

Minutes of a Regular Meeting of the Mayor and Council held on the 6th day of July, 2004 at 7:00 P.M.

The meeting was called to order by Mayor Ray Hovestadt who presided.

A roll call disclosed the following present: Councilmembers Dubois, Fry and Sanders; City Attorney Godderz, Superintendent Rickel, Police Chief Shaffer and City Clerk Holloway

Visitors: Bill and Kathy Kraus, Rodney Heinsohn, Roger Love, Jr., Dennis and Linda Eylander, Richard and Janette Swarts, Sandra Thompson, Danny Smiley, Mark and Mary Applehans, Carl Schmitthenner and Dustin Swander

A motion was offered by Councilmember Sanders to approve the minutes of the regular meeting of June 21, 2004. Seconded by Councilmember Fry and the vote was Ayes 3; nays 0.

Claims Ordinance No. 2031, an ordinance making appropriation for the payment of certain claims was introduced, said claims being in the amounts as follows: General \$453.80; Police \$983.05; Animal Control \$120.32; Street \$589.19; Park \$272.10; Pool \$2,577.97; Employee Benefit \$3,322.96; Special Highway \$1,380.45; Utility Account \$243.73; Electric \$18,124.22; Water \$14,678.30; Gas \$28,580.41; Sewer \$932.46; Solid Waste \$6,210.00. A motion was offered by Councilmember Dubois to approve Ordinance No. 2031. Seconded by Councilmember Sanders and the vote was Ayes 3; nays 0.

Bill Kraus asked if there had been any meeting on the street project and stated he felt the traffic problems on Santa Fe still existed. The Mayor stated that the original KDOT contact is leaving the system and the Historical Society hadn't made its ruling yet. The replacement contact is starting next week so he will call that individual to get the project moving again. Danny Smiley stated he is still having erosion problems with the culvert in front of his rental property next to him.

A motion was offered by Councilmember Fry to approve the agenda as amended. Seconded by Councilmember Sanders and the vote was Ayes 3; nays 0.

City Attorney Godderz explained to the landlords present that the City currently has on the books an ordinance whereby landlords are responsible for unpaid utilities by renters. However, the legislature has passed a law stating those type ordinances are ineffective as related to sewer and water. As the City bills electric, water, gas, sewer and trash on one billing, the City is looking at making a change to the current ordinance. The landlords expressed concern of them being responsible for a renter's bill especially as the City's billing period is 45 days from the date the meters are read until the bill is delinquent. They also felt the City should request a higher deposit to cover the billing rather than place the burden on the landowner. A motion was offered by Councilmember Sanders to table the matter for further discussion. Seconded by Councilmember Dubois and the vote was Ayes 3; nays 0.

Pursuant to notice of Resolution No. 282 published in the Osage County Chronicle the weeks of May 27 and June 3 and copy of same being mailed to the landowner, a hearing was held to discuss the condition of the structures located at 114 East Santa Fe and 116 East Santa Fe. As the landowner was unable to make an appearance, he notified the City Attorney and Mayor stating that repairs were being made on both buildings. A motion was offered by Councilmember Dubois to grant an extension until October 4, 2004. Seconded by Councilmember Sanders and the vote was Ayes 3; nays 0.

Mayor Hovestadt recommended that Kurt Hassler, City Administrator, be appointed to the Board of Directors of the Kansas Municipal Gas Agency with Roy Rickel, City Superintendent, as the Alternate Boardmember. A motion was offered by Councilmember Fry to accept the Mayor's recommendation. Seconded by Councilmember Dubois and the vote was Ayes 3; nays 0.

A motion was offered by Councilmember Fry to table the Attorney Client Executive Session until a meeting when the full Council can be present. Seconded by Councilmember Sanders and the vote was Ayes 3; nays 0.

A motion was offered by Councilmember Sanders to approve the invoice from Donna Crawford, Gas Assistance Services, in the amount of \$1,075.00 to be submitted to Department of Commerce CDBG funds for reimbursement. Seconded by Councilmember Fry and the vote was Ayes 3; nays 0.

Council reviewed a letter received from Kathleen Kessinger requesting a waiver of the utility connection fees for a new house to be constructed on Block 6, Lots 12, 13 and 14, Burlingame Original. A motion was offered by Councilmember Sanders to approve the waiver. Seconded by Councilmember Fry and the vote was Ayes 3; nays 0.

Reports were heard from department heads, Council and Mayor. At this time, Dustin Swander advised the Council his ball tournament was planned for August 21 and 22 and he needs to know what the charge will be for the use of the diamond and lights so he can get flyers distributed. He also requested that the pool be left open Saturday night until midnight.

A motion to adjourn was offered by Councilmember Dubois. Seconded by Councilmember Sanders and the vote was Ayes 3; nays 0.

Cheryl Holloway, City Clerk