



CITY OF PARK CITY, KANSAS
COUNCIL CHAMBERS
1941 E. 61ST STREET NORTH

January 28, 2020, 7:00 P.M.

ROLL CALL

MEETING CALLED TO ORDER

Invocation

Pledge of Allegiance

APPROVAL OF AGENDA

Suggested Motion:

Council Member _____ moved to approve the Agenda as Presented.

Council Member _____ seconded the motion.

Other:

AWARDS AND/OR PRESENTATIONS

PUBLIC FORUM

STAFF REPORTS

City Administrator

Consent Agenda:

1. Minutes of January 14, 2020 Regular Meeting.
2. Minutes of the January 7, 2020 Special Meeting.
3. Appropriations 929-2020 with Addendums.



Suggested Motion:

Council Member _____ moved that the Consent Agenda, as Presented, be Approved.

Council Member _____ seconded the motion.

Other:

NEW BUSINESS

- 4. **DISCUSS AND CONSIDER ORDINANCE AMENDING SECTIONS 15-224 AND 15-419 OF THE MUNICIPAL CODE RELATED TO SCHEDULING OF THE ANNUAL REVIEW OF WATER AND SEWER RATES AND CHARGES. (DM & SF)**

Recommended Action: Staff recommends approval.

Suggested Motion:

Council Member _____ moved to approve Ordinance #1087-2020 amending Section 15-224 and 15-419 of the Municipal Code of the City of Park City, Kansas, relating to water and sewer rates and charges for consumers served by the City’s water and sewer utility and repealing the original of said Sections 15-224 and 15-419.

Council Member _____ seconded the motion.

Roll Call

Council Member John Lehnherr _____	Council Member Tom Jones _____
Council Member George Glover _____	Council Member George Capps _____
Council Member Ben Saucedo _____	Council Member Brandi Baily _____
Council Member Melvin Kerr _____	Council Member Jim Schroeder _____

Other:

- 5. **DISCUSS AND CONSIDER ADOPTION OF ORDINANCE PROHIBITING LOUD AND UNNECESSARY NOISE; ESTABLISHING EXCESSIVE NOISE LEVELS; AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE. (DM)**

Recommended Action: Staff recommends approval.



Suggested Motion:

Council Member _____ moved to approve Ordinance #1088-2020 creating Chapter 8, Article 12 of the Municipal Code of the City of Park City, Kansas, pertaining to the regulation of loud and unnecessary noise within the City limits.

Council Member _____ seconded the motion.

Roll Call

Council Member John Lehnherr	_____	Council Member Tom Jones	_____
Council Member George Glover	_____	Council Member George Capps	_____
Council Member Ben Saucedo	_____	Council Member Brandi Baily	_____
Council Member Melvin Kerr	_____	Council Member Jim Schroeder	_____

Other:

6. DISCUSS AND CONSIDER ELECTION OF COUNCIL PRESIDENT

Recommended Action: Recommended selection of Council President.

Suggested Motion:

Council Member _____ moved to elect Council Member _____ as Council President, with a term ending January 2021.

Council Member _____ seconded the motion.

Other:



7. DISCUSS AND CONSIDER CHARTER ORDINANCE EXEMPTING RESIDENCY REQUIREMENTS FOR NON-ELECTED OFFICERS (DM)

Recommended Action: Staff recommends approval.

Suggested Motion:

Council Member _____ moved to approve Charter Ordinance #C40-2020 exempting the City of Park City, Kansas, from certain of the provisions of K.S.A. 14-205 relating to the residency requirements for non-elected officers of the City.

Council Member _____ seconded the motion.

Other:

Roll Call

Council Member John Lehnerr	_____	Council Member Tom Jones	_____
Council Member George Glover	_____	Council Member George Capps	_____
Council Member Ben Saucedo	_____	Council Member Brandi Baily	_____
Council Member Melvin Kerr	_____	Council Member Jim Schroeder	_____
Mayor Ray Mann	_____		

GOVERNING BODY REPORTS

Mayor’s Remarks
Remarks by Council Members

ADJOURN

Suggested Motion:

Council Member _____ moved to Adjourn the Meeting.

Council Member _____ seconded the motion.

Other:



CITY ADMINISTRATOR'S REPORT – January 28, 2020

Good evening Mayor & Council:

Below are updates on various items/issues Staff is currently working:

1. SpyGlass – Approved by Council last November, they completed their audit of the City's telecommunications accounts (Voice, Data, Internet, Cloud Services and Mobility/Cellular) and recommended changes resulting in overall savings of \$5,776.68 annually.

• Elimination of five unused land lines	\$1,896.84
• Elimination of three excessive land lines	\$1,110.60
• Changes in Cox Internet & TV services	\$ 744.00
• Changes in Verizon Wireless/Cellular services	\$2,025.24

The above savings are in addition to those previously identified by staff.

2. Shellenberger property (48.05 acres) closed on January 23rd.
3. New Exterior Grant Program is up and running on the City's website page.
4. Economic Development and Incentive Policy update. Council recommended waiting until Wichita and Sedgwick County approved their updated policies to ensure consistency. The Greater Wichita Partnership Board approved policy recommendations in December, are now making their way through adoption with the City and the County. Staff expects to bring our policy back to Council in late February or early March.
5. 53rd Lift Station – The new station was installed in early December; however, the main pump suffered a failure within the first two weeks. Three weeks later, the secondary pump failed. JCI, the contractor of record, has been attentive to the city's concerns and is addressing both failures. JCI is monitoring the installed bypass, pump and levels at this time. One pump requires a new pump head and should have arrived earlier today. The second pump is being replaced with new by Flyght and both pumps and new check valves should be installed by week's end.
6. Staff recently met with Lindebak the Stormwater Engineer and Danny Evans the Stream Maintenance Supervisor with Sedgwick County about cleaning out the water way/ditch located South of 53rd and to the West of and running alongside of Primrose from 53rd to Chisholm creek diversion. Sedgwick County has agreed to clear the vegetation overgrowth using heavy equipment with a forestry grinding attachment at their cost, with an expected completion date of March 1st.



Upcoming events:

Council Strategic Offsite – February 1, 2020 starting at 8:00 a.m. at 6832 NW 40th St, Towanda, KS 67144.



**MINUTES OF THE GOVERNING BODY OF
THE CITY OF PARK CITY, KANSAS
COUNCIL CHAMBERS – 1941 E. 61ST STREET NORTH
January 14, 2020**

ROLL CALL

The following were present: Council Members, George Glover, Ben Saucedo, Melvin Kerr Tom Jones, George Capps, Brandi Baily and Jim Schroeder. Council Member John Lehnerr was absent

Also present: Mayor Ray Mann, City Administrator Sean Fox, City Clerk Marlo Rugg, Assistant City Administrator/Human Resources Manager Dana Walden, Police Chief Phil Bostian, City Attorney Doug Moshier, Finance Director Dee Anne Grunder, and Public Works Director Eric Miner.

VISITORS

Taylor Messick, Ark Valley News
Terry Ford
Kay Word
Mary Ondrejko
Kari Miner
Nick Thomas
Jan McGonigle
Dean Frankenberry
Jewel Frankenberry
Raymond Reiss

Mike McGonigle
Tonya McGonigle
Bob Darnell
Stephanie Hiss
J.O.Powell
Ben Staley
Ted Jillson
Denise Staley
Cynthia Summers

MEETING CALLED TO ORDER

The meeting was called to order by Mayor Ray Mann at 7:00 pm. Pastor Bob Darnell gave the invocation, and Council Member Melvin Kerr led the Pledge of Allegiance.

APPROVAL OF AGENDA

Council Member George Glover moved to approve the agenda as presented. Council Member Jim Schroeder seconded the motion. Motion carried 7-0.



AWARDS & PRESENTATIONS

Jan McGonigle with Park City Pride and Dean Frankenberry with the Chamber of Commerce presented the Christmas Lighting Contest winners: Mike and Tonya McGonigle, 1st Place Ward 1, Jeff Cherne, 2nd Place Ward 1, Tom and Jessica Nelson, 1st Place Ward 2, Ben and Denise Staley, 2nd Place Ward 2, Martha Daugherty, 1st Place Ward 3, and Rick Patterson, 2nd Place Ward 3.

Assistant City Administrator/Human Resource Manager Dana Walden introduced the new Assistant Public Works Director, Zach Day. Ms. Walden stated Mr. Day is a lifelong resident of Park City, and previously worked for Sedgwick County. She stated Mr. Day had outstanding references as well as extensive knowledge in road maintenance. Ms. Walden stated Mr. Day will be a great asset to the City. Mr. Day stated he was thankful for the opportunity to serve in a community he has lived in his whole life.

Assistant City Administrator/Human Resource Manager Dana Walden recognized the first Mayor of Park City, Mayor Raymond Reiss. Ms. Walden gave some brief history on Mr. Reiss and his term as Mayor. Ms. Walden thanked Mr. Reiss for his service and leadership as Mayor of Park City. She stated the City is naming two streets in Mr. Reiss' honor in recognition for his service and leadership, Raymond Reiss Street and Raymond Reiss Ct.

PUBLIC FORUM

Kay Ward stated her concern with a business on Hydraulic Street that in her opinion is a public nuisance. Ms. Ward stated there is loud noise coming from the business in the evenings and wanted to address the issue.

City Administrator Sean Fox stated at the Planning and Zoning meeting a couple weeks ago, there was a permit request to build a storage shed on the residential portion of the property. He stated the applicant was unable to attend the meeting, so the request was tabled until the next Planning and Zoning meeting.

Mary Ondrako stated her concern about squealing tires and loud music coming from the business on Hydraulic Street.

Stephanie Hiss stated her concern about the loud music at the property on Hydraulic Street. She stated the parties, music, and parking are becoming a big problem.

Mayor Ray Mann stated the City is working on some solutions to help address some of the issues.

STAFF REPORTS

None.



CONSENT AGENDA:

1. Minutes of December 10, 2019 Regular Meeting.
2. Appropriations 927-2019 and 928-2020 with Addendums.
3. Approval of the League of KS Municipalities Invoice – \$4,528.75
4. Approve Expenditures of Transient Guest Tax as Recommended by the Convention & Tourism Board: (1) Sponsorship of 2020 KSHSAA Class 6A-5A State Wrestling Championship Tournament, \$15,000, from the 2020 Budget; (2) Sponsorship of the NAIA Men’s Wrestling National Championship at Hartman Arena, \$15,000, from the 2020 Budget.
5. Annual Report on Police Federal Forfeiture Funds
6. Contract for Services for Municipal Court Judge.
7. Contract for Services for Municipal Court Prosecutor.
8. Contract for Services for the Municipal Court Public Defender
9. Approve CMB License for DG Retail, LLC dba Dollar General Store, 6227 N. Broadway St.

Council Member Ben Saucedo moved that the Consent Agenda, as Presented, be Approved.

Council Member Jim Schroeder seconded the motion. Motion carried 7-0.



10. RECESS

Council Member Brandi Baily moved to recess for ten minutes at 7:24 pm.

Council Member Ben Saucedo seconded the motion. Motion carried 7-0.

**CITY OF PARK CITY, KANSAS, LAND BANK
COUNCIL CHAMBERS – 1941 E. 61st STREET NORTH
January 14, 2020**

The City of Park City, Kansas Land Bank meeting was called to order at 7:24 pm.

I. DISCUSS AND CONSIDER PURCHASE OF SHELLENBERGER PROPERTY GENERALLY LOCATED SOUTH OF EAST 61ST STREET NORTH AND EAST OF HYDRAULIC AVENUE, PARK CITY, KANSAS

City Administrator Sean Fox stated staff negotiated a Real Estate Purchase Contract with the owners of two parcels of land, totaling 48.05 acres, located generally south of East 61st Street North and east of Hydraulic Avenue. He stated Tract #1 is to be purchased by the City of Park City for \$504,600 and Tract #2 is to be purchased by the Park City Land Bank for \$72,000. Mr. Fox stated this is an unbudgeted expenditure and the Land Bank fund currently has a balance of \$78,842.71.

Board Member Ben Saucedo moved to approve the purchase agreement and authorize the Chairman to execute a contract between Robert D. Shellenberger and Bernadine C. Shellenberger Living Trust and the City of Park City and the Land Bank whereas the Land Bank buys the .35 acre commercial tract for \$72,000.

Board Member Tom Jones seconded the motion. Motion carried 8-0.

II. DISCUSS AND CONSIDER ANNUAL SELECTION OF CHAIRPERSON, VICE- CHAIRPERSON, AND TREASURER FROM LAND BANK BOARD OF TRUSTEES MEMBERSHIP PURSUANT TO K.S.A. 12-5904(A)

Land Bank Treasurer Dee Anne Grunder stated KSA 12-5904(a) requires the Land Bank to annually select a Chairperson, Vice-Chairperson, and Treasurer from its membership. She stated the bylaws require the Treasurer to be a non-voting member, as well as a City staff member. Ms. Grunder stated the Treasurer is appointed by the Mayor and confirmed by the Board.

Board Member Ben Saucedo moved to Appoint Ray Mann to Serve as Chairperson, Melvin Kerr to Serve as Vice-Chairperson, and City Clerk Marlo Rugg to Serve as Treasurer of the Park City, Kansas, Land Bank for a term of one year.



Board Member George Glover seconded the motion. Motion carried 8-0.

III. Adjourn

Board Member Jim Schroeder moved to adjourn the Land Bank meeting.

Board Member Brandi Baily seconded the motion. Motion carried 8-0.

11. RECONVENE

Mayor Ray Mann reconvened the meeting at 7:28 pm.

NEW BUSINESS

12. DISCUSS AND RECEIVE LAND BANK TREASURER'S ANNUAL REPORT TO THE GOVERNING BODY AS REQUIRED BY K.S.A. 12-5903

Finance Director Dee Ann Grunder stated KSA 12-5903 requires the Land Bank to make an annual report to the Governing Body by January 31st each year, including a report of the audit, receipts and disbursements from all funds under its control reflecting all property transactions that occurred during the year, and an inventory of all property held by the Land Bank. She stated it also requires the inventory to be published in the official city newspaper on or before January 31st. Ms. Grunder stated the first report is the audited financial statement. She stated the schedule is as of December 31, 2018. Ms. Grunder stated the 2019 books have not been closed yet. Ms. Grunder stated the receipts and disbursements register reflects all cash transactions through the end of 2019. She stated the balance before interest is posted is \$72,846.63 at December 31, 2019.

Council Member Ben Saucedo moved to receive and file the Land Bank Treasurer's report.

Council Member Melvin Kerr seconded the motion. Motion carried 7-0.



13. DISCUSS AND CONSIDER A RESOLUTION FOR THE SALE OF LAND TO DERBY LAND INVESTMENT, GP

City Attorney Doug Moshier stated in 2009 the City authorized the issuance of Industrial Revenue Bonds to finance the Express Inn and Suites Project in the City. He stated those bonds have been paid off and the existing tenant under the IRB lease, Derby Land Investment, GP, has tendered \$100 as required by the lease in order to exercise its option to reacquire the project. Mr. Moshier stated the City is required, under the IRB lease agreement, to reconvey the project to the tenant. He stated the adoption of the Resolution will authorize the Mayor to execute a Special Warranty Deed, Bill of Sale and Release of Lease to consummate the transaction.

Council Member Jim Schroeder moved to approve Resolution #1040-2020 of the Governing Body of the City of Park City, Kansas authorizing the sale and conveyance of certain property to Derby Land Investment, GP.

Council Member Brandi Baily seconded the motion. Motion carried 7-0

14. DISCUSS AND CONSIDER ECONOMIC INCENTIVE FOR CUTTING EDGE LAWN CARE, INC.

City Administrator Sean Fox stated Nick Thomas of Cutting Edge Lawn Care, Inc. has made application for property tax exemption for economic development purposes, with the intention to purchase land (\$300,000) and construct a building (\$350,000) located in the 6300 block of Armstrong Circle. He stated Mr. Thomas has completed the required Tax Abatement Cost-Benefit Analysis, and based on a 100% abatement, projects a positive benefit to cost ratio of 3.75. Mr. Fox stated the business has been incorporated since 2009 and the applicant has provided a favorable Profit & Loss Statement and Balance Sheet. Mr. Fox stated Resolution 870-2013, establishes Park City's Incentive Policy, outlines levels or percentages of incentive exemptions based on capital investment, new job creation and export sales. He stated pursuant to the City's policy, Cutting Edge qualifies for Capital Investment abatement of 5%, and new job creation of 17.5% for a total exemption of 22.5%. Mr. Fox stated Industrial Revenue Bonds are normally issued only based on the value of the capital investment but can include any increased value in the land. He stated two different scenarios 1.) Consider capital investment only, 10-year projection of property taxes for all taxing entities of \$129,583, a 22.5% abatement equates to \$29,156, absent administrative and issuance costs of an IRB. He stated those costs are approximately \$20,000. 2.) A capital investment and increased land value 10-year projection of taxes for all taxing entities is \$240,657, and a 22.5% abatement equates to \$54,148, absent administrative and issuance costs of an IRB. Mr. Fox stated all the appropriate information was included in the packet.



Nick Thomas thanked the Mayor and Council for the opportunity to discuss the abatement. Mr. Thomas stated he has 29 employees. He stated he is requesting 100% of the building or 50% of the increase in land value and 50% of the building. He stated the benefits of the City would be a higher tax base, more school funding, better public infrastructure, employee local spending, and creation of more local jobs. Mr. Thomas stated his abatement request would bring a fiscally responsible and ethical company to Park City.

Council Member Ben Saucedo stated he likes that a new business would come to Park City. He stated he supports the 22.5%.

Council Member George Capps and Council Member Tom Jones stated if Council considered Mr. Thomas' request, all Cutting Edge Lawn paperwork needs to have Park City as the company address.

Mayor Ray Mann encouraged Council to follow the current policy.

A discussion ensued.

Council Member Jim Schroeder moved to approve a 22.5% Tax Abatement based on the value of the construction for Cutting Edge Lawn Care, Inc.

Council Member George Glover seconded the motion. Motion carried 7-0.

15. DISCUSS AND CONSIDER APPROVING EXTERIOR GRANT PROGRAM FOR 2020.

City Administrator Sean Fox stated since 2014, the City has offered a Homebuyers Incentive Plan that has been successful in facilitating and promoting new residential construction in Park City. Mr. Fox stated staff is proposing Council create and adopt a complimentary program, that targets or addresses existing residential neighborhoods by facilitating and promoting of exterior improvements. He stated the proposed program would provide a 20 percent reimbursement for exterior improvements upon completion of the work. Mr. Fox stated homeowners would be required to have a minimum of \$2,500 in combined repairs/renovations in order to apply. He stated residents would be reimbursed anywhere from \$500 up to a maximum of \$2,500. Mr. Fox outlined the application and reimbursement process. He stated apartment units would not be eligible. Mr. Fox stated eligible projects/improvements would include, but not limited to painting, siding, door/window replacement, masonry repair, awnings, building additions, landscaping (must be on the same property/lot as the residence), and new construction of a residence. He stated ineligible items would include, but not limited to playsets, play equipment, swimming pools, spas, sump pumps, foundation repair, and lawn care or maintenance.

Mayor Ray Mann stated he is very excited about this program. He stated one of the biggest issues is code enforcement dealing with issues of homeowners not taking care of their properties. Mr. Mann stated this program will make the City a more desirable and welcoming community.



Council Member Brandi Baily suggested taking the \$95,000 for the Homebuyers Incentive and divide it between the two programs for the first year.

Mayor Ray Mann reminded Council that the City has a development that will be building thirty basements in the next year. He suggested implementing 60/40 ratio in the beginning due to the new development.

Council Member Ben Saucedo asked if duplexes qualify and do repairs that have been turned in for an insurance claim qualify. Mr. Fox stated duplexes do qualify under the proposed program. He stated staff would need to research that the application for improvement was not covered by something else. Mr. Mann suggested eliminating duplexes for the first year being that most of the duplexes in the City are fairly new.

A discussion ensued.

Council Member Jim Schroeder moved to approve creating an Exterior Grant Program with an allocation of \$25,000 to be put towards the program and exclude duplexes.

Council Member George Capps seconded the motion. +

Council Member George Capps stated he proposed a similar program to Council in a prior meeting to encourage citizens to improve their homes. He stated it was not well received. Mr. Capps stated he supported the proposed program.

Motion carried 7-0.

16. DISCUSS AND CONSIDER WAIVER OF GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) FOR 2020 FINANCIAL STATEMENTS.

Finance Director Dee Anne Grunder stated under Kansas Statutes, cities are required to prepare their financial statements under Generally Accepted Accounting Principles. She stated the statutes also allow cities to waive that requirement by resolution if they have no other resolutions or ordinances that require GAAP-basis financial statements, and the City of Park City does not.

Council Member Tom Jones moved to approve Resolution No.1041-2020 Waiving the Requirements of K.S.A. 75-1120a(a) for the City's 2020 Financial Statements.

Council Member George Glover seconded the motion. Motion carried 7-0.

17. DISCUSS AND CONSIDER APPROVING FEDERAL HIGHWAY ADMINISTRATION AND KANSAS DEPARTMENT OF TRANSPORTATION PRIMROSE PARK DE MINIMIS IMPACT FINDING IN SUPPORT OF THE WICHITA NORTH JUNCTION PROJECT.



City Administrator Sean Fox stated last October, Council received a briefing on the Wichita North Junction Project and the planned phases. He stated the Kansas Department of Transportation (KDOT) representatives stated that due to additional funding being available, their intent was to acquire the necessary Right-of-Way for all phases at this time, including the eastern portion of Park City's Primrose Park. Mr. Fox stated because the property is designated as park land, KDOT and the Federal Highway Administration (FHWA) are required to allow public comments on the proposed acquisition for thirty days. He stated the public comment period was between November 12 and December 13, 2019, and neither the City nor KDOT received any comments. Mr. Fox stated it is the intent for KDOT to seek concurrence on a de minimis finding from the FHWA KS Division Office. He stated if Council concurs with that finding and the project's proposed ROW acquisition will not adversely affect the activities, features and attributes of Primrose Park, the FHWA and KDOT is requesting the City provide a letter to that fact.

Council Member Tom Jones moved to concur with KDOT's intent to have a de minimis finding and authorize the Mayor to send a letter to that fact.

Council Member Melvin Kerr seconded the motion. Motion carried 7-0.

18. DISCUSS AND CONSIDER ORDINANCE TO RESPREAD HIGH RIDGE 2ND ADDITION SPECIAL ASSESSMENTS.

Finance Director Dee Anne Grunder stated on October 22, 2019, Council approved Ordinance #1080-2019 to evenly respread the future drainage special assessments on the High Ridge 2nd Addition properties in the Land Bank. She stated staff has since been made aware that specials from the year the Land Bank acquired the properties (2017) can be respread to future years. Ms. Grunder stated delinquent years 2013 through 2016 cannot be respread, since those are years prior to the 2017 acquisition. She stated the proposed ordinance will evenly respread the 2017 through 2028 special assessments to years 2020 through 2028. Ms. Grunder stated a more even distribution of specials will impact the amount of funds that can be transferred from the Land Bank to the Bond & Interest Fund when properties are sold in the future, because only the amount of the specials on each of the specific lots sold can be transferred. Sale proceeds in excess of those specials must remain in the Land Bank Fund and are not available to assist in making the bond payments related to the drainage improvements previously made on those properties. Ms. Grunder stated the City cannot respread to properties that were not previously assessed drainage because they were not in the improvement district.

Council Member George Glover moved to approve Ordinance #1086-2020 respreading special assessments against properties in High Ridge 2nd Addition to the City of Park City and repealing Ordinance #1080-2019.

Council Member Tom Jones seconded the motion.



Roll Call

Council Member John Lehnherr	Absent	Council Member Tom Jones	Yes
Council Member George Glover	Yes	Council Member George Capps	Yes
Council Member Ben Saucedo	Yes	Council Member Brandi Baily	Yes
Council Member Melvin Kerr	Yes	Council Member Jim Schroeder	Yes

19. DISCUSS AND CONSIDER A SPECIAL WORKSHOP TO EVALUATE ALTERNATIVES FOR THE CONSTRUCTION OF THE 61ST STREET AND BROADWAY INTERSECTION.

City Administrator Sean Fox stated WSP recently completed an Intersection Control Evaluation (ICE) related to KDOT Project No. 087 N-0691-01. He stated the study evaluated various intersection configurations and traffic control alternatives, based on review of existing conditions, traffic operations, safety, and total costs. Mr. Fox stated staff was directed to get additional information and bring it back to Council. He stated staff is proposing to hold a Special Meeting on January 21, 2020 at 6:00 pm.

Council Member Ben Saucedo moved to approve scheduling a Special Workshop to discuss alternatives for the construction of the 61st Street North and Broadway intersection on January 21, 2020 at 6:00 pm.

Council Member Jim Schroeder seconded the motion. Motion carried 7-0.

GOVERNING BODY REPORTS

Mayor’s Remarks

None.

Remarks by Council Members

Council Member Tom Jones stated there would be no impact to the City on north junction project.

Council Member Ben Saucedo welcomed Mr. Day to the City. He thanked the citizens for coming to the meeting to voice their concerns.

Council Member George Glover thanked the citizens for coming to the meeting to voice their concerns. He also welcome Mr. Day to the City.



ADJOURN

Council Member Ben Saucedo moved to adjourn the meeting at 8:33 pm.

Council Member George Glover seconded the motion. Motion carried 7-0.

Ray Mann, Mayor

Attest:

Marlo Rugg, City Clerk

The foregoing minutes were considered at the January 28, 2020 meeting and approved with the following amendment _____.

The vote to approve the minutes _____.



**MINUTES OF THE SPECIAL MEETING OF
THE GOVERNING BODY OF
THE CITY OF PARK CITY, KANSAS
1941 EAST 61ST St N, PARK CITY, KS 67219
January 7, 2020 6:00 P.M.**

The following were present: Council Members George Glover, Ben Saucedo, Melvin Kerr, Tom Jones, George Capps, Brandi Baily, and Jim Schroeder. Council Member John Lehnerr arrived later.

Also present: Mayor Ray Mann, City Administrator Sean Fox, Assistant City Administrator/Human Resources Manager Dana Walden, Finance Director Dee Anne Grunder, Public Works Director Eric Miner, Chief of Police Phil Bostian, and City Clerk Marlo Rugg.

MEETING CALLED TO ORDER

The meeting was called to order by Mayor Ray Mann at 6:00pm.

AGENDA

1. DISCUSS AND RECEIVE TRAFFIC STUDY FOR THE INTERSECTION OF 61ST STREET NORTH AND NORTH BROADWAY STREET.

Council received a briefing on the Traffic Study from WSP Engineering. They discussed the alternatives but ultimately took no action.

2. DISCUSS AND CONSIDER APPROVING REAL ESTATE PURCHASE CONTRACT WITH ROBERT D. SHELLENBERGER AND BERNADINE C. SHELLENBERGER LIVING TRUST FOR 48.05 ACRES GENERALLY LOCATED SOUTH OF EAST 61ST STREET NORTH AND EAST OF HYDRAULIC AVENUE, PARK CITY, KANSAS.

Council Member Tom Jones moved to approve the purchase agreement and authorize the Mayor to execute a contract between Robert D. Shellenberger and Bernadine C. Shellenberger Living Trust and the City of Park City and the Land Bank whereas the Land Bank buys the .35 acre commercial tract for \$72,000 and the City buys the remaining 47.7 acre tract for \$504,600 using MTBE funds, for a total purchase price of \$576,600.

Council Member Ben Saucedo seconded the motion. Motion carried 8-0.



ADJOURN

Council Member Ben Saucedo moved to adjourn the meeting at 7:47pm.

Council Member George Glover seconded the motion. Motion carried 8-0.

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Ray Mann, Mayor

Attest: _____
Marlo Rugg, City Clerk

The foregoing minutes were considered at the January 28, 2020 meeting and approved with the following amendment_____.

The vote to approve the minutes_____.



CITY OF PARK CITY
APPROPRIATION REPORT
01/13/2020 – 01/24/2020

OPEN PURCHASE ORDERS	\$313,205.12
APPROPRIATION	\$856,541.33



PURCHASE ORDER STATUS REPORT											
1/24/2020 1:21 PM			PURCHASE ORDER STATUS REPORT						PAGE: 1		
VENDOR SET: ALL			== SUMMARY REPORT ==								
VENDORS : ALL									* = Sales Tax Included		
PO #	REQ #	VENDOR #	VENDOR NAME	STAT	DEPT	DATE ORDERED	DATE LAST RECEIVED	ORDERED	RECEIVED	VARIANCE	OUTSTANDING
15-02870	15-02870	01-0193	GEAR FOR YOU	P	C & T	8/17/15	1/19/17	2,000.00	1,172.35		827.65
18-03660	18-03660	01-0484	GARDNER DESIGN	P	C & T	4/11/18	3/21/19	23,550.00	13,350.00		10,200.00
18-03689	18-03689	01-0542	APAC KANSAS, INC	P	COUNCIL	8/16/18	3/22/19	104,869.00	95,464.00		9,405.00
18-03758	18-03758	01-0153	WSP USA INC.	P	ADMIN	12/19/1	12/30/19	150,000.00	43,190.36		106,809.64
18-03760	18-03760	01-1010	VIA CHRISTI	O	PD	12/19/1		3,603.14			3,603.14
18-03762	18-03762	01-1017	AIR CAPITOL	O	COUNCIL	12/27/1	6/19/19	394,567.00	397,302.00	22,500.00	19,765.00
18-03776	18-03776	01-0630	K.E. MILLER	P	COUNCIL	11/13/1	6/07/19	33,000.00	25,290.00		7,710.00
18-03777	18-03777	01-0630	K.E. MILLER	P	COUNCIL	12/31/1	1/18/19	15,500.00	5,970.00		9,530.00
19-03771	19-03771	01-1276	HARTMAN ARENA,	O	C & T	1/14/19		15,000.00			15,000.00
19-03796	19-03796	01-1	OVER THE EDGE	P	C & T	3/11/19	7/18/19	5,000.00	3,775.00		1,225.00
19-03802	19-03802	01-0919	HUBER	O	PD	3/21/19		2,500.00			2,500.00
19-03804	19-03804	01-0630	K.E. MILLER	P	COUNCIL	3/28/19	11/20/19	95,600.00	84,355.00		11,245.00
19-03811	19-03811	01-0375	WICHITA WINWATER	P	WATER	4/11/19	5/08/19	1,200.00	671.25		528.75
19-03819	19-03819	01-0503	RANSON FINANCIAL	P	GOVT	5/17/19	5/22/19	5,500.00	4,000.00		1,500.00
19-03823	19-03823	01-0153	WSP USA INC.	P	COUNCIL	5/30/19	12/30/19	19,651.00	17,994.98		1,656.02
19-03824	19-03824	01-0625	WESTERN NRG,	O	P.W.	6/03/19		3,882.80			3,882.80
19-03832	19-03832	01-1	WICHITA	O	C & T	6/26/19		1,000.00			1,000.00
19-03833	19-03833	01-1	TOTE BAGS	O	C & T	6/26/19		10,000.00			10,000.00
19-03847	19-03847	01-0812	KANSAS PAVING	P	COUNCIL	8/08/19	11/08/19	364,324.60	327,892.14		36,432.46
19-03854	19-03854	01-0153	WSP USA INC.	P	COUNCIL	9/11/19	12/06/19	3,444.70	1,476.30		1,968.40
19-03861	19-03861	01-1	WICHITA WINGS	P	C & T	9/30/19	1/23/20	30,000.00	12,500.00		17,500.00
19-03879	19-03879	01-0481	JCI INDUSTRIES	R	WATER	11/13/1	1/23/20	64,546.00	64,546.00		
19-03888	19-03888	01-0032	CUMMINS SALES	O	SEWER	12/03/1		3,096.28			3,096.28
19-03895	19-03895	01-0141	GT DISTRIBUTORS	O	PD	12/23/1		1,245.00			1,245.00
19-03896	19-03896	01-0538	GADES SALES CO	O	STREET	12/23/1		2,150.00			2,150.00
19-03897	19-03897	01-1075	ARK FENCE	O	STREET	12/23/1		1,460.00			1,460.00
19-03898	19-03898	01-0999	EMPRISE BANK	O	ADMIN	12/24/1		1,104.28			1,104.28
19-03899	19-03899	01-1120	KIESLER POLICE	P	PD	12/23/1	1/23/20	14,878.84	12,473.34		2,405.50
19-03900	19-03900	01-0374	ARBOR MASTERS	O	PARK	1/06/20		1,675.00			1,675.00
19-03901	19-03901	01-0834	SINK, GORDON &	O	ADMIN	1/14/20		16,700.00			16,700.00
19-03902	19-03902	01-0527	APPLIED CONCEPTS	O	PD	12/31/1		7,000.00			7,000.00
19-03904	19-03904	01-0531	WATCHGUARD VIDEO	O	PD	12/31/1		1,500.00			1,500.00
20-03905	20-03905	01-0105	WHITE STAR	O	ST&HWY	1/23/20		2,580.20			2,580.20
REPORT TOTALS:				PO'S	ORDERED	RECEIVED	VOIDED	VARIANCE	BALANCE		
OUTSTANDING				17	469,063.70	397,302.00	0.00	22,500.00	94,261.70		
PARTIAL				15	868,518.14	649,574.72	0.00	0.00	218,943.42		
RECEIVED				1	64,546.00	64,546.00	0.00	0.00	0.00		
COMPLETED				0	0.00	0.00	0.00	0.00	0.00		
VOIDED				0	0.00	0.00	0.00	0.00	0.00		
** TOTALS **				33	1,402,127.84	1,111,422.72	0.00	22,500.00	313,205.12		



VENDOR	NAME	NO# INVOICES	TOTAL AMOUNT	G/L 1099 ACCT NO#	G/L NAME	G/L AMOUNT
01-00111	KS DEPT OF REVENUE PAYROL	1	\$ 3,882.98	N		
01-0013	KANSAS DEPT OF REVENUE	1	\$25.00	N		
01-0030	CENTRAL KEY & SAFE CO INC	1	\$18.00	N		
01-0031	POSTMASTER	1	\$425.00	N		
01-0035	GARNETT AUTO	2	\$183.16	N		
01-0047	AAA PORTABLE SERVICES LLC	2	\$400.00	Y		
01-0063	IRS PAYROLL TAXES	3	\$22,619.23	N		
01-0067	GREAT WEST FINANCIAL	2	\$1,939.55	N		
01-0094	BARTELL'S TRUE VALUE	1	\$45.46	N		
01-0096	UNIFIRST	1	\$147.72	N		
01-0207	FREMAR CORP	1	\$507.98	N		
01-0219	GALLS, LLC	6	\$1,441.67	N		
01-0248	LEAGUE OF KANSAS MUNICIPAL	2	\$4,548.75	N		
01-0253	CCMFOA OF KANSAS	1	\$75.00	N		
01-0317	CHISHOLM TRAIL STATE BANK	2	\$1,360.64	N		
01-0374	ARBOR MASTERS TREE SERVIC	1	\$450.00	N		

01-0375	WICHITA WINWATER WORKS CO	2	\$912.73	N		
01-0385	HACH COMPANY	1	\$407.96	N		
01-0430	QUILL CORPORATION	3	\$188.79	N		
01-0441	PARK CITY LIBRARY	1	\$150,044.53	N		
01-0556	KANSAS PAYMENT CENTER	1	\$733.85	N		
01-0618	CYBERTRON INTERNATIONAL I	2	\$5,494.00	N		
01-0625	WESTERN NRG, INC.	1	\$325.00	N		
01-0642	SECURITY 1ST TITLE	2	\$579,366.24	Y		
01-0658	MIDWEST TRUCK EQUIPMENT	1	\$189.00	N		
01-0696	OFFICE PLUS OF KANSAS	3	\$471.30	N		
01-0698	WICHITA STATE UNIVERSITY	1	\$130.00	N		
=						
VENDOR SET: 01 City of Park City, KS DISBURSEMENT REPORT						
BANK: ALL						
VENDOR CLASS(ES): ALL CLASSES						
SORTED BY VENDOR						
VENDOR	NAME	NO# INVOICES	TOTAL AMOUNT	G/L 1099 ACCT NO#	G/L NAME	G/L AMOUNT
=====						
=====						
=====						
01-0762	O'REILLY AUTO PARTS	3	\$249.12	N		
01-0833	CITY ATTORNEY'S ASSOCIATI	1	\$35.00	N		
01-0838	TYLER TECHNOLOGIES	1	\$21,072.00	N		

01-0869	JESSE D WALLENDER	1	\$1,000.00	Y
01-0877	DAVIS-MOORE	1	\$42.00	N
01-0960	PETROCHOICE	1	\$563.66	N
01-0974	MAYER SPECIALTY SERVICES	3	\$2,757.50	Y
01-0983	ARMSCOR CARTRIDGE INCORPO	1	\$845.00	N
01-1	MISCELLANEO US VENDOR	4	\$10,000.00	N
01-1038	ANDOVER LAWN EQUIPMENT, I	1	\$422.98	N
01-1057	FLEETPRIDE	1	\$396.20	N
01-1058	ADT SECURITY SERVICES	1	\$53.99	N
01-1120	KIESLER POLICE SUPPLY	1	\$12,473.34	N
01-1134	CHRIS SHIELDS	1	\$297.00	N
01-1276	HARTMAN ARENA, LLC	1	\$15,000.00	N
01-1334	KSHSAA	1	\$15,000.00	N
	*** REPORT TOTALS ***	69	\$856,541.33	



Agenda Item #4

Prepared By: Doug Moshier, City Attorney

Summary:

CONSIDER CHARTER ORDINANCE AMENDING SECTIONS 15-224 AND 15-419 OF THE MUNICIPAL CODE RELATING TO WATER AND SEWER RATES BY EXTENDING THE DATE FOR THE ANNUAL REVIEW OF RATES FROM JANUARY 31 TO MARCH 31

Background:

Currently, 15-224 and 15-419 of the Municipal Code require the City to conduct an annual review of water and sewer rates on or before January 31 of each year. After such review, which must occur at a city council meeting, the council has three choices—1) Raise of lower rates consistent with the results of the review; 2) Take no action in which case rates are increased by 3%; or 3) Take action to keep rates the same.

At present, it is not feasible to have financial data available before January 31 for a meaningful review. Staff believes that extending the date before which such a review must occur to March 31 would allow staff and council a much more accurate sense of the financial condition of the utilities over the past year and a clearer picture of the need for any rate adjustments going forward.

Changes were also made to these sections that would permit adjustment of rates during the year between required reviews. This flexibility could be important in the event of significant unforeseen events affecting revenue or requiring major capital improvement projects.

Fiscal Impact

None

Staff Recommendation

Staff recommends adoption of the ordinance

Attachments

Proposed Ordinance No.1087-2020



Published in the Ark Valley News on _____, 2020

**City of Park City
Ordinance No. 1087-2020**

**AN ORDINANCE AMENDING SECTION 15-224 AND 15-419 OF
THE MUNICIPAL CODE OF THE CITY OF PARK CITY, KANSAS,
RELATING TO WATER AND SEWER RATES AND CHARGES
FOR CONSUMERS SERVED BY THE CITY'S WATER AND
SEWER UTILITY AND REPEALING THE ORIGINAL OF SAID
SECTIONS 15-224 AND 15-419.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PARK
CITY, KANSAS:**

SECTION 1. Section 15-224 of the Municipal Code of the City of Park City, Kansas is hereby amended to read as follows:

“15-224. WATER CHARGES. There shall be charged to the consumer of water provided by the City the rates for such water as herein provided:

- (a) A monthly base charge and a monthly consumption charge as established from time to time by the governing body;
- (b) A one-time municipal connection fee of \$10.00 charged to each new customer.
- (c) For consumers located OUTSIDE the corporate limits of the City the charges will be 1 1/2 times the base charges and monthly consumption charges identified in sub-paragraphs (a) above.
- (d) From June 16th through October 15 of each year consumers shall be subject to an excess use fee in addition to the charges set out above. Such excess use fee for residential consumers shall apply to water usage in any month during this period that exceeds 15,000 gallons. For each 1,000 gallons of excess use the water charge set out in subparagraph (a) shall be increased by 50%. Such excess use for commercial and industrial consumers shall apply to water usage in any month which is in excess of 150% of the average monthly usage for the property in the 8 months immediately prior to June 16th, or, if there is no basis for such an average because there has not been 8 months of usage, for usage in excess of 15,000 gallons per month. For each 1,000 gallons of excess use the water charge set out in subparagraph (b) shall be increased by 50%. The excess use fee for



irrigation meters shall be calculated in the same manner as for non-residential customers except that the average monthly usage for the 8 months proceeding June 16th shall be calculated using the water usage for the utility account associated with the separate irrigation meter. If it is not possible to calculate such an average because there has not been 8 months of water usage, the irrigation water usage shall be subject to an excess use fee for all usage for each 1,000 gallons of water use in excess of 200% of the water usage for the utility account associated with the irrigation meter.

(e) The governing body shall conduct an annual review of the financial condition of the City's water utility on or before ~~January~~ **March** 31st of each year in order to evaluate the need for any adjustment to the current water charges. Such review shall be held during a council meeting open to the public. If, on or before ~~January~~ **March** 31 of each year, the governing body takes action to adjust the current water charges, such adjustment shall go into effect for any charges yet to be billed to customers. If the governing body takes no action on or before ~~January~~ **March** 31 of each year, the current water charges shall be increased by 3% effective for any charges yet to be billed to customers. After its annual review, the governing body may, by motion made and adopted at a city council meeting, announce its intention that charges shall remain the same ~~for the following year~~ and such a motion shall be considered action which negates the automatic percentage increase set out herein ~~for the following year~~.

SECTION 2. Section 15-419 of the Municipal Code of the City of Park City, Kansas is hereby amended to read as follows:

"15-419 SEWER SERVICE CHARGE; SCHEDULE OF CHARGES; RATES. Each user of the sewerage system within the corporate limits of the City shall pay for the use of such system the monthly charge set forth hereinafter according to the following classification and schedule:

(a) Residential A monthly base charge as determined from time to time by the governing body for 3,000 or fewer gallons of water consumption per month and an additional monthly charge as determined from time to time by the governing body for each additional 1,000 gallons of water consumption or portion thereof over the first 3,000 gallons of consumption. Water usage shall be based on the average of the annual January, February and March water usage records for each customer. However, customers experiencing an excessive water usage during the billing periods ending in January, February or March may request the average be calculated upon an alternate three month record of usage. The written request, including leak repair documentation, should be presented to the water clerk. Approval of the alternate record of usage shall be within the sound discretion of the City Clerk. New residential customers, without an established water usage history, shall be charged the monthly base charge until a January, February and



March usage record is established. The usage record for each customer shall be updated once each year and used for the next twelve (12) months.

(b) Commercial and Industrial –A monthly base charge as determined from time to time by the governing body for 3,000 or fewer gallons of water consumption per month and an additional monthly charge as determined from time to time by the governing body for each additional 1,000 gallons of water consumption or portion thereof over the first 3,000 gallons of consumption.

(c) The governing body shall conduct an annual review of the financial condition of the City’s sewer utility on or before ~~January~~ **March** 31st of each year in order to evaluate the need for any adjustment to the current sewer charges. Such review shall be held during a council meeting open to the public. If, on or before ~~January~~ **March** 31 of each year, the governing body takes action to adjust the current sewer charges, such adjustment shall go into effect for any charges yet to be billed to customers. If the governing body takes no action on or before ~~January~~ **March** 31 of each year, the current sewer charges shall be increased by 3% effective for any charges yet to be billed to customers. After its annual review, the governing body may, by motion made and adopted at a city council meeting, announce its intention that charges shall remain the same ~~for the following year~~ and such a motion shall be considered action which negates the automatic percentage increase set out herein ~~for the following year~~.

SECTION 3. The originals of Section 15-224 and 15-419 of the Municipal Code of the City of Park City, Kansas, are hereby repealed.

SECTION 4. This Ordinance shall be included in the Municipal Code of the City of Park City and shall take effect and be in force from and after its publication in the official city newspaper.

ADOPTED by the governing body of the City of Park City, Kansas, on January 28, 2020, and approved and signed by the Mayor.

CITY OF PARK CITY, KANSAS

Ray Mann, Mayor

ATTEST:

Marlo Rugg, City Clerk



Agenda Item #5

Prepared By: Doug Moshier, City Attorney

Summary:

CONSIDER ADOPTION OF ORDINANCE PROHIBITING LOUD AND UNNECESSARY NOISE; ESTABLISHING EXCESSIVE NOISE LEVELS; AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

Background:

At present there is no provision of the Municipal Code which objectively establishes what noises and level of noise is prohibited in the city limits.

There are some generic provisions in the Code related to nuisances that could be applied but they rely on subjective criteria.

The proposed ordinance would establish a prohibition against loud and unnecessary noise and provisions that establish the method for measuring noise and the levels in different zoning classifications that are deemed to be a violation of the ordinance.

There are a few exceptions to the ordinance; a process for obtaining permission for the use of sound amplification equipment in connection with an event or activity.

Fiscal Impact:

None.

Staff Recommendation:

None

Attachments:

- Proposed Ordinance No. 1088-2019



THE CITY OF PARK CITY

ORDINANCE NO. 1088-2020

AN ORDINANCE CREATING CHAPTER 8, ARTICLE 12 OF THE MUNICIPAL CODE OF THE CITY OF PARK CITY, KANSAS, PERTAINING TO THE REGULATION OF LOUD AND UNNECESSARY NOISE WITHIN THE CITY LIMITS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PARK CITY, KANSAS:

SECTION 1. Section 8-1201 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1201 Loud and Unnecessary Noise Prohibited.

(a) It is unlawful for any person to make, continue or allow to be made or continued, any excessive, unnecessary, unusual or loud noise which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

(b) The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this section and are unlawful:

(1) The playing or permitting or causing the playing of any radio, radio receiving set, television, phonograph, "boom box," loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound when done in such a manner or with such volume, intensity or with continued duration so as to annoy, to distress or to disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This subsection shall not apply to persons who have written authorization for an event which includes use of such a device, or to the police or public authorities who are using such a device in the performance of their duties.

(2) Steam Whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the opening or closing of the establishment or institution, or of the time to begin or stop work, or as a warning of danger.



(3) Exhaust of Steam Engines, Etc. The discharge into the open air of the exhaust of any stationary steam engine, internal combustion engine, noise creating blower or power fans, or devices operated by compressed air, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(4) Motor Vehicles. The use of any motor vehicle, motorcycle, bus or other vehicle so out of repair or in such a manner as to create loud or unnecessary grating, grinding, rattling or other noise which shall annoy, distress or disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity.

(5) Peddlers, Hawkers, Etc. The raucous shouting, whistling, yelling, singing, hooting or crying of peddlers, hawkers, vendors before eight a.m. or after ten p.m.

(6) Loading and Unloading. The creation of loud, excessive and unreasonable noise in connection with loading or unloading any vehicle, in the opening and destruction of bales, boxes, crates and containers or in the handling of ash, trash and garbage cans, either in the loading or unloading, or the creation by improper loading of excessive and unreasonable noise by the transportation of any materials over and along streets.

(c) It shall be a defense to charges filed pursuant to subsection (a) that such noise levels did not exceed those set forth in Section 8-1203. Such measurements shall be taken in accordance with the provisions of Section 8-1202 pertaining to noise levels. It shall be the burden of the individual charged to present evidence of decibel readings obtained from properly calibrated testing equipment operated by an individual trained to operate such equipment. Such evidence shall be submitted to the city prosecutor no later than seven days prior to the trial date of any complaint. Failure to submit such evidence to the city prosecutor will waive any such defense.”

SECTION 2. Section 8-1202 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1202 Classification and measurement of noise.

For the purposes of determining and classifying any noise from a fixed, stationary source as loud, unusual or unnecessary as declared to be unlawful and prohibited by Section 8-1201(a), the following test measurements and requirements may be applied:

(a) Noise occurring within the jurisdiction of the city shall be measured at a distance of at least twenty-five feet from a noise source if located within the public right-of-way, and if the noise source is located on private property or property other



than the public right-of-way, at least twenty-five feet from the property line of the property on which the noise source is located.

(b) (1) The noise shall be measured on the "A" weighing scale on sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.

(2) For purposes of this section, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five miles per hour, or twenty-five miles per hour with a wind screen.

(3) In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.”

SECTION 3. Section 8-1203 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1203 Excessive noise levels.

(a) A noise measured or registered as provided herein from any source not exempted by this chapter at a level which is equal to or in excess of the db(A) established for the time period and zones listed below or that exceeds the background level by five db(A), whichever is greater, is declared to be excessive, unusual, loud and unnecessary, for the purposes of Section 8-1201(a):

Zone	8:00 a.m. to next 10:00 p.m.	10:00 p.m. to next 8:00 a.m.
Residential	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light industrial	70 db(A)	<u>65</u> db(A)
Industrial	80 db(A)	75 db(A)
Parks	60 db(A)	55 db(A)



Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares, and is established by measuring the noise level over a fifteen-minute period of time.

(b) For purposes of this section, the aforementioned zones shall be defined as follows:

(1) "Residential" means an area of single or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple unit dwellings, high-rise apartment districts and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office development, but it may not include retail shopping facilities. "Residential" zone includes educational facilities, hospitals, nursing homes and similar institutions.

(2) "Commercial" means an area where offices, clinics and the facilities needed to serve them are located; an area with local shopping and service establishments located within walking distances of the residents served; a tourist-oriented area where hotels, motels and gasoline stations are located; a large integrated regional shopping center; a business trip along a main street containing offices, retail businesses and commercial enterprises; a central business district; or a commercially dominated area with multiple unit dwellings.

(3) "Light industrial" means an area containing clean and quiet research laboratories, an area containing light industrial activities which are clean and quiet; an area containing warehousing; or an area in which other activities are conducted where the general environment is free from concentrated industrial activity.

(4) "Industrial" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity, but shall not include agricultural operation.

(5) "Parks" means any public park, recreational facility or other property under the ownership, jurisdiction or control of the City of Park City.

(7) Adjacent Zones. When a noise source can be measured from more than one zone, the permissible sound level of the more restrictive zone shall govern."



SECTION 4. Section 8-1204 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1204 Exceptions.

The following activities, so long as they are conducted in daytime hours as a normal function of a permitted use and the equipment is maintained in proper working condition, are excepted from the provisions of this chapter:

- (a) Lawn maintenance;
- (b) Repair of personal use vehicles.”

SECTION 5. Section 8-1205 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1205 Application for One-Time Use of Sound Amplification Equipment.

To receive written authorization for the use of sound amplification equipment as permitted under 8-1201(b)(1), a person must complete and file an application for such authorization with the City on a form approved by the City. The applicant must provide the following information:

- (a) The type of proposed event or activity;
- (b) The number of participants for the proposed event or activity;
- (c) The location, including street address of the area to be utilized for the activity;
- (d) The date or dates and specific times for the activity;
- (e) The plans for sound control and sound amplification, including the number, location and power of amplifiers and speakers.
- (f) The name, address and phone number of the party responsible for the event.”

SECTION 6. Section 8-1206 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:



“8-1206. Review process.

(a) In determining if written authorization should be granted as allowed by 8-1201 (b)(1) the following factors are to be considered by the City Administrator or his or her designee:

- (1) The volume of the noise;
- (2) The volume of the existing background noise, if any;
- (3) The zoning of the area within which the noise emanates, as well as where the noise can be heard;
- (4) The time of the day or night the noise occurs;
- (5) The duration of the noise.

(b) No authorization may be issued for the use of sound amplifiers, loud speakers or other similar devices between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Thursday and the hours of 11:00 p.m. and 8:00 a.m. on Friday and Saturday.

(c) No authorization may be issued for noise levels in excess of eighty (80) db (A)."

SECTION 7. Section 8-1207 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1207 Appeal.

Any person denied written authorization for the use of sound amplification devices shall have a right of appeal from the denial to the City Council by filing a written request therefor with the City Clerk. The notice of appeal must be filed with the City Clerk within ten days of the denial of such application and shall be heard at the next regularly scheduled City Council meeting."

SECTION 8. Section 8-1208 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1208 Enforcement.



The provisions of this Article may be enforced by any member of the police department of the City of Park City, Kansas, including any Code Enforcement Officer.”

SECTION 9. Section 8-1209 of the Municipal Code of the City of Park City, Kansas is hereby created to read as follows:

“8-1209 Penalty.

Any person who violates any of the provisions of this section within the corporate limits of the city is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars or be imprisoned in jail for a period not to exceed six months, or by both such fine and imprisonment. Each day a violation is committed or permitted to continue shall constitute a separate offense.”

SECTION 10. This Ordinance shall be included in the Municipal Code of the City of Park City and shall take effect and be in force from and after its publication in the official city newspaper.

ADOPTED by the governing body of the City of Park City, Kansas, on _____, 2020 and approved and signed by the Mayor.

ATTEST:

CITY OF PARK CITY, KANSAS

Marlo Rugg City Clerk

Ray Mann, Mayor



Prepared By: Doug Moshier, City Attorney

Agenda Item #7

Summary:

CONSIDER CHARTER ORDINANCE REMOVING RESIDENCY REQUIREMENT FOR NON-ELECTED OFFICIALS

Background:

Currently, Charter Ordinance No. 31-2010 requires that all officers of the City, either elected or appointed, shall be qualified electors of the City (residency in the City is an element of being a qualified elector), except for the city clerk, city attorney, municipal judge and law enforcement officers when deemed necessary by the council.

The proposed Charter Ordinance would remove the requirement that non-elected officers of the City be qualified electors (residents) of the City.

Fiscal Impact:

None.

Staff Recommendation:

None.

Attachments:

- Proposed Charter Ordinance No.C40-2020



(First Published in the Ark Valley News on _____, 2020
Subsequently Published therein on _____, 2020)

CHARTER ORDINANCE NO. 40-2020

**A CHARTER ORDINANCE EXEMPTING THE CITY OF PARK CITY, KANSAS,
FROM CERTAIN OF THE PROVISIONS OF K.S.A. 14-205 RELATING TO
RESIDENCY REQUIREMENTS FOR NON-ELECTED OFFICERS OF THE
CITY AND REPEALING CHARTER ORDINANCE 31-2010.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PARK CITY, KANSAS, AS
FOLLOWS:**

SECTION 1. The City of Park City, Kansas, a City of the Second Class, by the power vested in it by Article 12, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 14-205 as they relate to the residency requirements for non-elected officers of the city.

SECTION 2. All officers elected shall be qualified electors of the city. The removal from such city of any officer required to be a qualified elector shall occasion a vacancy in such office. The clerk shall enter every appointment to office, and the date thereof, on a journal of proceedings. The council may require all city officers, elected or appointed, to take and subscribe an oath and give bonds and security for the faithful performances of their duties.

SECTION 3. Charter Ordinance 31-2010 is hereby repealed.

SECTION 4. This ordinance shall be published once a week for two consecutive weeks in the official city newspaper.

SECTION 5. This is a Charter Ordinance which shall take effect sixty-one (61) days after its final publication unless a sufficient petition for referendum is filed and a referendum held on the ordinance as provided by Article 12, Section 5, subdivision (c)(3) of the Constitution of the State of Kansas, in which case the Ordinance shall become effective if approved by a majority of the electors voting thereon.

PASSED and ADOPTED this 28th day of January, 2020 with at least six (6) members of the governing body voting in favor thereof.

APPROVED by the Mayor this 28th day of January, 2020.

Ray Mann, Mayor

ATTEST:

Marlo Rugg City Clerk