

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

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

City staff present. City Administrator Bradley Pendergast, City Clerk Leann Hughes, Police Chief Daniel Cooper, and Museum Director Jodee Reed. Street Director Edwin Burris and Landfill Director Marc Burris.

Others present. Floyd Noel, Alycia Noel, Kyle McLinn, County Attorney Craig Uhrich, Verlyn Richardson, Stacy Honeyman, Darin Honeyman, Robert Phillips, Dana Charles, Roger Tacha, Jane Wieland and Gary Repshire.

Call to order. Mayor Whyte called the meeting to order.

Minutes. Huddle moved to approve the minutes of the August 20, 2018, regular meeting as presented. Nickel seconded. Motion carried unanimously.

AP Payment Registers. Burris moved to approve the August 31, 2018 AP Payment Register in the amount of \$131,827.26, (Check Nos. 44357-44360; 44364-44402; 8222018 and 8252018). Nickel seconded. Motion carried unanimously.

Time Entry Report. Dorman moved to approve the Time Entry Report for August 12, 2018 to August 25, 2018 for 2,324.68 hours (ACH Nos. 93325-93363; Check Nos. 17077-17081; Check Nos. 44361-44363; Wire Nos. 378-381). Huddle seconded. Motion carried unanimously.

Citizen Request to Speak. None.

Department Head Reports. Museum Director, Jodee Reed, reported 676 visitors to the Museum in August. She also noted she received an email article written by celebrity travel columnists Donald Pile and Ray Williams, detailing a visit to Oakley and she posted the article on Facebook and on DiscoverOakley.com.

OWLS – Dana Charles, Logan County Conservation District. Administrator Pendergast reported there have been some complaints on the OWLS, Outdoor Wildlife Learning Site, property along Cherry Avenue and Fifth Street and the Council requested that Dana Charles attend the meeting to discuss the property. Charles is in charge of the property but noted that she has limited time to spend taking care of the site. She noted that she has asked for the City to help maintain the property by spraying weeds, but that has not ever happened. There was considerable discussion of whether the property should be turned back to the City or if efforts should be made to find groups to assist in the maintenance along with the City assisting with the spraying. Roger Tacha was present as Charles' supervisor and stated if it needed to be abandoned by them, they could do that. Jane Wieland was present as a Garden Club Member and discussed the area being utilized for a community garden. Following discussion, it was the consensus of the Council that Administrator Pendergast direct city staff to help spray weeds and place a hopper at the site and Dana agreed, along with Tacha, to visit with the schools to see if they can revive interest from teachers and/or school organizations to assist with the site. This will be re-visited in the Spring to try to come up with a plan to help next summer run smoother.

Code Enforcement – Kyle McLinn. Code Enforcement Officer Kyle McLinn presented an updated report to the Council of actions being taken on properties. The Council thanked him for the report and the progress made since the last Council Meeting.

Rezoning – 800 Court Avenue. Administrator Pendergast explained that Robert Phillips submitted a Zoning Change Application to the Planning Commission to rezone his property at 800 Court Avenue from C-S Highway Service District to M-P, Manufactured home Park. The Planning Commission held a hearing on August 1, 2018, and unanimously voted to recommend rezoning of the property to the City Council. There was discussion of the number of lots and how long Phillips has owned the property. Administrator Pendergast reported it was his understanding that when the Zoning Ordinance was re-done, all of the existing Mobile Home Parks were offered to have the parks rezoned at that time but Phillips declined. Phillips stated he did not get that offer. He explained that he winters in the South and he didn't know if it was discussed when he was not in Oakley, but he does not recall any notification of this. He was told after the fact that rezoning would be a costly ordeal so he did not pursue it. He later learned the fee to apply for rezoning was only \$50 and decided to pursue it because some mobile homes have been moved out and cannot be replaced without the rezoning, costing him income. Floyd Noel noted that he managed the Mobile Home Park at Radloff Avenue and 3rd Street for a time and he was present at the meetings when this offer was made and attested that Phillips was not present. There was discussion of a concern with setback distances and distances between buildings. Phillips concurred with those concerns and stated if this moves forward his plan is to allow more room between mobile homes as the dynamics change it can easily be done, but that he believes they are in compliance with the Zoning Regulations in this regard at the present. Stephenson moved to approve Ordinance No. 1149, adopting the recommendation of the Planning Commission and changing certain zoning with the City of Oakley, Kansas from C-S, Commercial Service Highway District, to M-P, Manufactured Home Park, with the stipulation that all new mobile homes moved into the park must comply with current zoning requirements. Dorman seconded. Motion carried unanimously.

Inspection Report – 107 E.S. 7th Street. Administrator Pendergast presented and reviewed a written Inspection Report of the property at 107 E.S. Seventh Street that took place on August 16, 2018, after obtaining a search warrant. The search warrant was obtained after the property owners did not claim he Certified Mail notification and the proper time frame had elapsed. Pendergast, Fire Chief Russell Moellering, Building Officer Rodney Huffman and Police Officer Danny Shanks conducted the inspection. Pendergast shared photos and notes of the condition of the mobile homes on the property. There were many areas of mold, water damage, animal feces, damaged siding and other poor conditions noted, with photographs of several areas. There were also sheds on the property, some of which were in poor shape and some that were not quite as bad. It was the recommendation of Administrator, Fire Chief, Building Officer and Police Officer that the structures be condemned as they are unsafe and unfit for human habitation. Floyd Noel addressed the Council explaining the property owner, Pauline Dobson, had contacted him and asked him to attend the hearing on her behalf. He noted he has helped her over the years find someone to mow, etc., but has no personal or financial interest in the property. Dobson asked that he relay to the Council that her husband has passed away and she has asked for more time to take care of the situation. There was discussion of authorizing Administrator Pendergast to negotiate the purchase of the property. Pendergast noted the property value exceeds what the value of the property would likely be to the City because of the cost of cleaning it up. He noted that Midwest Energy, Inc., has found the gas lines to not be in compliance with current code in addition to needing to remove the condemned buildings and mobile homes. Pendergast relayed to Noel that the City is only ordering the mobile homes to be removed, they are not trying to take the property. So, after the mobile homes and buildings are removed, Dobson will still own the property; however, she will be responsible for any costs incurred to remove those items. The Council inquired of the time frame involved with the hearing. Pendergast explained it will require a Hearing Notice to be published for two consecutive weeks and then a period of thirty days before the Hearing can take place, so the earliest date would be November 5, 2018. Mayor Whyte inquired if Dobson could take steps to clean up the property before the hearing; Pendergast responded that she certainly could. Stephenson moved to approve Resolution No. 2018-04, fixing the date and time for a Hearing

on unsafe or dangerous structures. Huddle seconded. Motion carried unanimously. Noel inquired if the City would entertain a purchase of the property if Mrs. Dobson would negotiate; the Council responded that they would. Noel will relay that to Dobson.

Semi Parking Ordinance.

Administrative Reports. Administrator Pendergast reported on several activities:

Mayor and Council Reports

Adjourn. Stephenson moved to adjourn the meeting. Huddle seconded. Motion carried unanimously. Mayor Whyte adjourned the meeting at approximately 9:00 PM.

Leann M. Hughes, CMC
City Clerk