

MINUTES
THE REGULAR MEETING OF THE ROSE HILL CITY COUNCIL
MONDAY, OCTOBER 7, 2013 – 7:00 P.M.
ROSE HILL CITY HALL/COUNCIL CHAMBERS

ACTION ITEMS:

ACTION ITEM #1: CALL TO ORDER AND ANNOUNCEMENTS

The regular meeting of the Rose Hill City Council was called to order at 7:03 p.m. by Mayor Jason Jones. Councilmembers present: Keith Carselowey, Rob Curtis and Bob Klem. Councilmembers Larry Carlson and Lionel Diamond were absent with prior notice. Administration and staff present: Kathy A. Axelson, City Administrator/City Clerk; Kirk Hayden, Public Works Director; Bob Sage, Police Chief; Kelly Mendoza, Asst. City Clerk; Richard Brown, Building Official and Andrew Marino, City Attorney. Others present: Chris Wendt, Ed Templin, Don Waller, Dave Waller, Ben Mabry, Ron Long and Ginger Golden.

ACTION ITEM #2: INVOCATION AND FLAG SALUTE (PASTOR RON LONG, ROSE HILL FIRST BAPTIST CHURCH)

Pastor Ron Long, Rose Hill First Baptist Church gave the invocation then led the flag salute.

ACTION ITEM #3: APPROVAL OF AGENDA

With copies of the 10/07/13 agenda previously distributed and before each Councilmember, the following:

MOTION (by K. Carselowey): To approve the 10/07/13 agenda. **SECOND BY R. Curtis** with MOTION PASSING 3-0.

ACTION ITEM #4: APPROVAL OF MINUTES

With copies of the 09/16/13 Regular Council Meeting minutes previously distributed and before each Councilmember, the following:

MOTION (by K. Carselowey): To approve the 09/16/13 Regular Council Meeting minutes. **SECOND BY R. Curtis** with **MOTION PASSING 1-0.** Councilmembers R. Curtis and B. Klem abstained due to being absent from meeting.

ACTION ITEM #5: CLAIMS

With copies of Appropriation Ordinance No. 19 previously distributed and before each Councilmember, the following:

MOTION (by R. Curtis): To approve the payment of claims for Appropriation Ordinance No. 19. **SECOND BY K. Carselowey** with **MOTION PASSING 3-0.**

****Recorders note: Councilmember Larry Carlson arrived at 7:08****

ACTION ITEM #6 CITIZEN REQUESTS

Ed Templin, 1627 N. Rose Hill Road, came before Council to invite them to visit the Rose Hill Historical Society to see what the town used to be like and what has happened to it today. Mr. Templin also had concerns regarding the re-zoning of the Waller Machine Shop, asking them to take into consideration that they have been here a long time.

Chief Sage came before Council to introduce Officer Michael Crowe. Michael has graduated from the Police Academy, making the Dean's list in academics and top shot in pistol. Chief noted the he is the only Rose Hill Officer to achieve 2 of the 3 goals. Chief presented Officer Crowe with the Rose Hill Challenge Coin and congratulated him.

Mayor Jones congratulated Officer Crowe noting that he represented Rose Hill very well, and welcomed him to the force.

**ACTION ITEM #7: RECEIVE PLANNING COMMISSION
RECOMMENDATION REGARDING REZONE FROM R-1 TO I-1 WITH
PROTECTIVE OVERLAY, ORDINANCE NO. 602 – CASE #Z-13-02/DON
AND DAVID WALLER, WALLER MACHINE SHOP, 1213 N. MAIN
(CINDY STONE, ZONING ADMIN.)**

Mayor introduced Cindy Stone, Zoning Administrator to give a brief case history. Cindy stated that when the Waller Machine Shop started, it was located in Butler County and was annexed into the city. The existing neighborhood built up around the business. On September 3, 1985, Ordinance 267 was approved to change the zoning on a recommendation from the Planning Commission and approval by City Council from an R-1 Single Family to an I-1 Industrial District. On May 5, 2011, new zoning regulations were adopted which changed Waller Machine Shop from industrial to residential and to be grandfathered in. On September 17, 2013, the Planning Commission held a public hearing in order to consider a change in zoning from the current R-1 Single-Family Residential District to an I-1 Industrial District subject to Protective Overlay District restrictions and conditions.

Dave Waller, 212 E. Waller came before Council stating that they had requested a zoning change from the Planning Commission to go back to an Industrial zoning. The Waller's are asking the Council to grant them the I-1 Industrial and to change 3 permitted uses that are currently not allowed on the protective overlay, which include agricultural equipment sales, repairs and storage, automobile, truck and recreational vehicle sales, repairs and storage, and construction equipment distribution, repair, sales and storage, or to do away with the protective overlay all together.

Bob Westwood, Planning Commission Chairman came before Council stating that the Planning Commission went to great lengths to identify the permitted uses, and that the overlay was put in place to protect the residents in that neighborhood.

After a lengthy discussion the following:

MOTION (by L. Carlson): To adopt the findings and factors and recommendation of the Planning Commission on Case No. Z-13-02 and to approve Ordinance No. 602. **MOTION FAILED** due to lack of a second.

MOTION (by K. Carselowey): To adopt the findings and factors and recommendation of the Planning Commission without the Protective Overlay on Case No. Z-13-02 and to approve Ordinance No. 602 without the Protective Overlay. **MOTION FAILED** due to lack of a second.

MOTION (by B. Klem): To adopt the findings and factors of the Planning Commission and to put the exemptions back in as allowable. Motion was never taken up for lack of second.

More discussion ensued regarding the language of the 3 permitted uses that are not allowed pertaining to sales and about the notification process. Zoning Administrator, Cindy Stone noted that with the new regulations and map that were adopted, State statute says that notification needs only to be in the official newspaper. Councilmember Carlson stated that the system in place is there for a reason and that the Council should back the decision of the Planning Commission.

MOTION (by L. Carlson): To adopt the findings and factors and recommendation of the Planning Commission on Case No. Z-13-02 and to approve Ordinance No. 602. **SECOND by B. Klem** with motion tied 2-2. Councilmembers Curtis and Carlson voting against. Mayor Jones broke tie voting against. **MOTION FAILS.**

MOTION (by R. Curtis): To override the Planning Commission's recommendation, approve Case No. Z-13-02, amend in detail the findings and factors supporting the motion in the Rezoning Report, attach a statement of permitted uses on Protective Overlay regarding sales of vehicles as not allowed, and amend Ordinance No. 602. **SECOND by K. Carselowey** with motion tied 2-2. Councilmembers B. Klem and L. Carlson voting against. Mayor Jones broke tie voting against. **MOTION FAILS.**

MOTION (by R. Curtis): To table Case No. Z-13-02. **MOTION FAILED** due to lack of a second.

MOTION (by L. Carlson): To adopt the findings and factors and recommendation of the Planning Commission on Case No. Z-13-02 and to approve Ordinance No. 602. **SECOND by B. Klem** with motion tied 2-2. Councilmembers Curtis and Carlson voting against. Mayor Jones broke tie voting against. **MOTION FAILS.**

MOTION (by B. Klem): To table Case No. Z-13-02 until October 21, 2013 at 7:00 p.m. in this same meeting room for more information and study. **SECOND** by R. Curtis with **MOTION PASSING 3-1** with Councilmember Carselowey voting against.

ACTION ITEM #8: PROCLAMATION: WALK/BIKE TO SCHOOL DAY – OCTOBER 9, 2013.

Mayor Jones read a Proclamation declaring Oct 9, 2013 as “National Walk/Bike to School Day” in Rose Hill, Kansas and encouraged everyone to consider the safety and health of children today and every day.

DISCUSSION ITEMS:

DISCUSSION ITEM #1: MONTHLY ENGINEER’S UPDATE: BEN MABRY, P.E.C.

Ben Mabry with P.E.C. provided the following engineer’s update:

Safe Routes to Schools – Project construction still underway.

Tanglewood and Orange Court – Currently working on design

Street Evaluation Pavement Borings – Allied labs have performed the drilling. Report and findings anticipated to be completed in the next week.

DISCUSSION ITEM #2: CITY ADMINISTRATOR’S REPORT

Kathy Axelson, City Administrator, reported on the following items:

Walk/Bike to School Day: Thank you Chief Sage for coordinating this event.

School St. Pond Trail Dedication: A small dedication ceremony of the School St. Walk/Bike Trail will be held during the picnic at the Fall Festival, Sunday, Oct. 13th. Recognition will be given to the Sunflower Foundation, Rose Hill Rec., and the City.

Westar: ReliabiliTree crews will begin door to door notification starting October 14th, more information will be available on the city website.

Strategic Plan: One on ones with the WSU staff will start October 16th. Will be talking with the Economic Class October 11th regarding Rose Hill's economic climate of the past and future.

Fall Festival: Thank you staff and Police Department for the planning and execution. The city will also have a booth at the craft fair.

Electronic Packets: Working on gathering bids for refurbished laptops

DISCUSSION ITEM #3: DEPARTMENT HEAD'S REPORTS

Bob Sage, Police Chief: Reminded Council of Homecoming Friday and of the Chaplain feed that will start @ 5:30 in the multipurpose room. Proceeds will provide help to the community. Thanked public works for the use of their training room for the Hunter's Education class, 28 were certified.

Kirk Hayden, Public Works Director: Informed Council that the lights had been installed on the dock and fountain at the pond, and a new memorial bench for Betty Woydziak had also been purchased. Kirk noted that Public Works had also participated in the clean-up day with the freshman class with proceeds going to the Child Advocacy Center.

DISCUSSION ITEM #4: MAYOR'S REPORT

Mayor Jones: Thanked Zoning Administrator, Cindy Stone and the Planning Commission for all of their hard work on the zoning case for the Waller's and thanked the Waller's for their patience stating that this is a very important decision taking two governing bodies to decide. Encouraged the public to enjoy Fall Festival and thanked everyone that was involved for their time in promoting the city.

DISCUSSION ITEM #5: COUNCILMEMBERS' REPORTS

R. Curtis: Thank you Planning Commission, appreciate all the time spent on the Waller case .Thank you to the city staff for all the work in preparing for the Fall Festival and thank you to the Public Works Department for helping the freshman class during dump day.

B. Klem: Thank you Planning Commission for all your hard work.

K. Carselowey: Enjoy Fall Festival and be safe

L. Carlson: Thank you to the Public Works Department, the ARC of Butler County is a good cause. Appreciate the Planning Commission, attended last meeting and it gave him a new insight to what they do, he also wished everyone a safe weekend.

DISCUSSION ITEM #6: ADJOURNMENT

There being no further business to come before Council, the following:

MOTION (by R. Curtis): To adjourn the meeting at 8:54 p.m. **SECOND BY K. Carselowey with MOTION PASSING 4-0.**

Respectfully submitted:

Kelly L. Mendoza, Recorder
Assistant City Clerk