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**CITY OF COLWICH, KANSAS  
CITY ADMINISTRATIVE CENTER  
310 S. 2<sup>ND</sup> STREET  
REGULAR COUNCIL MEETING  
DECEMBER 21, 2015  
7:00 P.M.**

**1. CALL TO ORDER**

Mayor Terrence D. Spexarth on Monday, December 21, 2015 at 7:00 p.m. called the regular monthly meeting of the Colwich City Council to order.

**ATTENDANCE**

Present were Mayor Terrence D. Spexarth, Councilmembers Robert Winter, Stephanie Guy, Angela Banz, Doyle Dodd and Pamela Winegarner.

Staff members present were William Gondoly, Public Works Director; Stanley Juhnke, City Attorney; Brad Banz, Fire Chief; Mark Hinkle, Chief of Police, and Diana Brooks, City Clerk.

**PLEDGE OF ALLEGIANCE**

Mayor Spexarth led the audience, staff and Council in the Pledge of Allegiance.

**2. NOTICES AND COMMUNICATIONS**

Mayor Spexarth read a note from a student at Colwich Grade School thanking the Mayor and Council for not running the City in the ground, spending the tax money wisely, and helping the City to grow.

**3. CITIZEN COMMENTS**

**A. Discussion of the Urban Air Initiative – Kim Trinchet, ICM**

Mr. Jeff Scharping, ICM, Urban Air Initiative, reminded the Council of the importance of supporting the local economy by using the convenience store to purchase various blends of ethanol. He stated that ICM began making improvements to the convenience store pumps and informing consumers of the advantages of the octane and the benefits to assist in cleaner air.

**4. PURCHASE REQUESTS AND ITEMS NEEDING COUNCIL ACTION**

- A. Review of the proposed expansion of the Colwich Community Library – Mayor Spexarth and Joanna Kraus, Library Director

Mayor Spexarth stated that he opened discussions with the Library Director regarding expanding the Library. The Library Board discussed the expansion and provided a wish list for Council's review. He reminded the Council of the partnership with Union Township to support the Library and stated he would discuss with them the sharing of the costs to construct the addition.

There was discussion regarding the ideas for improvements, the need for an architectural drawing, the need to bid the project, and the need to promote donations for the project.

Mayor Spexarth questioned if the Council wanted to proceed with the due diligence for the expansion of the Library. He stated before spending any funds, he planned to return to Council with a report on the information discovered.

**Councilmember Dodd moved that the Council approve the exploration for the expansion of the Library. Councilwoman Winegarner second the motion. Motion carried 5-0.**

- B. Review of the request to uphold the recommendation of the Planning Commission and approve Case No. BZA-CU-15-01 a conditional use to install a six-foot board fence at 639 Union Park Cr. – Sara Ritterling

Mayor Spexarth called agenda item 4-B a request for the Council to uphold the recommendation of the Planning Commission and approve Case No. BZA-CU-15-02 a request for a conditional use to allow construction of a six-foot board fence along the east property line at 639 Union Park Circle.

Mayor Spexarth asked if any Councilmember intended to disqualify themselves because they lived in the area of notification or they had a bias on the case. No Councilmember disqualified themselves and Mayor Spexarth declared a quorum of five (5) was present to consider the case.

Mayor Spexarth asked if the City Clerk had received any protest petitions. Ms. Diana K. Brooks, City Clerk stated no. He asked the Council if they received a copy of the unapproved minutes of the Planning Commission meeting held on November 24, 2015 summarizing the hearing on the case. All members acknowledged receipt of the minutes.

Mayor Spexarth asked Ms. Ritterling if she felt she had a fair and impartial hearing. Ms. Ritterling stated that she did. He asked if there was any new information by the applicant or anyone from the public to hearing in this matter. Hearing none, he asked if

the Council had any questions for the staff, applicant or any members of the public on this matter. Councilwoman Banz clarified that the placement of the fence on the east property line aligned with the south property owner's fence. Ms. Ritterling stated this was correct.

Mayor Spexarth called on Ms. Brooks, Zoning Administrator to provide a report on the case and the recommendation of the Planning Commission. Ms. Brooks detailed the reasons for the need for a conditional use due to the height and allowing the area to be 100% concealed. She stated the Planning Commission reviewed the pictures in the Council's packet, the fence was not in the sight triangle, and the recommendation from the Planning Commission was for the Council to consider approval of the request.

Mayor Spexarth asked if the applicant wanted to respond to the Zoning Administrator's report. Ms. Ritterling stated she did not. Mayor Spexarth asked if the Council or public had any questions for the Zoning Administrator. Hearing none Mayor Spexarth detailed the options for the Council's action.

**Councilwoman Guy moved that the Council approve the recommendation of the Planning Commission on Case No BZA-CU-15-02. Councilman Winter second the motion. Motion carried 5-0.**

Mayor Spexarth stated that any person aggrieved by the action had 30 days to appeal to the District Court.

- C. Review of the request to adopt Ordinance No. 681 establishing an organized waste collection service

Mr. Stan Juhnke, City Attorney, stated that adopting Ordinance No. 681 was the last item for the completion of the organized waste collection plan.

**Councilwoman Winegarner moved that the Council adopt Ordinance No. 681. Councilwoman Banz second the motion. Motion carried 5-0 with Councilwoman Guy voting yea; Councilman Winter voting yea; Councilwoman Winegarner voting yea; Councilmember Dodd voting yea and Councilwoman Banz voting yea.**

- D. Review of the request to approve Resolution No. 472 raising the court costs

Mr. Stanley Juhnke, City Attorney, stated that the Supreme Court of Kansas raised the judicial fees and finding that it was almost ten years since the last raising of the court costs the judge felt it was an opportune time to bring Colwich in line with surrounding cities. Ms. Brooks also reported that the Prosecutor and Judge requested the clerk add a cost for expungement of records to the resolution.

**Councilwoman Banz moved that the Council approve Resolution No. 472 raising court costs. Councilman Winter second the motion. Motion carried 5-0.**

- E. Review of the request to adopt Charter Ordinance No. 26 chartering out of the requirements for annual appointments of the City Clerk and Chief of Police

Mayor Spexarth requested the Council home rule out of the annual appointment process for all appointments making the City Clerk and Chief of Police employees. He stated this would home rule out of making all appointments listed in the state statutes.

The Council requested that the City Attorney amend the Charter Ordinance to add that it takes a two-thirds majority of the Council to terminate an employee.

**Councilwoman Guy moved that the Council adopt Charter Ordinance No. 26 as amended with termination upon two-thirds majority vote of the Council. Councilwoman Winegarner second the motion. Motion approved 5-0 with Councilwoman Guy voting yea; Councilman Winter voting yea; Councilwoman Winegarner voting yea; Councilmember Dodd voting yea; Councilwoman Banz voting yea.**

## 5. CONSENT AGENDA

- A. Approval of the minutes of the November 16, 2015 Council meeting
- B. Approval of the Appropriations Ordinance No. 15-11-02 and 15-12-01
- C. Approval of the November financial reports
- D. Approval of the cereal malt beverage license for T.J. Convenience, Gambino's and Kraus Foods

**Councilwoman Guy moved that the Council approve the consent agenda A-C as presented. Councilwoman Banz second the motion. Motion approved 5-0.**

**Councilwoman Guy moved that the Council approve consent agenda D contingent upon passing inspections by the Kansas State Fire Marshal's office. Councilwoman Banz second the motion. Motion carried 5-0.**

## 6. COMMITTEE REPORTS

- A. Heritage Festival

Ms. Mary Ann Morrison stated there was nothing to report

- B. Park Committee

Councilwoman Guy stated she had nothing to report.

- C. Marketing Committee

There was nothing to report.

D. FEMA Committee

Councilman Winter stated there was nothing to report.

E. Library Board – Mayor Spexarth stated the report was in the packet.

**7. DEPARTMENT HEAD REPORTS**

A. City Engineer – Ben Mabry, City Engineer

Mayor Spexarth stated that he verified the water line installation specifications with Dulings and the City Engineer will review the pipe specifications with the manufacturer.

B. Fire – Chief Brad Banz presented the monthly report and pictures from his recent trip to Nairobi, Kenya.

C. Public Works – William Gondoly, Public Works Director presented the monthly report. Mayor Spexarth reported that someone over the weekend dumped a pile of pallets on the burn pile.

D. Police Department – Chief Hinkle presented the monthly report.

E. City Attorney – Mr. Stanley Juhnke, City Attorney, suggested the city look at getting earthquake insurance and stated that the election corrections need clarified before passing a new ordinance.

F. City Clerk - Ms. Brooks presented the monthly report. She stated that the deputy city clerk's position was on HRePartners with a number of responses.

**8. GOVERNING BODY COMMENTS**

Councilwoman Banz questioned if there was anything the City could do to get Stone Corners Addition developed. Mr. Ben Mabry, City Engineer stated he reviewed the plan, sent comments to the developer, and the revisions to the plat need reviewed by the Planning Commission.

Councilman Winter wished everyone a Merry Christmas and Happy New Year and that he appreciated all the work the employees were doing.

Mayor Spexarth informed the Council of the meeting with Andale and the High School Principle to develop and hold a community meeting to find ways to stop underage drinking. He stated that the meeting would be held on January 5<sup>th</sup> at 6:00 p.m. at ICM's building.

**9. EXECUTIVE SESSION**

Mayor Spexarth requested an executive session for non-elected personnel for a period of 30 minutes to include everyone at the table being the Mayor, Council, and City Attorney with Chief Mark Hinkle and William Gondoly respectively.

**Councilmember Dodd moved that the Council recess to executive session for the discussion of non-elected personnel for a period of 30 minutes for everyone at the table being the Mayor, Council, and City Attorney with Chief Mark Hinkle and William Gondoly respectively beginning at 8:10 p.m. Councilwoman Winegarner second the motion. Motion carried 5-0.**

**Councilwoman Banz moved that the Council recess out of executive session at 8:40 p.m. Councilwoman Guy second the motion. Motion carried 5-0.**

**Councilwoman Banz moved that the Council move in to regular session at 8:40 p.m. Councilwoman Winegarner second the motion. Motion carried 5-0.**

**Councilwoman Winegarner moved that the Council hire Jesolyn Trego at \$15.00 per hour and after 14 weeks of academy upon successful completion raise her to \$16.50. Councilwoman Banz second the motion. Motion carried 5-0.**

**10. ADJOURNMENT**

**There being no further business, Councilwoman Guy moved for adjournment at 8:44 p.m. Councilwoman Winegarner second the motion. Motion approved 5-0.**

Respectfully submitted  
Diana K. Brooks, City Clerk