

CITY OF OZAWKIE
REGULAR COUNCIL MEETING
August 9, 1999
(Pending Council Approval)

The meeting was called to order by Mayor Schuenight at 7:00 P.M. Members present: Roger Bostwick, Eric Buckman, Chris Caldwell, Mark Larson and Gene Nicely.

A number of citizens attended the meeting to express their concerns regarding the Building Permit for a manufactured home to be placed on Lot E-54 by Ernest and Joyce Williams. Those who addressed Council regarding this issue included Grace Jolly, Fred Massey, Essel Rice, Chris Huffman, Forrest Jolly, Burton Woods, Pat McCarthy, Steve Eakin, Jay Harrison, Terry Tillery, Bill Parker, Joe Phillips, Sharon Branson, Pat Happer and Gary Branson. Some of the concerns expressed were the possible depreciation of the home which could cause a decline in property values, whether it complies with City building codes and the esthetics of the home. Following this discussion, Motion by Larson, seconded by Caldwell, to revisit the issue of the Building Permit Application for Lot E-54 to Ernest and Joyce Williams for a manufactured/modular home. Motion Carried.

Agenda Item #2 - Approval of the 8/9/99 Meeting Agenda
Bostwick asked that an Executive Session to discuss personnel matters be added as Agenda Item #13. Motion by Larson, seconded by Nicely, to approve the Meeting Agenda as amended.

Agenda Item #3 - Approval of Consent Items
Following an addition to the Warrant Register, Item #31 in the amount of \$431.50 to Frisbie Trenching, Motion by Larson, seconded by Nicely to approve the Consent Items consisting of the 7/12/99 Meeting Minutes, 7/31/99 Treasurer's Report and the August Warrant Register totaling \$35,538.01. Motion Carried.

Agenda Item #4 - Reports - Street Commissioner Nicely reported that the 1999 street overlays have been completed.

Utility Commissioner Buckman deferred to Smith who reported that he plans to remove the driftwood from the wells and then contact a firm that can determine the problem with well #3 to get it back on line.

Law Enforcement Commissioner Larson wanted to remind citizens that school will be starting soon so everyone should drive slowly and watch for children.

Governmental Affairs Commissioner Caldwell noted that the June meeting minutes of The Cooperative Cities of Jefferson County were distributed to the Mayor and Council. He attended the K-4 Highway Working Group meeting on July 27. He reported that a telephone survey has been completed and safety is a great concern. He plans to attend the next meeting in October.

Agenda Item #5 - Dennis Hawver - Re: Gordon Smith's Dog
Attorney Dennis Hawver, representing John and Michelle Allen, stated that the Allens were concerned about the way they were represented in the minutes of the July City Council Meeting. Mr. Hawver circulated a written account of what they felt had transpired at the meeting. Mr. Hawver then stated that the community needs to pull together instead of being unhappy with each other and if the correction is made in the minutes, the Allens will be satisfied. Mayor Schuenight stated that the issue will be addressed under Agenda Item #10, Approval of Regular Meeting Minutes.

Agenda Item #6 - Fireworks - Millennium Celebration

Larson stated that in light of the year 2000 celebration it may be appropriate to allow fireworks in the City for several days in late December through January 2, 2000. Mark Roberts stated that he is concerned because the City has no restrictions on fireworks. He thanked the City for mailing the postcards regarding fireworks and he stated that there was some improvement, however he saw burning debris fall on the roof of a house. He asked that Council consider the restriction of aerial fireworks in the future. Phyllis Cooper commented that firecrackers keep her awake several days prior to the Fourth of July and several days after. It was the consensus of Council to table the issue to the September meeting.

Agenda Item #7 - Proposed NE Kansas Public Wholesale Water Supply District Financial Support - Smith stated that there have been efforts to form several wholesale water supply districts and the latest being the Pikitanoi project. The Steering Committee for the proposed project is asking for a contribution of \$100.00 plus \$.50 for each meter connection to fund a study to investigate developing a large regional water supply district. Smith felt that this study could be beneficial to the City since two wells are approximately 30 years old and one needs servicing. This contribution of approximately \$220.00 would be a good investment with no commitment. Motion by Buckman, seconded by Caldwell, to contribute to the Pikitanoi project. Motion Carried.

Agenda Item #8 - Resolution 99-0712

Smith reported that the City Attorney and the Legal Department of the League of Kansas Municipalities suggested Smith draft a resolution to resolve the encroachment at 528 Sioux Drive. Smith read Resolution 99-0712 which was executed on July 12, 1999 and stated that Council needs to confirm this. Motion by Larson, seconded by Nicely, to approve the resolution. Motion Carried.

Agenda Item #9 - Midwest Tank Report

Smith reported that the water tower inspection has been performed. He had pictures of the interior before and after the cleaning. He reported that the contract was extended through the year 2000 and before signing another contract with Midwest Tank he will explore other companies. He also reported that the exterior of the tank will at least need to be washed. Painting the exterior would cost approximately \$14,000.00 so this would need to be planned for.

Agenda Item #10 - Approval of Regular Meeting Minutes 7/12/99

Council reviewed the written statement from Dennis Hawver. Motion by Nicely, seconded by Bostwick, to approve the minutes with the paragraph in question replaced with the written statement. Motion Carried. The statement reads as follows: "Despite what was published in the paper last month, John and Michelle Allen did not interrupt the meeting, they asked to be recognized. The Allens came to the meeting and during opening comments asked if there was going to be anything done about Gordon's dog, which had bit John on the ankle when he was riding his bike by the city building. They wanted Gordon to follow the leash law. When the mayor asked to adjourn the meeting an hour and a half later, Mr. Allen raised his hand and angrily asked why their dog question had never been addressed. At this time John and Michelle were angry because the council had made no attempt to address their question at any time during the meeting, after they had waited for an hour and a half."

Agenda Item #11 - 2000 Budget Discussion & Budget Hearing 8/16/99
Smith stated that a quorum would be needed for the Budget Hearing which is scheduled at 7:30 P.M. He also reported that the City is no longer under the tax lid, however, to exceed it an ordinance would need to be enacted.

Agenda Item #12 - Building Permit - Lot E-54 - Williams
Following further comments from citizens, Smith stated that Mr. and Mrs. Williams have not closed on the lot even though August 1, 1999 was the contract closing date. He stated that perhaps the controversy has made the Williamses decide to live elsewhere. Motion by Larson, seconded by Caldwell, to rescind Building Permit #99003 for Lot E-54. Larson and Caldwell voted yea. Buckman, Nicely and Bostwick voted nay. Motion Failed. Motion by Bostwick, seconded by Buckman, to table both the Building Permit and contract closing pending a consultation with the City Attorney. Motion Carried.

Motion by Bostwick, seconded by Nicely, to recess to Executive Session for 30 minutes to discuss Gordon Smith's resignations under K.S.A. 75-4319. Motion Carried. Council recessed to Executive Session at 9:30 P.M. The Regular Meeting resumed at 9:59 P.M. Motion by Bostwick, seconded by Larson, to accept Smith's August 7, 1999 resignations effective as follows: City Clerk effective August 31, 1999, Court Clerk, Nightwatchman/Dog Catcher and Building Inspector effective August 10, 1999. Smith is to become an hourly employee subject to the provisions of the Fair Labor Standards Act, the hours and provisions for overtime approval are to be determined before the next Regular Council Meeting. Motion Carried.

There being no further business before Council, Motion by Nicely, seconded by Caldwell, to adjourn. Motion Carried.

Meeting adjourned at 10:05 P.M.