

The Oakley City Council met in regular session on October 21, 2019, in the meeting room at the Oakley Fire Station, 215 Hudson Avenue, at 7:00 PM. Mayor Whyte presided.

Council members present. Jordan Burris, Ilene Nickel and Shane Stephenson were present. Chris Dorman and Leasa Huddle were absent.

City staff present. City Administrator Bradley Pendergast, City Clerk Leann Hughes, Police Chief Daniel Cooper, Ronnie Rumback, Parks/Cemetery Director Russell Moellering, Anthony Repshire, and Landfill Director Marc Burris.

Others present. Danette Repshire, Stacy Honeyman, Mark Hubert, Barbara Kelly, Bob Kelly, Scott Thornton, Marti Engel, Dan Thornton, Phyllis Thornton, Rosa Ahrens, Sonya Cooksey, and Kezia Uhrich.

Call to order. Mayor Whyte called the meeting to order at 7:00 PM.

Minutes. Nickel moved to approve the minutes of the October 7, 2019, regular meeting as presented. Burris seconded. Motion carried unanimously. Action (#11140).

AP Payment Register. Stephenson moved to approve the October 18, 2019, AP Payment Register for checks dated through October 15, 2019, in the amount of \$108,002.99 (Check Nos. 45835; and 45841-45882). Nickel seconded. Motion carried unanimously. Action (#11141).

Time Entry Report. Burris moved to approve the Time Entry Report for September 22, 2019, to October 5, 2019, in the amount of \$44,725.98 for 2,848.00 hours (ACH Nos. 94402-94439; Check Nos. 17205-17210; AP Check Nos. 45836-45840; Wire Nos. 494-497). Stephenson seconded. Motion carried unanimously. Action (#11142).

Citizen Request to Speak. None.

Department Head Reports. Covered in Administrative Reports later in the meeting.

NEW DISCUSSION/ACTION ITEMS:

Shade Structures at City Parks – Community Recreation Committee. Sonya Cooksey addressed the Council on behalf of the Community Recreation Committee and explained some projects the group is looking at. Cooksey asked for approval from the Council to install a shade structure at Annie Oakley Park similar to the existing shade structures pending grant approval from Dane G. Hansen. Discussion followed. Stephenson moved to approve the installation of a shade structure at Annie Oakley Park similar to the existing shade structures, pending grant approval from Dane G. Hansen. Nickel seconded. Motion carried unanimously. Action (#11143).

New Building – County Fair Board. Sonya Cooksey addressed the Council on behalf of the Logan County Fair Board and explained the Board would like to construct another building on the property where the current 4-H building is, which is on City property. Pendergast noted the property is currently zoned R-1 and should be rezoned to C-2. Cooksey confirmed they are not asking for any funding from the City or any maintenance on the building they are just asking for approval to construct the building if they are able to secure funding. Discussion followed. Stephenson moved to approve the construction of a second building on the same property as the existing 4-H Building on Kaler Avenue, pending rezoning and confirmation that a lease or agreement is in proper order. Burris seconded. Motion carried unanimously. Action (#11144).

Rezoning of 219 Center Avenue. Administrator Pendergast reported the Planning Commission has recommended approval of the rezoning of 219 Center Avenue from C-1 to C-2 to allow the United

Christian Church to purchase the property and renovate the structure to be used as their church. Discussion followed. Stephenson inquired if the building next door to this address were to sell to a restaurant if alcohol could be served. Pendergast replied that the sale of alcohol is not allowed within one hundred feet (100') of the property except that existing businesses would be grandfathered in. Stephenson requested Pendergast research if the Council could, by Ordinance or some other way, allow alcohol to be served if this were to come up. Stephenson moved to approve Ordinance No. 1162, adopting the recommendation of the Planning Commission and changing certain zoning with the City of Oakley, Kansas. Burris seconded. Motion carried unanimously. Action (#11145).

Resolution – Transient Guest Tax. The Council reviewed a proposed Resolution to increase the amount of Transient Guest Tax that the City can levy to 5%. Stephenson moved to approve Resolution No. 2019-12, amending the Resolution establishing the amount of Transient Guest Tax levied by the City of Oakley, pursuant to Charter Ordinance No. 27, and repealing any Resolution found in conflict of this Ordinance of the City of Oakley, Kansas. Nickel seconded. Motion carried unanimously. Action (#11146).

Temporary Liquor Permit – Logan County Healthcare Foundation. Marti Engel, Executive Director of the Logan County Healthcare Foundation, was present to answer any questions. Nickel moved to approve a Temporary Liquor Permit for the Logan County Healthcare Foundation for the Fall Gala to be held at the Buffalo Bill Cultural Center on November 9, 2019. Burris seconded. Motion carried unanimously. Action (#11147).

Resolution – Order to Abate – 319 W. 3rd Street. Administrator Pendergast presented a proposed Resolution to abate the conditions at 319 W. 3rd Street, pursuant to discussion at the October 7, 2019, Council Meeting. Stephenson moved to approve Resolution No. 2019-13, finding that the property located on Oakley Original Town, Block 23, W 19' Lot 8, all Lots 9 10 11 in the City of Oakley, Logan County, Kansas, commonly known as 319 W. 3rd Street, Oakley, Kansas, contains health nuisances in which the property owners have failed to comply with an order to abate these conditions. Nickel seconded. Motion carried unanimously. Action (#11148).

Trash Truck Repair – Fuel Injectors. Administrator Pendergast reported the fuel injectors on the 2017 Freightliner Trash Truck need to be replaced and the truck is not operational until the repairs are made. He presented an estimate from 5M Truck Repair in the amount of \$6,826.24. Burris moved to approve the replacement of the fuel injectors in the 2017 Freightliner Trash Truck by 5M Truck Repair at an estimated cost of \$6,826.24, to be paid from the Sanitation Fund. Nickel seconded. Motion carried unanimously. Action (#11149).

Water Discharge Summary Payment – Wilson & Company. Administrator Pendergast presented an invoice from Wilson & Company for work done for the waste stream summary for the water treatment pilot. Stephenson moved to approve payment of the invoice from Wilson & Company in the amount of \$7,137.37 for work done for the waste stream summary for the water treatment pilot to be paid from the Water Reserve Fund. Burris seconded. Motion carried unanimously. Action (#11150).

Sidewalk Condemnation Resolutions. Administrator Pendergast presented slides of properties in which he had prepared Condemnation Resolutions for consideration, as follows:

401 Cornell Avenue
216 W. 3rd Street
503 Longview Avenue
210 S. Hudson Avenue
208 E. 5th Street
320 W. 3rd Street
214 E. 3rd Street
202 E. 3rd Street

514 Smokyhill Avenue
318 E. 3rd Street
106 Freeman Avenue
520 Smokyhill Avenue
216 E. 4th Street
504 Freeman Avenue

Discussion ensued, following the slide presentation. It was the consensus of the Council to have Pendergast send letters to the property owners giving them until year end to have the sidewalks replaced and for Pendergast to bring back a draft Ordinance to allow owners not to be required to replace sidewalks that do not have connecting sidewalks.

UNFINISHED DISCUSSION/ACTION ITEMS:

Commercial Refuse Rates. Administrator Pendergast and Landfill Director Marc Burris presented information relating to a revision to the commercial refuse rates. Discussion followed. It was the consensus of the Council to have Pendergast bring back a new draft to include a three-tier flat rate for consideration.

Tree Ordinance. Administrator Pendergast presented a proposed Tree Ordinance for review and consideration. Burris noted a correction to the second sentence in Section 2; this should read plant any tree instead of plant and tree. Stephenson moved to approve Ordinance No. 1163, relating to the planting of trees; corner clearance; tree trimming and removal; arborist licensing; and repealing Ordinance No. 866, with the noted typographical correction to the second sentence in Section 2. Burris seconded. Motion carried unanimously. Action (#11151).

Diesel Fuel Tank. Administrator Pendergast reported he contacted the Kansas Department of Health and Environment (KDHE) and the Kansas Fire Marshal's Office regarding regulations for a diesel fuel tank, which was discussed at the October 7, 2019, Council Meeting. KDHE and the Fire Marshal's Office confirmed that a 520 gallon tank is small enough to be exempt from regulations. Stephenson moved to approve the purchase of a 520 gallon diesel tank to store reserve fuel for city equipment from Mitten, Inc., in the amount of \$1,830.58. Nickel seconded. Motion carried unanimously. Action (11152).

Personnel Policy Handbook. Pendergast will have a revised handbook for review and consideration at the next meeting.

Golf Course Lease. No discussion or action at this time.

Drainage at 1015 W. 2nd – USDA. Pendergast noted City Attorney Steve Hirsch was in contact with Attorney Day out of St. Francis on this matter.

RF Water Meters. No discussion or action at this time.

Water Treatment. No discussion or action at this time.

Permitting Golf Carts on City Streets. No discussion or action at this time.

Appointment of Boards and Committees. No discussion or action at this time.

ADMINISTRATIVE REPORTS/DISCUSSION:

Bradley Pendergast, City Administrator. Administrator Pendergast reported on several activities of the various departments of the City. No action was taken.

Leann Hughes, City Clerk. No report.

MAYOR AND COUNCIL REPORTS/DISCUSSION:

Burriss noted he had seen some sewer risers being installed and would like to see this continue.

Mayor Whyte inquired of Administrator Pendergast about a discussion they had about contacting the Kansas Department of Commerce regarding vacant property in the City. Pendergast is putting together this information to provide to them.

Adjourn. Stephenson moved to adjourn the meeting. Burriss seconded. Motion carried unanimously. Action (#11153). Mayor Whyte adjourned the meeting at approximately 8:26 PM.

Leann M. Hughes, CMC
City Clerk

APPROVAL OF MINUTES:

The members of the Council acknowledged receipt of a copy of the minutes; said minutes were approved as presented at the November 4, 2019, regular meeting.