

CITY OF OGDEN

222 Riley Ave. P.O. Box C
(785) 539-0311
Ogden, Kansas 66517

AGENDA

MAY 4, 2016

1. Approval of Agenda.
2. Approval of Minutes.
3. PUBLIC HEARING: Determining whether structures located at 210 & 212 10th Street, in the City of Ogden, Riley County, Kansas should not be condemned and ordered repaired or demolished as unsafe and dangerous structures.
4. Hearing and adoption of proposed amendments to the Mixed Use Zoning Regulations.
 - A. Angela Schnee, Zoning Administrator, Presentation of proposed amendments to the Mixed Use Zoning Regulations.
 - B. Jimmy Bond, Input on proposed amendments to Mixed Use Zoning Regulations.
 - C. Adopt Ordinance No. 713 An ORDINANCE AMENDING THE TEXT OF CERTAIN PROVISIONS RELATED TO THE MIXED USE ZONING(MU) DISRICT IN THE ZONING REGULATIONS OF THE CITY OF OGDEN KANSAS.
5. Proposal from Hickman Environmental Services for Cimarron Trail Lift Station modifications.
6. Proposal from Brooks Yamaha on Hustler mower trade-ins.
7. Bills of the Month.

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8. City Foreman: Misc. Items.

9. City Attorney: Misc. Items.

10. City Clerk: Misc. Items.

11. Mayor & Council: Misc. Items.

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May 04, 2016

The Regular Meeting of the Governing Body for the City of Ogden was scheduled on Wednesday, May 04, 2016 at 7:00 p.m.

The meeting was called to order at 7:00 p.m.

The following members were present: Roger Graham, Ken Carroll, Ed Burch, Eladio Reid and Mayor Pence. Attorney Irvine was present. Jim Arp was not present.

Mayor Pence invited the public to present comments to the Governing Body.

Mayor Pence requested that the Water Tower Project be placed on the current Agenda between Agenda Items # 6 and #7.

Approval of Agenda:

Burch moved to approve the Agenda with the addition of the Water Tower Project. Seconded by Reid. Motion carried.

Approval of Minutes:

Carroll moved to approve the minutes from the 04 /20/16 Council Meeting. Seconded by Burch. Motion carried.

PUBLIC HEARING: Determining whether structures located at 210 & 210 10th Street, in the City of Ogden, Riley County, Kansas should not be condemned and ordered repaired or demolished as unsafe and dangerous structures.

Mayor Pence opened the Public Hearing.

Angela Schnee, Building Inspector presented the Council with a report on the history of what actions have been taken to date as well as current photos.

Schnee commented that she would like to see the building condemned to prevent anyone from occupying the building until the sewer defects were fixed. She commented that she is not recommending that the building be demolished.

Schnee commented that there are different courses of action that could be taken by the Governing Body.

1. If the property is deemed unsafe or dangerous. Pass a Resolution stating the findings of the Governing Body as to the condition of 210 & 212 10th Street and direct that the structures be repaired or removed and premises made safe.
2. If the property is deemed unsafe or dangerous. Continue the hearing to a later date and direct Attorney Irvine to draft a formal Resolution stating the findings of the Governing Body that the structures be repaired or removed and the premises made safe.

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3. Continue the Hearing to a later date to allow for additional evidence needed to make a determination on the condition of the property.
4. If it is determined that the property is not dangerous. No further action is needed.

Mayor Pence ask if there was anyone from the public who had any comments. There were none.

Burch moved that the property be deemed unsafe and dangerous and that the Public Hearing be continued until May 18, 2016 and to direct Attorney Irvine to draft a Resolution stating the findings of the Governing Body. Seconded by Graham. Motion carried.

Hearing and adoption of proposed amendments to the Mixed Use Zoning Regulations.

- A. Angela Schnee, Zoning Administrator, Presentation of proposed amendments to the Mixed use Zoning Regulations.

Schnee presented the Council with a Memo outlining the History of the Mix Use Zone along the Riley Avenue corridor.

Schnee commented that on April 11, 2016 a Public Hearing was held before Planning and Zoning Commission and they unanimously voted to recommend the proposed amendments to the Mixed Use Zoning Regulation.

- B. Jimmy Bond, tenant 104 South Walnut, Input on proposed amendments to Mixed Use Zoning Regulations.

Bond commented that this particular residence has stood empty for quite a number of years and this change creates problems by devaluing the property. He commented that if an individual has a residential property that he or she can draw on both the residential market and commercial market for revenue it makes it more valuable. He commented that it makes the property more valuable if it's not restricted to one or the other.

Rahim Borhani, owner 104 South Walnut.

Borhani commented that he has owned the property since 2003 and it has always been residential property. He commented that Mr. Bond approached him and wanted to rent it and use it for a Hair Salon. He commented that initially the City told him that he couldn't use it as a hair salon and then in December of 2015 told him he could have it as a business and go back to residential if he chose to do so. He commented that with the proposed changes he would not be able to do that. He commented that he has spent between \$3,000- \$5,000 in renovations to the property. He commented that if the property doesn't make it as commercial he would like to change it back to residential and rent it.

- C. Adopt Ordinance No. 713 AN ORDINANCE AMENDING THE TEXT OF CERTAIN PROVISIONS RELATED TO THE MIXED USE ZONING (MU) DISTRICT IN THE ZONING REGULATIONS OF THE CITY OF OGDEN KANSAS.

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Schnee commented that section 22-101 would be amended by adding: *once a structure use is converted from residential to commercial, the use of such structure shall not be returned to residential.*

Schnee commented that in section 22-201(a) would be amended by adding: *However, in the event that a residence, building or structure, or any portion thereof, which is lawfully used for residential purposes, is converted from residential use to commercial use, the residence, building or structure, or converted portion thereof, shall not thereafter be used for residential purposes or uses.*

Schnee commented that the Council has four options with regards to the proposed amendments.

1. Approve
2. Send back to the Planning Commission.
3. Do nothing.
4. Change them.

Reid moved to table the consideration of Ordinance No. 713 until the next Council Meeting. Seconded by Graham. Motion carried.

Proposal from Hickman Environmental Services for Cimarron Trail Lift Station modifications.

Burch moved to authorize the expenditure in the amount of \$2,500 to Hickman Environmental Services to do modifications to the Cimarron Trail Lift Station. Seconded by Reid Motion carried.

Proposal from Brooks Yamaha on Hustler mower trade-ins.

Ward Nations, City Foreman presented the Council with a proposal to trade- in the City's two 2012 70 inch cut Hustler mowers for one 2016 70 inch and one 2016 104 inch Hustler mower for a cost to the City of \$25,424.23.

Carroll moved to approve the expenditure of \$25,424.23 for the purchase of the two Hustler mowers. Seconded by Burch. Motion carried.

Water Tower Project.

Attorney Irvine commented the Water Tower renovation project should be starting June 1st and lasting a month and that AT&T has agreed to pay the City \$25,000 to leave their equipment up during the process.

He commented that Sprint would need to take their equipment down and may need to use part of the adjacent property owner's property to place their equipment. Still has agreed to lease that property for \$833.00 a month.

Attorney Irvine requested permission to prepare agreements for both situations.

Burch moved to allow Attorney Irvine prepare agreements for the AT&T and Sprint/Still situations. Seconded by Carroll.

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Mayor Pence presented color options for the water tower.

Carroll moved to paint the water tower, *tank white* and the Ogden logo, *pond blue*.
Seconded by Burch. Motion carried.

Bills of the Month.

Burch commented that he has reviewed the bills of the month and found them to be acceptable.

City Foreman: Misc. Items.

Nations commented that the Mayor and himself conducted interviews for Summer Seasonal Help and recommended hiring William Mackie and Dakota Garner.

Burch moved to allow Nations to hire the Mackie and Garner and if either of the two didn't work out that he would be authorized to hire their replacement. Seconded Reid. Motion carried.

City Clerk: Misc. Items.

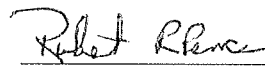
Clerk commented that Pat Cox BG Consultants has requested a Work Session to discuss Riley Ave Revitalization and Infrastructure improvements

Burch moved to Schedule a Work Session with Pat Cox for 5/10/16 at 6:00p.m. at City Hall. Seconded by Reid. Motion carried.

Burch moved to adjourn the meeting. Seconded by Reid. Motion carried.

Time 9:10 p.m.

David C. Ward
City Clerk



Mayor