

**MINUTES OF THE GOVERNING BODY OF  
THE CITY OF PARK CITY, KANSAS  
COUNCIL CHAMBERS – 1941 E. 61<sup>st</sup> STREET NORTH  
January 28, 2020**

**ROLL CALL**

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

Also present: Mayor Ray Mann, 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. City Administrator Sean Fox was absent.

**VISITORS**

Taylor Messick, Ark Valley News  
Terry Ford  
Kay Word  
Mary Ondrejko  
Kari Miner  
Stephanie Hiss  
Katie Harris  
David Oldham  
Carol Jones  
Melvin Jones

**MEETING CALLED TO ORDER**

The meeting was called to order by Mayor Ray Mann at 7:00 pm. Council Member George Glover gave the invocation, and Council Member Brandi Baily led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Council Member John Lehnherr moved to approve the agenda as presented. Council Member Jim Schroeder seconded the motion. Motion carried 8-0.

**AWARDS & PRESENTATIONS**

**PUBLIC FORUM**

**STAFF REPORTS**

Assistant City Administrator Dana Walden referenced the City Administrators report that was provided in the packet. Ms. Walden stated the bridge at Hydraulic and 69<sup>th</sup> Street is now open. She stated the bridge on 61<sup>st</sup> Street is still on schedule. Ms. Walden stated Spyglass reported a cost savings of \$5,776.68 and the breakdown of savings was provided in the report. She stated the closing of the Shellenberger property closed on January 23, 2020. Ms. Walden stated the Exterior Grant Program is in operation and information

can be found on City's Facebook, website, and in the Post. She gave an Economic Development and Incentive Policy update. Ms. Walden stated the Greater Wichita Partnership Board approved policy recommendations and expects staff to bring our policy to Council in late February or early March. She stated the 53<sup>rd</sup> Street lift station's main pump failed within the first two weeks and three weeks later the secondary pump failed as well. Ms. Walden stated JCI, the contractor, has been notified and is working on the issues. She stated that staff 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 53<sup>rd</sup> Street to the West of and running alongside of Primrose from 53<sup>rd</sup> to Chisholm creek diversion. Ms. Walden stated 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.

Council Member John Lehnherr asked for the estimated completion date of the 61<sup>st</sup> Street bridge. Ms. Walden stated it was June or July. Mr. Lehnherr asked if information about the sump pump discharge ordinance been posted or sent out to City residents. Ms. Walden stated staff will follow up with that information in the next City Administrator's report.

Council Member Melvin Kerr asked about lights on the water tower on 85<sup>th</sup> Street. Ms. Walden stated staff would check up on the lights. Mr. Kerr reported the sign on 53<sup>rd</sup> Street was out of order. Ms. Walden stated staff is aware of the problem and is working on repairing the sign.

#### **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.

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

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

#### **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.**

City Attorney Doug Moshier stated that 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 Jan 31st of each year. He stated staff cannot provide meaningful data to the Council before January 31<sup>st</sup> each year. Mr. Moshier stated the amendment changes the date to March 31<sup>st</sup> of each year which will provide ample time to provide data for Council to review the utility rates. He stated changes were also made to these sections that would permit adjustment of rates during the year between required reviews. Mr. Moshier stated flexibility would be important in the event of significant unforeseen events affecting revenue or requiring major capital improvement projects.

Council Member Ben Saucedo 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 Jim Schroeder seconded the motion.

**Roll Call**

Council Member John Lehnherr	Yes	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

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

City Attorney Doug Moshier stated presently there is no provision of the Municipal Code which objectively establishes what noises and level of noise is prohibited in the city limits. He stated there are some generic provisions in the Code related to nuisances that could be applied but they rely on subjective criteria. Mr. Moshier stated the proposed ordinance would establish a prohibition against loud and unnecessary noise and establishes the method for measuring noise and the levels in different zoning classifications that are deemed to be a violation of the ordinance. He stated 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.

Park City resident Kay Ward stated she supported the noise ordinance.

Park City resident Mary Ondrejko stated she supported the ordinance as well. She stated music is being played past midnight and can be heard inside her home with the windows shut.

Park City resident Stephanie Hiss asked what the noise ordinance states. Mr. Moshier gave a brief summary of the ordinance.

Park City resident Katie Harris stated she supported the proposed ordinance. She stated it is hard to maintain a bedtime schedule for her child when the noise is so loud.

A discussion ensued about how Code Enforcement would enforce this ordinance and how they would measure the noise. Council also stated their concerns on how this would affect 81 Speedway, Jeeps, and the firearms range.

Council Member George Capps 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 Brandi Baily seconded the motion.

**Roll Call**

Council Member John Lehnherr	No	Council Member Tom Jones	No
Council Member George Glover	Yes	Council Member George Capps	Yes
Council Member Ben Saucedo	No	Council Member Brandi Baily	Yes
Council Member Melvin Kerr	No	Council Member Jim Schroeder	Yes
Mayor Ray Mann	Yes		

Council Members Tom Jones and Ben Saucedo stated they support the ordinance and would like to have it amended with some exceptions.

**6. DISCUSS AND CONSIDER ELECTION OF COUNCIL PRESIDENT**

Council Member Brandi Baily nominated Tom Jones as Council President.

Council Member Melvin Kerr nominated Ben Saucedo as Council President.

Council Member George Capps moved to second the nominations of Ben Saucedo and Tom Jones.

Mayor Ray Mann asked for a show of hands for the nomination of Council Member Tom Jones as Council President. Motion carried 4-4.

Mayor Ray Mann asked for a show of hands for the nomination of Council Member Ben Saucedo as Council President. Motion carried 4-4.

Council Member Ben Saucedo changed his vote for the nomination of Council Member Tom Jones as Council President. Motion carried 5-3.

**7. DISCUSS AND CONSIDER CHARTER ORDINANCE EXEMPTING RESIDENCY REQUIREMENTS FOR NON-ELECTED OFFICERS**

City Attorney Doug Moshier stated Charter Ordinance 31-2010 requires all non-elected officers of the City, either elected or appointed, to 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. He stated the proposed Charter Ordinance would remove the requirement that non-elected officers of the City be qualified electors (residents) of the City. Mr. Moshier stated the Personnel Policy states the City Administrator is required to be a resident of the City.

Mayor Ray Mann stated for retention and the ability to recruit quality people in the position of City Administrator, Council should remove the City from the State Statute and let the Council have the supreme authority on the requirement of residency.

Park City resident Carol Jones stated her opposition on changing the charter ordinance.

Park City resident David Jones stated he did not support the change in the charter ordinance.

A discussion ensued with a conflict of opinion among the Council Members. No action was taken.

**GOVERNING BODY REPORTS**

**Mayor's Remarks**

None.

**Remarks by Council Members**

Council Member Jim Schroeder thanked the citizens for coming to voice their concerns.

Council Member Brandi Baily stated she would like Council and staff to create a mission statement, vision statement, and values. She stated she would like the City to have a tag line too.

Council Member George Capps stated he and Council Member Tom Jones attended the Local Government Day in Topeka. Mr. Capps stated the day was very informative.

Council Member Tom Jones stated he heard the Sedgwick County Sheriff speak about jail conditions and mental health issues in the county jail at a Criminal Justice Coordinating Council meeting. He stated he also attended a passenger rail committee meeting.

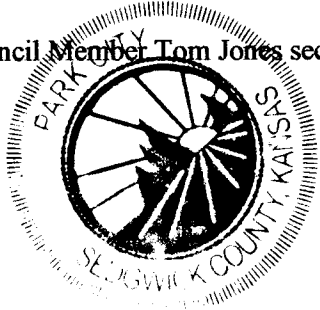
Council Member Ben Saucedo stated lots are for sale in High Ridge 2<sup>nd</sup> Addition.

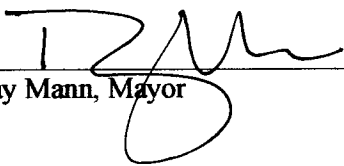
Council Member George Glover stated he looked forward to the Council retreat on Saturday. He stated there is a new walk in clinic in Park City and advised citizens to use the clinic as a closer option rather than a hospital.

**ADJOURN**

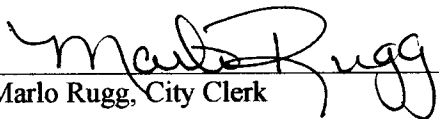
Council Member John Lehnerr moved to adjourn the meeting at 8:45 pm.

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



  
Ray Mann, Mayor

Attest:

  
Marlo Rugg, City Clerk

The foregoing minutes were considered at the February 11, 2020 meeting and approved with the following amendment None.

The vote to approve the minutes 7-0.