

INFORMATION

City Office Phone/Fax – (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 – June 8th, 2009

www.ozawkie.org

Regular Council Meeting May 11th, 2009

I. CALL TO ORDER:

City Clerk Janelle Schuler called the meeting to order at 7:00 p.m. Ms. Schuler swore in new Mayor Christopher Feuerborn, and new council members Mark Larson and Steve Stanton. Commission seating took place and it was decided that Steve Stanton would remain Law Enforcement and Mark Larson would take over Utilities. A new council president was elected the council recommended that Mark Roberts be president, Mr. Roberts accepted the position.

Members present: Mayor Christopher Feuerborn. Commissioners Mark Larson, Dale Barnum, Steve Stanton, and Mark Roberts. Member absent Marlin Youngquist

Citizens in attendance were Sandi Goetz, Bob Holliday, Jason Klenklen, Marilyn Blevins, Bill Parker, Amanda Watson, Matthew Grubb, Leon Brunton, Stephanie Flores, Tatum Eck, Lowell Morrill, and Jay Farr.

City employee in attendance Janelle Schuler.

OPENING COMMENTS:

Lowell Morrill, 508 Kansa is having problems with 2 dogs tearing up his yard, he reports that the dogs are mean; they growl, bark and carry on. Morrill reports that the dogs run loose constantly and he would like to see the city do something about it. He also reported that there are cars and motorcycles' speeding past his house down Kansa and it is not safe for the driver or the community and Mr. Morrill would like to see the speed limits set by the city

enforced. Mr. Morrill's neighbor Jay Farr 509 Sioux presented pictures of the dogs and the damage they have done to people's yards 6 weeks ago. The dogs belong to the resident who lives at 504 Kansa. The council asked if letters have been sent to this resident and how many. Clerk Schuler was unsure as to how many letters had been sent but would look it up. Councilman Stanton reports that he will go talk to the owners of the dogs tomorrow 5/12/09.

Lori Winninger, 107 Pleasant Hill Ct. would like the city to do something about her neighbors (112 Pleasant Hill Ct.) sump pump draining into her yard and driveway and it is very hard to mow her yard and keep it up with constant standing water. Councilman Larson asked if the sump pump drainage smelled and Ms. Winninger reported that it did smell at times. Councilman Larson sees that as violation of the health code and would like a letter to be sent to the owners to resolve the issue.

Bill Parker, 111 Leisure Lane would like the city employees to mow behind his property. He also asked that they clean up down by the lift station. The council agreed that the maintenance department will get things cleaned up behind Mr. Parkers home and down around the lift stations.

Matthew Grubb, 424 Kansa would like to see a sidewalk go into the park so it is wheel chair accessible. Mr. Barnum reports that a parking lot close to the shelter house is in the works and a path to the park is a possibility but does not know if that will be in the budget.

Tatum Eck, 321 Sioux lives across the street from a rental home on Sioux. The renter is collecting vehicles and is junking up the streets. She reports that he has 2 cars, 2 vans, and 2 RV Campers sitting in his driveway and in the streets. She said that she is having issues with pulling in and out of her driveway and has almost hit other cars due to not being able to see around the multiple cars. Ms. Eck feels that it is a major safety issue and that it makes our city look junky. Councilman Stanton reported that he has a meeting at 10am tomorrow morning with the Jefferson County District Attorney to see what he can get done about this issue. Councilman Stanton said that if the cars are not currently registered then they are illegally parked on our city streets and they need to be moved. Mr. Stanton has concerns with the city towing the cars and getting stuck with the bill. Jason Klenklen 536 Sioux would like to see a formal letter sent to the landlord to make her aware of the situation. He says so that way the landlord can take action first with this situation and after that then the city could step in if that does not take care of it. Councilman Stanton disagreed with Mr. Klenklen. Councilman Roberts would like to see action taken because the cars do need to be moved out of the city.

Leon Brunton, 733 Delaware has been living in Ozawkie for 43 years and the streets and gutters throughout the city have never been completed. Mr. Brunton's house sits down now because these were never put in. Water is washing down into his basement and against his foundation. Mr. Brunton would like the council to come and look at the damage it is causing to his house. Mr. Brunton cannot get grass to grow because there is just too much water coming into the area. He would like some ideas/suggestions on what needs to be done to help/fix this issue from the council. Council reports that this information will be passed onto Councilman Marlin Youngquist and will be looked into. Councilman Larson would like the city to complete all curbs, gutters and cul-de-sacs' throughout the city and assist Mr. Brunton in resolving his water issue.

II. COUNCIL COMMENTS/QUESTIONS/CONCERNS

Nothing to report.

III. APPROVAL OF AGENDA:

Motion by Stanton to move #6 Mr. McCollum fence to #5, second by Larson. The motion passed 4-0. Chevy S10 was added to agenda as item #10.

IV. APPROVAL OF CONSENT ITEMS

a) MINUTES OF THE APRIL 13th, 2009 MEETING

Motion by Barnum to approve the Minutes of the April 13th, 2009 meeting, second by Roberts. The motion passed 4-0.

b) APRIL TREASURER'S REPORT

Treasurer Bieker furnished the Mayor and Council with a monthly financial report for April. The report reflected credits/debits of \$3,830.03/\$12,440.22 for General, \$3,387.02/\$7,232.07 for Water, \$1,226.91/\$670.71 for Sewer, \$0/\$17.13 for Parks, \$0/\$222.86 for Equipment Reserve, \$2,846.89/\$0 for Special Highway and \$1795.92/\$0 for Trash. The total receipts/expenditures for April were \$13,086.77/\$20,582.99.

Motion by Roberts to approve the April Treasurer's Report, second by Barnum. The motion passed 4-0.

c) APRIL WARRANT REGISTER

The April Warrant Register reflected an expenditure amount of \$8,809.38 for General, \$4,841.61 for Water, \$4,088.05 for Sewer, \$4884.00 for Trash, \$222.86 for Equipment Reserve, and \$17.39 for Park. Total expenditures for April were \$22,863.29.

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

Clerk Schuler reported to the Council that Mr. Bieker will be out of town June 1st-14th and will not be able to provide a report to the council at the June meeting. Mr. Bieker will have payroll taken care of before he leaves town.

V. Mr. McCollum's Fence:

Mr. McCollum 316 Sioux states that he and his contractor met with former City Clerk Ms. Zimmerman and she said that he could get a permit later and that he needed a site plan. Mr. McCollum says that he did meet with Ms. Goetz about the fence after it was put up. Mr. McCollum is requesting a variance for the fence he says that it is a nice fence and would like to keep it in his yard. Councilman Stanton thinks that the city should give the variance because there is no problem with the Planning and Zoning committee to grant the variance. Sandi Goetz from planning and zoning recommended a variance with a timeframe and it be specific to his lot. She thought Mr. McCollum was timely with his site plan. John Kurth also recommended to her to give him the variance on the fence as long as the fence was moved when he moved from the city. Councilman Barnum stated that if the city should need the easements that the fence is on the fence would be destroyed and the city would not be responsible for the damages. Mr. Barnum would like to see a guarantee of some kind that the fence will be moved if the house sells. Ms. Goetz suggested a notarized statement that would possibly be kept on file in the city office to hold Mr. McCollum to it. Councilman Roberts has a conflict with the building permit being obtained. Mr. McCollum is stating that Ms. Zimmerman told him he did not need one but on the other hand we have a statement (email) from Ms. Zimmerman stating that she specifically told Mr. McCollum that he in fact did need a building permit. Mr. Roberts states that it's hard to give a variance and to be fair. Mr. Roberts doesn't like John Kurth's recommendations. The fence is a conflict for Roberts. Councilman Larson believes that Mr. McCollum lacking a building permit and not reviewing the setbacks/easements is at fault. Councilman Barnum suggested that an agreement be filed with the register of deeds so that the fence will be moved if Mr. McCollum is to sell his house. Councilman Roberts feels that a register of deeds is a possibility and he would also like John Kurth to be involved so there can be something permanent drawn up. Mr. Roberts requested that a draft of a variance be drawn up for the council for next months meeting.

VI. REPORTS:

Planning & Zoning:

Committee Chairperson, Sandi Goetz informed the Council that the Planning & Zoning Committee met on May 4th.

The committee discussed the storage shed put up by Carol Dillingbeck at 444 Kiowa which is a rental property. Ms. Goetz reported that the storage shed was put on an existing cement pad and it is tied down to that and it should be secure. The storage shed did meet the cities set backs and the committee recommends that the council accept the permit for the storage shed.

The Planning and Zoning Committee discussed a moving pod ordinance. Topics covered in that discussion were the size of the pod or personal storage unit and the "personal storage unit or pod" must have a company registration number clearly displayed, length of stay, placement on lot, distance from road and/or house, display of permit in house window, how many times per year may an address have a pod. Permit fees and fines were also discussed. The chairperson is to present a rough draft to the committee by the next meeting for review and changes.

The committee requests that the words "if any" be removed from the phrase "City Clerk notifies applicant and collects fees (if any) part in the building permit ordinance 4-211A.

The committee asks that a letter be sent to 649 Delaware about the mud being cleaned up that is sitting in the streets that washed out of the front yard onto the street. Planning and Zoning requests that the sign poles at the café and old Pia Friend building be either cleaned and utilized as originally intended or be taken down and an alternative form of signage and lighting be used. The committee is requesting that a letter be sent to the business owners about this issue.

Planning and Zoning requests that the sign poles at the café and old Pia Friend building be either cleaned and utilized as originally intended or be taken down and an alternative form of signage and lighting be used. The committee is requesting that a letter be sent to the business owners about this issue.

The next Planning and Zoning Meeting will be July 6, 2009 at 7pm at the Township Hall.

Motion by Barnum to approve storage shed at 444 Kiowa and a letter to be sent to 549 Delaware, second by Roberts. Motion passed 4-0.

Streets:

Street Commissioner Youngquist is absent. The council has many concerns about the streets in our city. Councilman Stanton reported that the road from Sunflower/Delaware/Sioux the pavement is deteriorating at a rapid rate. These streets were repaired only a short time ago and he would like to see the company who did these streets be responsible to pay to repair them. It's reported that Construction Company was the company that repaired these streets. Councilman Stanton went on to say that there was a vehicle owned by Mr. Blair that caught fire in front of the residence at 305 Delaware a year ago. The road is badly damaged and Mr. Stanton would like the city to contact his insurance company to seek road repair damages. Councilman Stanton would like the council to get together and go look at all the streets in the city. Councilman Larson reports that at the corner of Sunflower and Kansa, the storm drain is full of sand and debris and would like the maintenance department to clean it out. Additionally Councilman Larson would like to make the road entrance access from the school (Sunflower) into Ozawkie a one-way street going outbound only. This is not a street, this is only a city lot and is a major safety concern for residents in the area.

Utilities:

Utility Commissioner Larson commended Mr. Klenklen for his hard work over the past several years while he served on the council. Councilman Larson wants to move forward with selling the old storm siren to the interested development across the lake. Larson indicated that work to repair / replace the water lines under 300 Delaware that run to the school should be performed once school is out and contact made with the school.

Governmental Affairs:

Governmental Affairs Commissioner Roberts reported that the budget was finished up on Friday. The city may have to deal with annexation in the future. Annexation bills 51, 204, and 254 have all died but it is a possibility that they will come up again next year.

Councilman Roberts also reported on the current budget that was passed.

Parks:

Park Commissioner Barnum reported that he and Jason Klenklen need to get together and put together a better plan for the park. After new plans are drawn up we can get K-State involved and start looking at trees. Councilman Barnum formally thanked Larry and Sandi Goetz for donating the tree that was planted in the park this past weekend.

Law Enforcement:

Law Enforcement Commissioner Stanton reported he could possibly draw up a form about the vehicles on Sioux and put one on the car and one on file in the city office. Councilman Stanton reports that he is not concerned with the landlord or the resident and that he is concerned with the public streets and that the cars are the responsibility of the car owner. There are concerns if the city tows the cars that we will get stuck with the fine. The council discussed how to intertwine that state statutes and the city ordinances and how to remove the junked/abandoned vehicles from the road. Councilman Stanton says that he will work with Councilman Roberts and work on the procedures on how to get rid of the cars. Jason Klenklen 536 Sioux formally requested that a letter be sent to the landlord for communication purposes. Klenklen states that the owner of the property needs to know what is going on with her property. Councilman Stanton disagreed.

Corps Ground Management Committee:

Jason Klenklen, Committee Chairperson, reported that the committee had a meeting on May 7th and there have been issues brought to light regarding the lease agreement with the Corp of Engineers. Klenklen stated the Corp performed a boundary walk two weeks ago and notified several residents about encroachment violations, including mowing, as defined under Section 36 of the Corp lease guidelines. Klenklen wants to remind residents to be aware of the rules regarding the use and management of the leased area that surrounds the City. Citizens mowing on the lease area are currently not in violation of the lease due to the language of the current Land Management Plan (2008-2009). The City and committee members monitor the mowing as part of the lease agreement and would inform residents of any possible issues or violations. The current management plan states, "The City of Ozawkie will continue to recommend that property owners leave a buffer of at least fifty (50) feet next to the lake when they mow."

Mr. Klenklen met with Mr. Hall and Mr. Beckman from the Corp of Engineers today for a meeting prior to the annual inspection/review beginning. During review of completed work, the Corp commended the City for the tennis court removal project and continued demonstration of lease property improvement. Klenklen noted that several citizens had contacted the city clerk in response to issues with mowing the leased property. The interpretation by the Corp officers of the current mowing practice is that it is a "violation" of the current lease agreement. Corp personnel stated the City is giving "exclusive rights" to the homeowners that mow behind their homes which is perceived to extend their backyard for personal benefit. Mr. Klenklen referenced the current management plan and lease agreement to show that the City/homeowners were in full compliance. Mr. Hall believes that the City is exercising its' privileges within the bounds of the current land management plan and lease. Mr. Beckman, through his interpretation, had a different view on the matter and would push for no mowing to take place on Federal property unless performed solely by the City.

After discussion, it was proposed that the City draft and issue a "volunteer form" for each and every property owner/citizen/volunteer that performs any work (including mowing with personal equipment) on the Corp ground. This form shall include at a minimum, the restrictions of the lease (as applicable to property owners/citizens that border the Corp ground) and a clause releasing any liability of the City if an accident/mishap were to occur. Each person performing work on leased property would be required to submit this form to the City after implementation of the requirement within a stated timeframe. This form would be used to assure the City and Corp of Engineer personnel that "volunteers" fully understand the rules of the lease property and consequences if those rules are violated.

The updated Land Management Plan (2009-2010) and a preliminary release form will be presented during the June Council meeting.

Next Leased Property Management meeting is May 28, 2009 at 7pm at the Township Hall

If you are interested in sitting on the Leased Property Management Committee, please contact the Ozawkie City Office.

Tree Board:

Nothing to report.

If you are interested in participating in the tree board or park committee, please contact the Ozawkie City Office.

Maintenance:

The maintenance department would like to inform the council that the Small John Deere Z Trac Mower needs to be replaced in the near future. The mower has a lot of hours on it and is now giving the maintenance workers problems.

Certified Operator:

Nothing to report.

City Clerk:

Clerk Schuler informed the council and citizens that her last day as City Clerk will be June 30, 2009. The clerk position is posted on the city website and an ad will be run in the Valley Fall Vindicator and Oskaloosa Independent this week. Deadline for applications will be May 22, 2009.

NEW BUSINESS

VI. Property Insurance

The Council would like to shop around next year for our insurance. Clerk Schuler reported that this is being paid this month and has been on the agenda for the past 2 months. The council agreed that their hands were tied and the insurance would be paid. They would like to red flag the insurance for next year so we can shop around for the best price. Motion by Larson to approve insurance through Andersen and Peck, 2nd by Stanton. Motion passed 4-0.

VII. Contract regarding Leisure Lane Agreement

Bill Parker 111 Leisure Lane reported that he and the other residences on Leisure Lane do not have a problem with the contract. He presented a signed copy to the council by all the residence on Leisure Lane. Council brought up that the resident at 110 Sunset Ct. also needed to be on the agreement because of his driveway.

Motion by Barnum to table to next month, 2nd by Larson. Motion passed 4-0.

VIII. Employee Vacation Policy

Councilman Roberts explained to new Mayor Feuerborn that he had requested it be given attention. Council agreed that Mayor needs to review the policy.

Motion by Roberts to table to next month, 2nd by Stanton. Motion passed 4-0.

IX. Sealed Bids for Chevy S10

There are 2 sealed bids for the Chevy S10. The bids were opened by Mayor Feuerborn and read a loud. Bid from Kim Schuler in Nortonville for \$205 was discussed. Council asked how much the ad was to put in the paper and it was reported that it was \$51.

Motion by Barnum to sell the Chevy S10 to the bidder of \$205, 2nd by Larson. Motion passed 4-0.

V. ADJOURNMENT

Motion at 9:18pm by Barnum to adjourn the meeting, 2nd by Stanton. The motion passed 4-0.

Janelle R. Schuler
City Clerk