reiterated the importance of timely communication between the City and residents. Mayor Gibson and Councilman Klenklen have been looking into different ways to effectively and efficiently reach all citizens. Some of the ideas include mass text messaging, voicemail/phone alerts, electronic message board, etc...

***Parks:***

Park Commissioner Barnum presented the sketch from last council meeting with changes that he would like done to the park. Park plan still consists of building a parking lot, and bathroom. Mike Nolan from Westar will be in touch with Barnum to assist with getting the park plan moving forward.

***Law Enforcement:***

Nothing to report.

***Governmental Affairs:***

Governmental Affairs Commissioner Roberts reported on current activity by the Kansas Legislature of interest to the city. The state budget shortfall was first discussed in view of its implications for city funding. All of the 2009 Budget Rescission is contained the substitute bill for SB 23. At the time of his last report during the February council meeting, Commissioner Roberts reported that this bill was still being reviewed/debated in conference committee and little real progress was being observed. Since then, budget conference committee negotiations produced a deal concerning rescission brought on by decreasing state revenues. The bill was passed in mid-February and has since become law (upon publication).

While the full implications of this legislation remain to be determined (not the least of which depend on how much revenue the state collects over the next few months), it is likely that the City of Ozawkie will feel some impact. Among its provisions, the compromise bill reduced the total 2009 slider payments by 6.5% and then divided the payment into two equal payments to be paid on March 2nd and June 1st. An estimated \$44.6 million dollars had been scheduled for distribution statewide on February 15th; that was reduced to \$41.7 million which is now split up to be paid in March and June. Another provision stopped a \$10.1 million dollar payment to the Special City-County Highway Fund for general distribution to all counties and cities. This affects the amount of money we have available for street work in Ozawkie, e.g. our last payment from this fund was a little over \$3,000.00

Looming in the distance yet to be determined by the 2009 Kansas Legislature is what to do about the FY 2010 Budget which begins July 1st of this year. As things now stand, it will require close to \$1 billion dollars in budget cuts or new revenues to close the anticipated deficit.

Commissioner Roberts also reported an update on Proposition K. Related to the so-called "Taxpayers Bill of Rights", Proposition K originated in bill form in each house under the guise of HB 2150 and SB 197. The bills created a new term, "baseline value", which means the appraised value of taxable property as of January 1, 2010 or the date the property first appears on the tax rolls. Under the proposed legislation, this baseline value would increase at the rate of 2% each year. This would be a significant change in which property is taxed in Kansas and

some serious questions thus arise. One is that the proposal may be in conflict with the state constitution with regards to property value. Also of significance is the current drop in real estate market sales which is driving appraised values downward. This could affect how the proposal is viewed by the legislators. Currently, these bills are sitting in committee and not much activity has been observed in their regard.

Finally, Commissioner Roberts reported on the status of three annexation bills; HB 2029, HB 2032, and HB 2084. These bills, in one way or another, affect the manner in which annexations are currently handled by counties and cities. In some cases, a vote by qualified electors would be required and in others the unilateral annexation bill would be amended to prohibit "spot" annexations by cities.

***Tree Board:***

Councilman Dale Barnum reports that there will be a celebration at the end of April for Labor Day. He will be asking the Beta Lambda Tau Sorority to help out with a breakfast to raise funds for more trees to plant around the park.

***Maintenance:***

Travis Adams will be attending the KRWA Annual Conference. Adams will be taking the water and sewer certification tests while there. He will also be getting information from vendors that could benefit the City in the future.

***Certified Operator:***

Nothing to report.

***City Clerk:***

Clerk Schuler reported that she is getting bonded and will receive her notary by the end of the month.

## **NEW BUSINESS**

### **VI. Employee Vacation Policy**

Councilman Roberts present 2 hand outs to the council to discuss employee vacation leave. Discussion will take place at next council meeting.

### **VII. Contract regarding Leisure Lane Agreement**

Clerk Schuler provided the councilman and Mr. Parker with an unofficial copy of the contract drawn up by City Attorney John Kurth. The council reviewed and discussed their concerns with the unofficial contract.

Klenklen would like to revise #4 to ensure that it releases the city from the residence personal insurance. He would also like to add resident of 110 Sunset to be added to the contract because of the driveway that connects to Leisure Lane. Klenklen would like to see an expiration date or annual consent by both parties for renewal.

After reviewing the draft contract, Councilman Roberts recommended the following revisions:

2. *City shall refrain from snow/ice removal activities on the city street of Leisure Lane cul de sac.* Councilman Roberts stated that this provision is too closed-ended and does not allow for snow removal at times when Mr. Bill Parker (proposed equipment operator) is out-of-town or otherwise unavailable. Councilman Roberts reported that he had talked with Mr. Parker over the past weekend about this possibility and was told by Mr. Parker that under those circumstances, he would have no objection to the city completing the work.

5. *Should residents desire the city to provide snow/ice removal or maintenance for the same, said request shall be made to the city, in writing, signed by the residents, and delivered to the city or its authorized representative.* Councilman Roberts pointed out that this provision is cumbersome and impractical to try to accomplish at odd hours particularly in view of the fact that all the residents of the area would be required to sign the request. Councilman Roberts also commented that this requirement is not very workable in the event of equipment failure. He requested this section be reworked into something that would operate smoother for all concerned.

Finally, Councilman Roberts noted he saw no address in the draft for the situation in which damage to the street is done by a resident; who is responsible for repair. Councilman Roberts stated he was not particularly concerned about this possibility when Mr. Parker was performing the work, but would be if someone less skilled was trying to perform the work in Mr. Parker's absence.

## **V. ADJOURNMENT**

Meeting adjourned at 8:25pm

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Janelle R. Schuler  
City Clerk

**No formal business was conducted due to lack of a quorum.**