

# City of Arkansas City

## Board of City Commissioners

### Agenda

Regular Meeting

Tuesday, June 4, 2013 @ 5:30 PM

City Commission Room, City Building – 118 W. Central – Arkansas City, Ks

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#### **I. Routine Business**

1. Roll Call
2. Opening Prayer and Pledge of Allegiance
3. Additions or Deletions to the Agenda
4. Approval of the Agenda (Voice Vote)
5. Recognition of Visitors

#### **II. Awards and Proclamations**

#### **III. Consent Agenda (Voice Vote)**

1. Approval of May 21, 2013 regular meeting minutes as written.
2. Mayors Appointments:
  - a. Ethan Bartlett, Toni Greene – Accessibility Advisory Board

#### **IV. Old Business**

#### **V. New Business**

1. Consider first reading of an Ordinance modifying the Municipal Code of the City of Arkansas City sections 18.72.014, 18.72.040, and 18.72.060 to allow manufactured homes older than one year to be placed in residential zoned districts with certain restrictions. (Roll Call Vote)

#### **VI. Other Business**

#### **VII. City Manager Updates**

**Adjourn**



# Item for City Commission Action

## Section III Item 1

<b>Date</b> 6/4/2013	<b>Citizen/Agency Contact</b>	<b>Department/Division</b> Finance Department	<b>Staff Contact</b> Lesley Shook, City Clerk
<b>Details</b>	Consent Agenda Item - Approval of minutes from May 21, 2013 Arkansas City Commission Meeting.		
<b>Description</b> Please see attached.			
<b>Commission Options</b> 1. Approve the minutes  Recommended by Staff <u>1</u> Advisory Board _____			
<b>Fiscal Impact:</b>  Amount: N/A Fund:            Department:            Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
<b>Approved for Agenda by:</b>		 SIGNATURE	

# Arkansas City Commission Meeting Minutes

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The Arkansas City Board of City Commissioners met in regular session on Tuesday May 21, 2013, at 5:30 p.m. in the Commission Chambers at City Hall. Those present at roll call were Commissioners Chad Giles, Dan Jurkovich, and Mayor Jay Warren. Absent at roll call were Commissioners Jean Snell and Charles Tweedy III. Also present at roll call were City Attorney Tamara Niles, Finance Director Kathy Cornwell, Management Intern Taggart Wall, GIS/Planner Josh White, and City Clerk Lesley Shook.

Pastor Fry offered the opening prayer.

Mayor Warren led the pledge of allegiance.

## **Agenda Additions/Deletions and Approval**

Commissioner Giles requested to move the awards and proclamations before the museum budget presentation. Commissioner Jurkovich made a motion to move the proclamations up on the agenda as requested by Commissioner Giles. Commissioner Giles seconded the motion. Voice Vote was unanimous in favor of the motion. Mayor Warren declared the motion passed.

Commissioner Giles moved to approve the agenda as modified. Commissioner Jurkovich seconded the motion. Voice vote was unanimous in favor of the motion. Mayor Warren declared the agenda approved.

## **Awards and Proclamations**

Mayor Warren read a proclamation recognizing May 4-12, 2013 as National Tourism Week in Arkansas City, Kansas. Arty Hicks, Chairman of the Convention & Visitors Board, was present to receive the proclamation.

Mayor Warren read a proclamation declaring May 25, 2013 as National Missing Children's Day in Arkansas City, Kansas. Administrative Assistant Ashley Thorp and Police Lieutenant Eric Burr, representing the Arkansas City Police Department, were present to receive the proclamation.

## **Recogniton of Visitors**

Sandy Randel, Director Cherokee Strip Museum gave a presentation to the commission regarding the museums annual report for 2013 and budget request for 2014. Cherokee Strip Board members present at the commission meeting were Tom Bay, Kanyon Gingham, Arty Hicks, Danny Thompson, Sid Achenbach, Dotty Smith, and Mel Kuhn. Some of the highlights include: creation of a new exhibit space, recruiting bus tours, 34% increase in admission sales, 2,457% increase in membership, continued work towards completion of photo library, continued work on the Baird Living Farm exhibit, and continued work to complete the computerized inventory. Sandy noted the museum could operate on a budget of 4 mils as stand-alone and 3.5 mils with the director on the City's payroll. Commissioner Giles asked for the board to come back at the June 14<sup>th</sup> worksession at noon to present the budget again when the absent commissioners are present.

## **Consent Agenda**

Motion by Commissioner Giles and seconded by Commissioner Jurkovich that the consent agenda be approved, including the following items:

1. Approval of May 7, 2013 regular meeting minutes as written.
2. Mayors Appointments:

# Arkansas City Commission Meeting Minutes

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- a. Ron Smith, Mike Dobson – Recreation Board
  - b. Bernadine McLain, Glen Morrison – Citizens Retirement Advisory Council
  - c. Chris Meinen, Michael Weakley, James Fry – Accessibility Advisory Board
3. Memorandum of Agreement for the City of Arkansas City to provide alternate care site facilities for South Central Kansas Medical Center.

Voice vote was unanimous in favor of the motion. Mayor Warren declared the consent agenda approved.

## New Business

### **Interlocal Agreement County Wide Emergency Communications System Ordinance No. 2013-05-4334**

City Clerk Shook presented for first read an Ordinance authorizing the City, in conjunction with Cowley County, and the City of Winfield, to enter into an Interlocal agreement for emergency communications for the orderly unification and operation of a county-wide emergency communications system. Management Intern Wall noted this item formalizes the agreement with Cowley County and the City of Winfield. It provides for a 911 governing body, who will direct the program, and how the budget is set. It was noted the City of Winfield has already approved the Interlocal agreement. Following discussion, Commissioner Giles made a motion to approve the Ordinance authorizing the City, in conjunction with Cowley County, and the City of Winfield, to enter into an Interlocal agreement for emergency communications for the orderly unification and operation of a county-wide emergency communications system. Commissioner Jurkovich seconded the motion. Mel Kuhn, 521 W. Kansas Avenue, asked for clarification as he heard this agreement would require a 1 to 2 1/2 mill increase for operation of the consolidated 911 system. Neither Commissioner Giles nor Mayor Warren was aware of this being correct but couldn't speak for what the county has plans for. Roll call vote resulted in three ayes and no nays. Mayor Warren declared the ordinance adopted and given Ordinance No. 2013-05-4334.

### **Temporary Cereal Malt Beverage Application Chamber of Commerce June 12, 2013**

City Clerk Shook presented for consideration approval of a temporary cereal malt beverage application received from the Arkansas City Chamber of Commerce for the location at 108 S. Summit Street for June 12, 2013. Management Intern Wall noted this will authorize the Chamber to sell cereal malt beverages for the Bike Across Kansas event on June 12, 2013 from 11 a.m. to 7 p.m. Following discussion, Commissioner Jurkovich made a motion to consider approval of a temporary CMB application received the Arkansas City Chamber of Commerce for the location of 108 S. Summit Street on June 12<sup>th</sup>. Commissioner Giles seconded the motion. Voice Vote was unanimous in favor of the motion. Mayor Warren declared the motion passed.

### **Comprehensive Fee Update Resolution No. 2013-05-2828**

City Clerk Shook presented for consideration a Resolution updating the comprehensive fee schedule. Management Intern Wall noted this was a housekeeping issue and makes a few modifications to the comprehensive fee schedule by fixing incorrect codes. Following discussion, Commissioner Giles made a motion to approve a resolution updating the comprehensive fee schedule. Commissioner Jurkovich seconded the

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motion. Voice Vote was unanimous in favor of the motion. Mayor Warren declared the resolution adopted and given Resolution No. 2013-05-2828.

## **Zoning Change/Accessory Building Ordinance No. 2013-05-4335**

City Clerk Shook presented for first read an Ordinance addressing changes in zoning for accessory buildings per request from Planning Commission. GIS/Planner Josh White noted this ordinance will change the requirements for a special use permit for accessory buildings. Current wording in municipal code is any garage for more than four cars and covering more than 900 square feet in a residential district requires a special use permit and requires approval by the board of zoning appeals. The board of zoning appeals requested, and the planning commission has approved, a slight modification for places that are larger than 2 acres. The proposed wording is a special use permit would be required for a garage in a residential district that is 900 square feet on a lot less than 2 acres or 1,500 square feet on a lot larger than 2 acres. Following discussion, Commissioner Jurkovich made a motion to consider an ordinance addressing changes in zoning for accessory buildings per request from the Planning Commission. Commissioner Giles seconded the motion. Roll call vote resulted in three ayes and no nays. Mayor Warren declared the ordinance adopted and given Ordinance No. 2013-05-4335.

## **Repeal Charter Ordinance No. 19 Relating to Libraries**

City Clerk Shook presented for first read a Charter Ordinance of the City of Arkansas City, Kansas, repealing Charter Ordinance No. 19 and exempting such City from the provisions of KSA 12-1220 relating to Libraries, and providing substitute and additional provisions relating thereto. Management Intern Wall noted the library has made a request to increase the library mill levy from 6 to 7 mills. Finance Director Kathy Cornwell discussed the city's revenue sources to the general fund and Intern Wall discussed its breakdown of the mill levy allocation into various departments. In preparation for the 2013 budget year, the budget published authorized \$321,200 for the Library and including neighborhood revitalization money, it would be \$325,000. Due to the high tax delinquency rate in Arkansas City, the budget was set higher to accommodate this rate so the Library was given more money than planned. Library Director Dalene McDonald noted there was an error in communicating to the Library what the final budget would be. It was off by approximately \$40,000 to \$50,000 dollars leaving a shortfall and without additional funding some programs, materials, or hours will have to be cut. Management Intern Wall noted there are some provisions that would allow the city to make some contributions to the library for capital outlay which would be outside of the mil levy. City Attorney Niles stated that a charter Ordinance needs a two-thirds majority vote to pass. At this time during the meeting, Commissioner Snell was called by phone and was updated on the discussion currently taking place. Commissioner Jurkovich made a motion to consider a Charter Ordinance of the City of Arkansas City, Kansas, repealing Charter Ordinance No. 19 and exempting such City from the provisions of KSA 12-1220 relating to Libraries, and providing substitute and additional provisions relating thereto which would have the ability to raise the Library mill levy up to 7 at the next budget. Motion died for lack of a second. Mayor Warren declared the motion failed.

## **Adjournment**

Commissioner Giles moved to adjourn. Commissioner Jurkovich seconded the motion. Voice vote was unanimous in favor of the motion. Mayor Warren declared the meeting adjourned.

# Arkansas City Commission Meeting Minutes

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THE ARKANSAS CITY  
BOARD OF CITY COMMISSIONERS

\_\_\_\_\_  
Mayor Jay Warren

ATTEST:

\_\_\_\_\_  
Lesley Shook  
City Clerk

DRAFT



# Item for City Commission Action

## Section III Item 2

<b>Date</b> 6/4/2013	<b>Citizen/Agency Contact</b>	<b>Department/Division</b> Mayor's Office	<b>Staff Contact</b> Jay Warren
<b>Details</b>	Consent Agenda Item - Mayors Appointments		
<b>Description</b> The mayor will recommend the following appointments:  1. Ethan Bartlett, Toni Greene - Accessibility Advisory Board			
<b>Commission Options</b> 1. Approve the appointments  Recommended by Staff <u>1</u> Advisory Board _____			
<b>Fiscal Impact:</b>  Amount: N/A  Fund:                      Department:                      Expense Code:  <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds  <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
<b>Approved for Agenda by:</b>			
		SIGNATURE	



# Item for City Commission Action

## Section V Item 1

<b>Date</b> 6/4/2013	<b>Citizen/Agency Contact</b>	<b>Department/Division</b> GIS/Planner Public Works	<b>Staff Contact</b> Josh White
<b>Details</b>	Consider first reading of an Ordinance modifying the Municipal Code of the City of Arkansas City sections 18.72.014, 18.72.040, and 18.72.060 to allow manufactured homes older than one year to be placed in residential zoned districts with certain restrictions. (Roll Call Vote)		
<b>Description</b> <p>The City Commission requested changes to the Mobile Home Conditional Use Permit procedures due in part to a recent application for a mobile home older than 1 year old. The request was to consider extending this time frame to 3-5 years. Staff reviewed regulations from other cities and determined that 3 years would be the longest we could go. The specific changes were to section J of 18.72.060.</p> <p>J. The mobile <i>manufactured</i> home must be of new construction (within one year of the date of manufacture <i>or the date of original sale</i> to the date of the conditional use application).  <i>EXCEPTION: The owner of the manufactured home has the option of obtaining a structural evaluation from a licensed structural engineer certifying that the manufactured home meets the manufacturer's intended integrity for a new home. This would extend the age allowance to 3 years provided it passes all other inspections by the building inspector prior to obtaining a certificate of occupancy.</i></p> <p>The remainder of the modifications call for the change from mobile to manufactured homes to meet the HUD definitions.</p> <p>The Planning Commission held a public hearing on Tuesday, May 28 and voted to recommend adoption of the amendments.</p>			
<b>Commission Options</b> 1. Approve on first read 2. Table for second reading 3. Table and send back to Planning Commission for further review  Recommended by Staff <u>1</u> Advisory Board <u>1</u>			
<b>Fiscal Impact:</b>  Amount:  Fund:                      Department:                      Expense Code: <input type="checkbox"/> Included in budget <input type="checkbox"/> Grant <input type="checkbox"/> Bonds <input type="checkbox"/> Other (explain) <input type="checkbox"/>			
<b>Approved for Agenda by:</b>		 SIGNATURE	

**ORDINANCE NO. 2013-\_\_\_\_\_**

**AN ORDINANCE MODIFYING THE MUNICIPAL CODE OF THE CITY OF ARKANSAS CITY MODIFYING SECTIONS 18.72.014, 18.72.040, AND 18.72.060 TO ALLOW MANUFACTURED HOMES OLDER THAN ONE YEAR TO BE PLACED IN RESIDENTIAL ZONED DISTRICTS WITH CERTAIN RESTRICTIONS.**

**WHEREAS**, the Planning Commission of the City of Arkansas City published notice of a hearing regarding revision to sections 18.72.014, 18.72.040, and 18.72.060 of the Zoning Code on the 6th day of May, 2013 in the Arkansas City Traveler; and

**WHEREAS**, Notice of the public meeting was otherwise provided as required by Kansas law; and

**WHEREAS**, on the 28th day of May, 2013, the Planning Commission held a public hearing on the proposed amendment to sections 18.72.014, 18.72.040, and 18.72.060 of the Zoning Code; and

**WHEREAS**, on that date, the Planning Commission recommended the Governing Body adopt the revision to the Zoning Code; and

**WHEREAS**, the Governing Body desires to accept the Planning Commission's recommendation and revise the Zoning Code to allow manufactured homes older than one year to be placed in residential zoned districts with certain restrictions.

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

**SECTION ONE: AMENDMENT TO MUNICIPAL CODE**

The Governing Body of the City of Arkansas City hereby adopts the Planning Commission recommendation, and amends sections 18.72.014, 18.72.040, and 18.72.060 in the Arkansas City Municipal Code, to read as follows (new provisions in italics):

**Sec. 18.72.014. - Board of city commissioners action.**

Upon receiving the recommendation of the Planning Commission, the Board of City Commissioners may issue a conditional use permit upon making the following findings:

- A. If the public health, safety, morals and general welfare of the public will not be adversely affected;
- B. Off-street parking facilities will be provided (if applicable);
- C. Safeguards will be provided for protection of surrounding property, persons, and neighborhood values; and
- D. ~~Mobile~~ *Manufactured* homes complying with all requirements of Section 18.72.060

**Sec. 18.72.040. - Conditional uses enumerated.**

The following conditional uses may be approved by the Board of City Commissioners as provided in this Chapter. Uses (P), (Q), (S) and (W) identified with an asterisk (\*) are subject to annual review and renewal:

- A. Airports and landing fields;
- B. Circus or carnival grounds, temporary for a specified time period;
- C. Drive-in theater in a floodplain, business or industrial district and extension into an agricultural district;
- D. Dwellings in an industrial or floodplain district;
- E. Extraction, processing and removal of sand and gravel or stone;
- F. Fairgrounds;
- G. Hospitals;

- H. Office buildings in an R-4 multiple-family residential district;
- I. Nursing homes;
- J. Public or government buildings;
- K. Public utilities or public services uses, buildings, structures, or appurtenances thereto;
- L. Sanitary landfill;
- M. Sports arena or stadium;
- N. Racetrack;
- O. Amusement place consisting of coin-operated machines in a completely enclosed building with adequate off-street parking, but prohibiting the sale of food, or cereal malt or alcoholic beverages therein;
- P. \*Sole proprietor auto mechanic shop in an area zoned residential where the area abuts on at least one (1) side of property that is zoned business or industrial;
- Q. \*Nursery schools and day care centers for more than five (5) children in residential zones;
- R. ~~Mobile~~ *Manufactured* homes as governed by Section 18.72.060
- S. \*Penal rehabilitation facility as defined by Section 18.08.605 of the Zoning Code;
- T. Specialty shop as defined by Section 18.08.685 of this title located in an R-4 (multiple-family residential district) and provided such use is compatible with and can be located adjacent to or combined with residential uses without detrimental effect to the character of the neighborhood. Any advertising sign shall comply with the same regulations as applicable to home occupations as defined in Section 18.08.440 of this title.
- U. Food serving tea houses located in a residential zone and provided such use is compatible with and can be located adjacent to or combined with residential uses without detrimental effect to the character of the neighborhood. Any advertising sign shall comply with the same regulations as applicable to "home occupations" as defined by Section 18.08.440 of this title.
- V. A Bed & Breakfast facility may be established in any Residential District by Conditional Use Permit. This type of facility offers overnight accommodations and provides meals (usually a breakfast meal) to transient guests, as defined by, § 3.48.020. In addition to the material required from applicants for a Conditional Use, the regulations as defined by Section 18.08.435 are applicable.
- W. \*"Meeting Places" located in an unoccupied residential dwelling in a residential zone with adequate off street parking and provided such use is compatible with and can be located adjacent to or combined with residential uses without detrimental effect to the character of the neighborhood. Any advertising sign shall comply with the same regulations as applicable to "Home Occupations" as defined in Section 18.08.440 of this title.

**Sec. 18.72.060. - ~~Mobile~~ *Manufactured* homes.**

A conditional use permit shall govern the location of ~~mobile~~ *manufactured* homes in areas zoned R-1, R-2, R-3 and R-4; provided, that all the following requirements are met and fulfilled:

- A. The owner of the lot and the ~~mobile~~ *manufactured* home shall be one and the same.
- B. At least one (1) off-street parking space shall be provided by the owner.
- C. The ~~mobile~~ *manufactured* home must have its own individual utility meters. It must be connected directly to the sanitary sewer, water, electric and gas lines. In the event a sanitary sewer is not used, a proper septic tank must be installed.

In such an event the lot size for the ~~mobile~~ *manufactured* home must be no less than three-fourths (¾) an acre.

- D. The ~~mobile~~ *manufactured* home shall be secured to the ground by tie-downs and ground anchors of a type which have been approved under State law unless such ~~mobile~~ *manufactured* home is secured to the ground on a permanent foundation. Any such ~~mobile~~ *manufactured* home which is not secured to a permanent foundation shall be placed upon piers.
1. Piers shall be installed directly under the main frame or chassis of the mobile home. All grass and organic materials shall be removed and the pier foundation placed on stable soil. The piers shall not be farther apart than ten (10) feet on centers and the main frame, front or face of the mobile home shall not extend farther than one (1) foot beyond the centerline of the end of the piers. Each pier foundation shall consist of two (2) concrete blocks and each such block shall be eight (8) inches wide and eight (8) inches high and sixteen (16) inches long or shall be of such other material and design as approved by State law. Piers shall be constructed of either open cell or solid concrete blocks, each of which shall be in the dimensions specified in this chapter. A wood plate which is at least one (1) inch in thickness, eight (8) inches wide and sixteen (16) inches long shall be placed on top of the pier with weatherproof wood shims when needed, fitted and driven tightly between the wood plate of vertical space. Piers shall be installed perpendicular to the I-beam. All piers over thirty (30) inches in height measured from the top of the foundation to the I-beam shall be double-tiered with blocks interlocked and capped with a solid concrete block which shall be four (4) inches high, sixteen (16) inches wide and sixteen (16) inches long and cushioned with wood blocking as required. Piers shall not exceed forty-eight (48) inches in height unless designed by a registered professional engineer or architect.
- E. All ~~mobile~~ *manufactured* homes shall be skirted with material compatible to the exterior design and composition of the ~~mobile~~ *manufactured* home, and solidly attached thereto.
- F. The ~~mobile~~ *manufactured* home shall meet the standards for plumbing, heating and electrical systems as established by the American Standards Association and each shall have such approval stamped on the same.
- G. All the area and lot requirements for a single-family residence as set out in this title shall apply to a ~~mobile~~ *manufactured* home.
- H. The applicant must certify that s/he has notified the owners of property within two hundred (200) feet of the lot where the ~~mobile~~ *manufactured* home is to be located and must obtain at least one signature from the certified ownership of each parcel within 200 feet indicating their notification of the intent of the applicant to locate the ~~mobile~~ *manufactured* home and their comments on the desirability of the area as a ~~mobile~~ *manufactured* home location. In the case of multiple owners of individual properties, one signature indicating approval or objection shall be construed to represent the interests of all listed owners. A rebuttable presumption in opposition to the location of the ~~mobile~~ *manufactured* home shall be created as to any record landowner who fails to sign.
- I. In the event twenty percent (20%) or more of the properties located within two hundred (200) feet of the area proposed to be altered have owners that object to the location of the ~~mobile~~ *manufactured* home, then the permit shall not be passed except by the unanimous vote of the Board of City Commissioners.
- J. The ~~mobile~~ *manufactured* home must be of new construction (within one year of the date of manufacture or *the date of original sale* to the date of the conditional use application).

*EXCEPTION: The owner of the manufactured home has the option of obtaining a structural evaluation from a licensed structural engineer certifying that the manufactured home meets the manufacturer's intended integrity for a new home. This would extend the age allowance to 3 years provided it passes all other inspections by the building inspector prior to obtaining a certificate of occupancy.*

- K. The ~~mobile~~ *mobile manufactured* home must meet all of the following architectural standards:
  - 1. Have a minimum width of fourteen (14) feet.
  - 2. Have a minimum length of forty (40) feet and maximum length of seventy (70) feet and must be placed on the lot perpendicular to the street.
  - 3. The roof must have a minimum slope of 2:12 and be covered with residential type shingles or roof covering materials.
  - 4. Have residential type siding.
- L. Permits issued for the installation of an approved ~~mobile~~ *mobile manufactured* home shall expire 60 days from the date of issuance. All work required for the installation of the home including utility services, removal of transport tongue, support and anchorage systems, skirting and ingress/egress provisions shall be completed within 60 days of the issuance of a building permit. Failure to comply could result in the revocation of the conditional use approval.
- M. Maintenance of the ~~mobile~~ *mobile manufactured* home shall require that windows, doors, siding, roofing, skirting and all other related items are maintained in good repair and in a neat and approved manner. Failure to maintain the property may result in an inspection pursuant to the regulations of the International Property Maintenance Code, as adopted in Section 16.10 of this code, and/or the revocation of the conditional use permit.

**SECTION TWO: PUBLICATION; EFFECTIVE DATE.** This ordinance shall be published one time in the official city newspaper, and shall take effect and be in force from and after said publication.

**PASSED AND ORDAINED** by the Governing Body of the City of Arkansas City, Kansas this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Jay Warren, Mayor

ATTEST:

\_\_\_\_\_  
Lesley Shook, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Tamara L. Niles, City Attorney

**CERTIFICATE**

I, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2013-\_\_\_\_\_ of the City of Arkansas City, Kansas adopted by the City Commission on \_\_\_\_\_, 2013 as the same appears of record in my office.

DATED: \_\_\_\_\_.

\_\_\_\_\_  
Lesley Shook, City Clerk