

Consent Agenda Additions:

Licenses:

A. **ADDED:** Move to approve CMB One Day Permit for Ducks Unlimited Banquet to be held on November 4, 2017.

Consent Agenda:

- Move to approve the August 10, 2017 regular council meeting minutes
- Move to approve the August 2017 warrants in the amount of \$20,378.23
- Move to approve the August 2017 payroll in the amount of \$12,788.84
- Move to approve CMB One Day Permit for Ducks Unlimited Banquet to be held on November 4, 2017
- Move to allow City Clerk Templeton to attend Municipal Clerks Certification Institute, Year 4, in Wichita, KS on November 15-17 and to pay early registration fee of \$355.00 as well as travel, lodging and meal expenses.

Council member Haehn moved to approve agenda with additions as presented. Weeks seconded. Motion passed 4-0.

Public Comments:

Rhonda Taylor stated that the agenda published in the paper for the council meeting did not have all the agenda items listed and did not match the agenda that was provided to the City's notification list a week prior to the meeting. Mrs. Taylor noted that two items under the Mayor's Report, Open Burning Ordinance and Building Permit Violation – Driveways, were omitted from the published agenda and felt they were important issues that many residents were interested in. She stated that it gave the appearance Council was not being transparent and she only wanted to make Council aware that the omission had occurred. Clerk Templeton stated that identical agendas were submitted to both the paper and the notification list so was unsure how the omission occurred. The mayor noted that the paper receives numerous agendas and felt confident that the omission had occurred inadvertently but would check into it as he had been on vacation the week prior to the council meeting.

Council member Haas moved to approve the consent agenda with additions as presented. Bryant seconded. Motion passed 4-0.

Financial Report:

Council member Haas moved to approve additional warrants in the amount of \$1,548.60. Haehn seconded. Motion passed 4-0.

Staff Reports:

Superintendent Parkey conveyed to Council that he had spoken with Bettis Asphalt & Construction, Inc. about the City's scheduled street maintenance and was told work should commence on or around September 18.

Parkey reported on the City's recent Kansas Department of Health & Environment inspection. He stated the inspection had gone well and no deficiencies had been detected with the City's water system and no violations had been received regarding the waste water system. KDHE praised the City for meticulous record retention.

Parkey stated that twelve certified letters had been mailed to property owners reminding them of the City's ordinance regarding the height of grass and weeds. All but one had abated the issue. Parkey also discussed a violation of the City's code regarding swimming pools and the requirement that they be enclosed with a fence, wall or combination of both. The issue had been brought to the resident's attention and the pool was to be drained immediately.

Clerk Templeton stated that NSCIO would be holding the annual Halloween Party and hayrack rides on October 31 and asked if Council wanted to make a donation to the event. Council member Haehn moved to donate \$50.00 to NSCIO for the Halloween Party, funds to be taken from the General Fund. Weeks seconded. Motion passed 4-0.

Templeton reported that Citizens State Bank would be assessing an additional \$25 charge to safe deposit box rent in 2018 if an automatic payment was not set up. She had set up the automatic payment to avoid the extra fee.

Templeton stated that she had been receiving questions regarding New Strawn's upcoming election and wanted to clear up any misconceptions anyone might have. New Strawn does not have wards, nor does a council member's position have any bearing on who may run for which position. The City's elections are 'at large', meaning the candidates receiving the most votes will be declared the winners. The position designations of one, two, three, four and five are simply a tool used by the City to keep track of whose term expires when and are assigned arbitrarily to declared winners after each election. She also noted that if anyone has had an address change recently due to the City's post office closure, or for any other reason, they need to make sure they have updated that on their voter registration.

Templeton reported that she was still compiling information in regards to applying for a Walter S. & Evan C. Jones Testamentary Trust Grant. She had spoken with two other cities who conveyed to her that grant funding was only available for new projects, not for updates or renovations to an existing Jones Park. She will continue to investigate.

Zoning Administrator Carl Ware reported that one building permit had been issued, Permit 2017-B-13 to Charles Shedd to erect a porch cover and deck awning at 436 Payne St. One sign permit had been issued, Permit 2017-S-01 to Wanda Chaffain to modify an existing sign at 219 N. Main St.

Mr. Ware also reported that the New Strawn Planning Commission had held a work session on August 24 to continue review and work on the City's proposed zoning and subdivision regulations.

Mayor's Report:

The City's current code pertaining to open burning was discussed. Council member Haas presented a proposed amended ordinance that she had composed for the consideration of Council. Haas' proposed amendments included definitions of rubbish, trash and bonfires. It would define trash 'as combustible waste consisting of, but not limited to: papers, cartons, boxes, barrels, wood, excelsior, furniture, bedding, rags, leaves, yard trimmings, tree branches and non-combustible waste consisting of, but not limited to: metal, tin cans, glass, crockery, plastic, mineral matter, ashes, clinkers or street rubbish and sweepings.' Rubbish would have the same meaning as trash. It would also define a bonfire as 'a large, open-air fire used as part of a celebration, for burning trash or as a signal.'

The proposed amendment would make it unlawful to kindle or maintain an open-air burn within the city limits with the following exceptions:

- (1) Fires set in connection with agricultural operations related to commercial growing or harvesting of crops or for the purpose of clearing brush, trees or grass for agricultural purposes from areas zoned agriculture. These controlled burns must have both a Coffey County and a City of New Strawn Burn Permit.
- (2) Fires set in connection with overgrowth of brush, trees or grass, or brush/vegetation piles in non-agriculture zoned areas within the city limits of the City of New Strawn provided that the person requesting the open air burn has secured the City of New Strawn Council Approved City Burn Permit and the Coffey County Burn Permit.
- (3) Fires set for the purpose of instruction and training of city firefighters in the methods of fighting fires. These controlled burns must have both a Coffey County and a City of New Strawn Burn permit.
- (4) Fires used for non-commercial preparation of food, such as barbecuing (may need more explanation).
- (5) Campfires in approved camping areas provided the fire is not more than four feet in diameter at the base.
- (6) Fires that are contained in a freestanding, non-flammable fire pit or a pit dug into the ground for the purpose of containing an outdoor fire. Freestanding non-flammable fire pits include, but are not limited to freestanding metal vessels, chimeneas, freestanding earthenware vessels or a metal fireplace.

The proposed amended code also outlines the process of obtaining a City of New Strawn Burn Permit and the penalties associated with non-compliance.

There was discussion. Council member Weeks was of the opinion that proper notification to surrounding land owners, which would be one of the requirements of a City of New Strawn Burn Permit per Haas' proposed amendments, would solve the issue. Haehn was in agreement that notifying neighbors that a controlled burn was to take place should occur but stated keeping the City Code pertaining to open burning simple was, in his opinion, the best course of action.

Haas stated that she would like for Council to review the proposed amendments and revisit the issue at the October regular council meeting. Item tabled to October regular council meeting.

An alleged violation of an approved building permit for Richard & Susan Croll was revisited. The item had been discussed at the August regular council meeting but Mayor Petterson felt the item merited further discussion.

The mayor noted the alleged violation stemmed from a failure to include a driveway on the site plan for a building permit issued on April 11, 2017, to the Crolls for construction of a shop at 104 Cheyenne Street. Driveways do require an approved excavation permit per City Code Article 2, Section 13-201, but have never been required to be depicted on a site plan. The Crolls

were unaware the driveway needed to be included on the application site plan and were told by three city employees - the zoning administrator, the city clerk and the code enforcement officer – that the application was complete as submitted. Consequently, the mayor felt it was unfair to issue a citation for a violation with a possible fine involved to the Crolls for something they were unaware of. Discussion followed.

Council member Weeks noted that the previously approved building permit applications provided to Council in their packets for review only portrayed requests to build new homes and was of the opinion that, although the site plans submitted for those types of construction did not depict driveways, it should be assumed that a driveway would be part of those types of construction projects, especially if a garage was portrayed on the site plan. Weeks was of the opinion that such an assumption could not be associated with a building permit application for a shop because not all shops necessarily require a driveway. He noted that he had to obtain a building permit to put in a new driveway at his residence and stated that he felt that New Strawn's City Code must be strictly and fairly enforced and that all City employees and elected officials should uphold their oath to do so and if they don't, the citizens of New Strawn would have grounds to request a recall election. Council member Weeks also stated that the first building permit application submitted by the Crolls was to build an office. After being told that was not permissible per New Strawn's zoning regulations by the zoning administrator, the Crolls changed the application and requested to build a shop.

Mr. Croll stated that was correct; after being told an office would not be permissible they chose to go ahead and construct a shop and were never informed by any city employees that if a driveway was planned it should be depicted on the application. Mr. Croll stated he would be willing to pay the \$5.00 curb cut fee but did not feel he should be assessed a fine. Mr. Croll stated that it appeared to him that two council members who live across the street from him and were aware that a driveway was going in chose to wait three weeks until it was poured so a fine could be assessed.

Council member Haas stated that she thought a 'Stop Work Order' should have been issued by the zoning administrator. Council member Bryant stated that a 'Stop Work Order' would have had to have been issued by the City's code enforcement and then, if the work had continued after a 'Stop Work Order' had been issued, a citation could have been issued. Bryant stated he could see both sides of the argument but was of the opinion it was inappropriate to fine someone if they were told by city employees the application was complete as is and no one told the Crolls they needed to stop work and obtain a permit for a driveway. In going forward with issuance of permits, Bryant felt that driveways should be included on site plans, but in this particular case a citation for a violation of City Code with a fine associated with it was unfair to the Crolls. Council member Haehn asked if something needed to be added to the building permit application to indicate that a driveway, if planned, should be included on the site plan. Mayor Petterson stated that since Council and city employees were now aware of the issue, he felt there would be no similar problems arise in the future.

Council member Haas moved to ask Richard Croll to pay \$50.00 for not having a complete building permit and to waive the \$5.00 curb cut fee, but from this day forward to have a permit and a \$5.00 curb cut fee associated with cutting through public land and easements as stated in the City Code. Motion died for lack of a second.

Council member Bryant moved that the City drop all fees and charges for Richard Croll's driveway and curb cut, but as of this day forward all fines will be enforced and driveways must be shown on site plans. Motion died for lack of a second.

No further motions or discussion occurred.

Finance and Economic Development:

Council member Haas discussed the collection of delinquent taxes and the projected revenue for the City associated with those that are disbursed into the City's General Fund. She noted that actual revenue collected from delinquent taxes has been significantly lower than the amount as projected by the City's auditors for the past two years. In 2016, the proposed revenue from delinquent taxes used for budgetary purposes was slightly over \$9,000 and the City actually collected a little over \$3,000. In 2017, the proposed revenue from delinquent taxes used for budgetary purposes was again projected by the City's auditors as being a little over \$9,000. However, when budget preparation began for 2018 the auditors' current year (2017) estimate was proposed to be \$17,086.00. Haas noted that thus far the City has only collected \$612.07 from delinquent taxes in 2017. The Coffey County Treasurer's office was contacted and the city clerk was told that the next disbursement scheduled for the end of September would not include any revenue from delinquent taxes. In 2014, the City's General Fund had a balance on January 1 of a little over \$232K. Total receipts for 2014 in the General Fund were approximately \$172,600.00 and expenditures were approximately \$170,268.00, resulting in additional revenue of only around \$2,300.00. In 2015, total receipts posted to the General Fund were approximately \$162K and expenditures were nearly \$249K. Council member Haas noted that a large portion of the expenditures in 2015 stemmed from the storm water drainage project. In 2016, the General Fund had a balance on January 1 of \$114,946.00. Total receipts in the General Fund were approximately \$178K and expenditures were a little over \$211K. After review of receipts and expenditures thus far for 2017, Council member Haas was of the opinion that if the City continued to be very cautious with expenditures we might break even at the end of the year but noted that the continued pattern of expenditures grossly exceeding receipts in the General Fund was not sustainable. Haas stated that the City needs to take into consideration the significant difference between projected disbursements and actual disbursements being received from delinquent taxes when budget preparation begins next June for 2019.

Community Building Report:

Council member Haehn discussed the possibility of raising the rental fee rates for the Community Building. Haehn felt that a 3-day rental for \$150.00 was too low. There was also discussion about the need to come up with a more structured contract for rentals. City clerk was instructed to check with other cities in the area regarding rental fees and contracts pertaining to their community buildings and to present the information at the October regular council meeting.

Utility Report:

Templeton discussed an issue with customers continuing to use the City's old address of PO Box 922, resulting in water bill payments being received after the due date. She stated that notification of City Hall's address change from the PO Box to 215 N. Main St. had been given on each individual water bill in July as well as being noted in the newsletter that was also mailed out in July. The issue had also been addressed on the City's website as well as being discussed at meetings and in the newspaper. Templeton had waived late fees for approximately five customers who had used the wrong address resulting in payment being received one day late in September but needed to know how long of a grace period Council wanted to grant for the issue.

As of October 1, the New Strawn Post Office will have been closed for ninety days. There was brief discussion and Council agreed that after ninety (90) days the City will no longer waive late fees if payment is mailed to the incorrect address.

Street Report:

None

Public Relations Report:

Council member Haehn moved to have a ‘Lawn of the Month’ contest for October and December and to award designated winners \$25 in Chamber Bucks as well as placing the ‘Lawn of the Month’ sign in their yard, funds to be taken from General Fund. Haas seconded. Motion passed 4-0. Judging for October will occur on October 20th and on December 15th for December.

Council member Haas discussed holding a community Christmas event involving the lighting of the community Christmas tree and possible caroling around town afterwards. She stated that the Coffey County Library – New Strawn Branch, was again willing to assist the City with such an event. Haas was seeking feedback from Council as to whether they wanted to continue such an event before she moved forward with further plans. Council was okay with moving forward with plans for such an event.

Park & Recreation Report:

Council member Haehn discussed the possibility of applying wood stain to the playground equipment at the Jones Park on Getz Street since it appeared the City may not qualify for grant funding to replace. There was discussion about the cost of doing so as the stain is expensive and it was felt the City should hold off on that until all grant funding resources have been exhausted.

Public Safety Report:

Council member Haas had concerns raised by a resident in regards to safety issues involving the section of Highway 75 within city limits. Haas stated that the concerns raised were regarding traffic turning off Highway 75 onto Neosho Street as well as other city streets. She wondered if through traffic could be made more aware of local traffic perhaps by more signage or even turning arrows painted on the lanes. The mayor noted that any such signage or traffic awareness would have to be approved and implemented by the Kansas Department of Transportation. Mayor Petterson will contact KDOT about the issue.

New Business:

Council member Haehn discussed why accessory buildings are not allowed to be built on lots that do not have a primary residence located on it. Haehn was of the opinion it should be allowed. Since this is a regulation found within the City’s zoning regulations, any request(s) for changes would need to be presented to the New Strawn Planning Commission for review.

Old Business:

None

Adjourn:

The meeting adjourned at 8:31 p.m.