

RUSSELL CITY COUNCIL MEETING
City Hall - 133 W. 8th St. - Russell, Kansas
Date: Tuesday, July 7, 2020, Time: 4:30 p.m.

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters
(A maximum of five minutes)

PRESENTATIONS AND PUBLIC HEARINGS

- 1) Water Conservation Status
- 2) Economic Development Strategic Plan
- 3) 2021 Budget – Discussion of Levying Funds

CONSENT AGENDA

- 1) Approval of June 16, 2020, Council Meeting minutes
- 2) Licenses:
 - a. Building
BH Construction, 3800 17th St, Great Bend, KS

UNFINISHED BUSINESS

- 1) US Department of Agriculture Grant – Downtown Revitalization Project

NEW BUSINESS

- 2) Resolution to Abate a General Nuisance at 148 Barbara Street
- 3) Resolution to Set a Public Hearing Date for a Dangerous Structure at 1537 N. Lincoln
- 4) Special Event Application – Russell’s Downtown Market
- 5) Change in Zoning Regulations Ordinance

DEPARTMENT REPORTS

- 1) SPARK Funds

PUBLIC COMMENTS

Members of the public are welcome to use this time to make comments about City matters
(A maximum of five minutes)

EXECUTIVE SESSION

- 1) For Matters Deemed Subject to Attorney-Client Privilege

GOVERNING BODY/CITY MANAGER COMMENTS

ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Russell will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact Katrina Woelk, City Clerk/ Finance Director, at 785.483.6311 a minimum of 48 hours before the meeting.

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June 16, 2020

**Russell City Council Meeting – Minutes
City Hall
Russell, KS**

Mayor Mader called the City Council meeting to order at 4:30 PM with the following members in attendance: Councilmembers Madden, Cross, Stoppel, Wagner, Matt Driscoll and Morrill.

The following staff members participated by virtual conference: Electric Director Duane Banks. The Following staff members were present: City Manager Jon Quinday, Assistant City Manager Kayla Schneider, Public Works Director Rich Krause, Building Official Roger Sells, Fire Chief Dylan Riedel, Police Chief Dale Weimaster, and City Clerk Katrina Woelk.

Approval of Agenda

Councilmember Madden made a motion to amend the agenda under New Business item #5 Discussion of discharge of firework. Councilmember Cross seconded. The motion carried unanimously.

Public Comments

None

Presentations and Public Hearings

1. Water Conservation Status

City Manager Quinday updated the council on the status of the City's wells and Big Creek.

2. 2021 Budget – Outside Entity Funding Requests

- a. Russell County Economic Development and CVB
- b. Western Kansas Child Advocacy – No representative
- c. Russell Main Street, Inc
- d. Russell Area Chamber of Commerce
- e. Options Domestic & Sexual Violence Services, Inc
- f. Ad Astra Music Festival – No representative

3. 2021 Budget Request – Special Revenue Funds

City Manager Quinday gave an overview of the proposed Special Revenue Funds budget.

Consent Agenda

Councilmember Cross made a motion to approve the consent agenda. Councilmember Wagner seconded. The motion carried unanimously.

Unfinished Business

1. Lease Agreement – 135 E 8th – Russell County Historical Society

Councilmember Cross made a motion to approve the Lease Agreement with changes presented between the Russell County Historical Society and the City. Councilmember Stoppel seconded. Motion carried unanimously.

2. Land and Water Conservation Fund Grant Application

Councilmember Cross made a motion to approve city staff to apply for the Land and Water Conservation Fund Grant application, all supporting statements and policies required of the grant and authorize the Mayor to sign all supporting documents required by the grant. Councilmember Wagner seconded. Motion carried unanimously.

New Business

1. Request for Non-Profit Reduction in Golf Tournament Fee – Veterans of Foreign Wars

Councilmember Madden made a motion to approve the abatement of \$200 of the tournament fee for the VFW #6240 golf tournament held on September 12, 2020. Councilmember Stoppel seconded. The motion carried unanimously.

2. Resolution for Abatement of a Nuisance Vehicle at 335 W 12th

Councilmember Cross made a motion to approve Resolution authorizing the removal of the nuisance vehicles from 335 w 12th and providing the abatement costs, if any, incurred by the city shall be charged against the lots or parcels of ground on which the nuisance vehicle is located. Councilmember Stoppel seconded. The motion carried unanimously.

3. Resolution Setting a Public Hearing Date for a Dangerous Structure at 1404 N Kansas

Councilmember Cross made a motion to approve the Resolution setting a public hearing for August 4, 2020 at 4:30pm, where the owner(s), his or her agent, and lien holders of record and any occupant of the structure(s) at 1404 N Kansas may appear and show cause why such structure(s) should not be condemned as unsafe or dangerous and ordered repaired or demolished. Councilmember Wagner seconded. The motion carried unanimously.

4. Freedom Fest Fireworks Public Display Permit

Councilmember Cross made a motion to approve the Freedom Fest Committee to have a Firework display on July 4th. Councilmember Wagner seconded. The motion carried unanimously

5. Discussion of Discharge of Fireworks

Councilmember Madden made a motion to allow the discharge of fireworks on July 3rd from 7:00am to 11:59pm. Councilmember Wagner seconded. The motion carried 5 to 1 with Councilmember Morrill opposing.

Department Reports

None

Public Comments

None

Executive Session

None

Adjournment

Councilmember Cross made a motion to adjourn the meeting. Councilmember Stoppel seconded the motion. The motion carried unanimously.

Katrina Woelk, City Clerk



City Council Agenda Form

Meeting Date: July 7, 2020
Agenda Item Title: US Department of Agriculture Grant - Downtown Revitalization Project
Department: Finance

Agenda Item Description: US Department of Agriculture Grant - Downtown Revitalization Project

Background: Staff has identified a grant through the US Department of Agriculture to help pay for the public restroom and visitors center. This grant would fund up to \$50,000. Fund raising has been taking place to fund the entire park on the piece of land that the council voted on last council meeting to lease for 99 years. The committee is close to raising all of the funds. This along with a few other grants will fully fund the project. The goal is to have the park complete before the 2021 Prairiesta.

City Attorney Review/ Comment: N/A

Funding Source: N/A

Options:

1. Allow City Staff to apply for the USDA Community Facilities Grant and authorize the Mayor to sign all documents pertaining to the grant.
2. Do nothing
3. Give City staff another direction

Staff Recommendation: Allow City Staff to apply for the USDA Community Facilities Grant and authorize the Mayor to sign all documents pertaining to the grant.

Attachment(s): Grant Application Documents

**APPLICATION FOR
FEDERAL ASSISTANCE**

Version 7/03

		2. DATE SUBMITTED 07/13/20	Applicant Identifier	
1. TYPE OF SUBMISSION: Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier KS	
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	
5. APPLICANT INFORMATION				
Legal Name: City of Russell		Organizational Unit: Department: Finance		
Organizational DUNS: 073310104		Division:		
Address: Street: PO Box 112		Name and telephone number of person to be contacted on matters involving this application (give area code)		
City: Russell		Prefix:	First Name: Katrina	
County: Russell		Middle Name		
State: KS		Zip Code 67000	Last Name Woelk	
Country: US		Suffix:		
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 48-6012826		Email: treasurer@russellcity.org		
		Phone Number (give area code) 785-483-6311	Fax Number (give area code) 785-483-4397	
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.) Other (specify) <input type="checkbox"/> <input type="checkbox"/>		7. TYPE OF APPLICANT: (See back of form for Application Types) C Other (specify)		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: TITLE (Name of Program): Community Facilities Loans & Grants		9. NAME OF FEDERAL AGENCY: 6		
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): City of Russell		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: A public restroom will be built that includes a lactation room and a foyer used as a visitors center to access information about the county.		
13. PROPOSED PROJECT Start Date: 09/01/2020 Ending Date: 05/31/2020		14. CONGRESSIONAL DISTRICTS OF: a. Applicant: KS-01 b. Project: KS-01		
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?		
a. Federal	\$ 50,000.00	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON		
b. Applicant	\$.00	DATE:		
c. State	\$.00	b. No. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372		
d. Local	\$ 132,500.00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW		
e. Other	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?		
f. Program Income	\$.00	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input checked="" type="checkbox"/> No		
g. TOTAL	\$ 182,500.00			
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.				
a. Authorized Representative				
Prefix	First Name Raymond	Middle Name C		
Last Name Mader			Suffix	
b. Title Mayor			c. Telephone Number (give area code) 785-483-6311	
d. Signature of Authorized Representative			e. Date Signed	

ATTACHMENT TO SF 424 FOR PUBLIC BODY APPLICANTS (EXCEPT I.D. GRANTS)
(ALL SECTIONS MUST BE COMPLETED)

City of Russell

- I. Name of Public Body _____ Tax I.D. No. 48-6012826
- II. Assessed Valuation of the Public Body: 29,962,691
- III. Total Mill Levy (if City, include County and all) 195.266

IV. Public Body Debt:

Sewer Debt:

1. Revenue Bonds: Unpaid Balance \$ 0
Interest Rate _____%; Total Annual Payments \$ _____
2. General Obligation Bonds: Unpaid Balance \$ 0
Interest Rate _____%; Total Annual Payments \$ _____

Water Debt:

1. Revenue Bonds: Unpaid Balance \$ 0
Interest Rate _____%; Total Annual Payments \$ _____

Other (Temporary Notes, Warrants, Etc.)**

1. Purpose: KDHE Water Loan Unpaid Balance \$ 928,243.09
Interest Rate 2.23%; Total Annual Payments \$ 75,276.64
2. Purpose: KDHE Water Loan Unpaid Balance \$ 238,036.02
Interest Rate 2.42%; Total Annual Payments \$ 21,451.12

**** (attach documentation if additional space is necessary)**

- V. Number of Hook-ups: Water 2,425 Sewer 2,358
- VI. Present Sewer Rate \$13.50 plus \$1.79 per 1000 gallon
- VII. Present Water Rate \$27 plus .623 per hundred gallon (minimum)
- VIII. Applicant's attempt to obtain credit from other sources (attach supporting documents)
The City along with it's collaborative partners have raised money for this project. There are no funds available for the project through City funds. This last bit of grant money is needed to start project.

City of Russell

- IX. I certify that _____ cannot finance the proposed project from its own resources or through commercial credit at reasonable rates and terms.

Signature of Elected or Authorized Official

Date

Name of Elected or Authorized Official

Water Debt:

2.	General Opligation Bonds:	Unpaid Balance	<u>\$ 2,601,000</u>
	Interest Rate <u>1.68%</u>	Total Annual Payments	<u>\$ 378,330</u>
3.	General Opligation Bonds:	Unpaid Balance	<u>\$ 770,000</u>
	Interest Rate <u>1.88%</u>	Total Annual Payments	<u>\$ 81,982.50</u>

CERTIFICATE OF CLERK

STATE OF KANSAS)
) ss.
COUNTY OF Russell)

I, the undersigned, duly elected, qualified, and acting Clerk of (*select one*):

City/Village: City of Russell, of the 2nd class

County: _____

Other Type of Municipality: _____

in Russell County, Kansas (hereafter called the municipality) do hereby certify the municipality:

(1) Is duly organized in the State of Kansas per Kansas statute(s) 12-101, and the following are the duly elected, qualified and acting officers of said municipality:

<u>Name</u>	<u>Title</u>	<u>Term</u>
<u>Raymond C. Mader</u>	<u>Mayor</u>	<u>2020-2021</u>
<u>Mitch Driscoll</u>	<u>Councilmember</u>	<u>2019-2020</u>
<u>Dustin Madden</u>	<u>Councilmember</u>	<u>2020-2021</u>
<u>Blaine Stoppel</u>	<u>Councilmember</u>	<u>2020-2021</u>
<u>Jim Cross</u>	<u>Councilmember</u>	<u>2019-2020</u>
<u>Aaron Talbott</u>	<u>Councilmember</u>	<u>2019-2020</u>
<u>Matt Driscoll</u>	<u>Councilmember</u>	<u>2020-2021</u>
<u>Michelle Wagner</u>	<u>Councilmember</u>	<u>2019-2020</u>
<u>Monty Morrill</u>	<u>Councilmember</u>	<u>2020-2021</u>

(2) Has continuously functioned as such municipality for a period of at least 149 years.

Witness whereof, I have hereunto set my hand officially and affixed the seal of said municipality this _____ day of _____, 20_____.

SEAL

Clerk

CERTIFICATION REGARDING RELATIONSHIPS WITH AGENCY EMPLOYEES

PRE-APPLICANT/APPLICANT: City of Russell

Select one:

In accordance with USDA Rural Development Instructions 1900-D and 1942-A, I hereby certify that I (we) have no known relatives or close associates who are current USDA Rural Development employees.

The following current USDA Rural Development employees are my (our) known relatives or close associates:

CERTIFIED THIS _____ Day of _____, 20____

Signature

Mayor
Title

REQUEST FOR ENVIRONMENTAL INFORMATION

Name of Project	Public Restroom
Location	Russell KS

Item 1a. Has a Federal, State, or Local Environmental Impact Statement or Analysis been prepared for this project?

Yes No Copy attached as EXHIBIT I-A.

1b. If "No," provide the information requested in Instructions as EXHIBIT I.

Item 2. The State Historic Preservation Officer (SHPO) has been provided a detailed project description and has been requested to submit comments to the appropriate Rural Development Office. Yes No Date description submitted to SHPO _____

Item 3. Are any of the following land uses or environmental resources either to be affected by the proposal or located within or adjacent to the project site(s)? (Check appropriate box for every item of the following checklist).

	Yes	No	Unknown		Yes	No	Unknown
1. Industrial.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. Dunes.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Commercial.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	20. Estuary.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Residential.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	21. Wetlands.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Agricultural.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22. Floodplain.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Grazing.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	23. Wilderness.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Mining, Quarrying.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>(designated or proposed under the Wilderness Act)</i>			
7. Forests.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	24. Wild or Scenic River.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Recreational.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(proposed or designated under the Wild and Scenic Rivers Act)</i>			
9. Transportation.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	25. Historical, Archeological Sites.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Parks.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>(Listed on the National Register of Historic Places or which may be eligible for listing)</i>			
11. Hospital.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	26. Critical Habitats.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Schools.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>(endangered/threatened species)</i>			
13. Open spaces.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	27. Wildlife.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Aquifer Recharge Area.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	28. Air Quality.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Steep Slopes.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29. Solid Waste Management.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Wildlife Refuge.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	30. Energy Supplies.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Shoreline.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	31. Natural Landmark.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Beaches.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<i>(Listed on National Registry of Natural Landmarks)</i>			
				32. Coastal Barrier Resources System.....	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Item 4. Are any facilities under your ownership, lease, or supervision to be utilized in the accomplishment of this project, either listed or under consideration for listing on the Environmental Protection Agency's List of Violating Facilities? Yes No

(Date)

Signed: _____
(Applicant)

(Title)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0094. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

**COMMUNITY FACILITIES PROCESSING CHECKLIST
Public Bodies**

updated: _____

EIN 48-6012826

* (Item may be placed in a separate file)

Customer # _____

Applicant: City of Russell	Applicant Contact & Telephone: Katrina Woelk 785-483-6311
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Project Name / Type of Project / Location Public Restroom-Visitors Center/Community Facilities/Russell KS

PROVIDE HIGHLIGHTED INFORMATION

Item	File Pos.	Document	Document or Form Number	Prepared By	Date Completed
1		Pre-Application SF 424 forms - 1942.2(a)(1)	SF 424 DUNS: 073310104 SF 424 A <u>or</u> SF 424 C SF 424 B <u>or</u> SF 424 D	Applicant	
2	3	State Intergovernmental Review and Recommendations - 1940J, 1940.455 & 1942.2(a)(2)(ii)	Letter		
3		Financial Statements or Audit and Current Income Statement - 1942-A, 1942.2(a)(1)(v)			
4		Documentation of Existing Debt - 1942-A, 1942.2(a)(1)(v)			
5	8	Map of Project Service Area			
		Map of Project Site, with boundaries marked			
6	5	Certificate of Public Body Clerk - 1942-A, 1942.2(a)(1)(v)	KS 1942 Guide 3a		
7	3	Availability of Other Credit - 1942-A, 1942.17(b)(3) & 3570.61(c)	KS 1942 Guide 4a (with attachments & narrative if applicable)		
8	3*	Request for Environmental Information - 1942-A, 1942.2(b)	Form RD 1940-20 Exhibit "I"		
9		Identify known Relationships and/or Association with Agency Employee - 1900-D, 1900.153(a)	KS 1942 Guide 5		
10	3	Applicant Debarment & Suspension Documentation -- (1940-M, 1940.606(b)	SAM printout (www.sam.gov) CAGE: _____ exp: _____	Agency	
		Research CAIVRS for Applicant	CAIVRS printout		
11	2	Evidence Regarding Median Household Income - 1942-A, 1942.17(f)(6)	KS 1942 Guide 6 <u>or</u> Census Data	Agency	
			Income Survey	Applicant	
12	3	Project Selection Criteria - 1942-A, 1942.17(c)(2)(iii) & 3570.67	RD 1942-A Guide 26 (complete Guide 26 <i>only</i> for a loan or combo loan/grant)	Agency	
13		Project Selection Priorities - 3570.67	Form RD 3570-1 (grant only)		

PRE-APPLICATION COMPLETED: _____

UPDATE CPAP



City Council Agenda Form

Meeting Date: July 7, 2020
Agenda Item Title: General Nuisance Abatement 148 Barbara
Department: Building, Planning, & Zoning

Agenda Item Description: General Nuisance Abatement at 148 Barbara

Background: A resolution authorizing the removal of nuisances at 148 Barbara. These nuisances include; Trash & Debris, Used Appliance, Yard waste, Scrap Metal. The required notification has been provided and the property owner has failed to abate the nuisance(s) or request a hearing before the governing body as required.

Upon approval of the Resolution if the nuisance(s) are not abated in the required time, the city will have the nuisances abated and the property brought into compliance. Costs of the abatement will be charged to the property.

City Attorney Review/ Comment: 7/7/2020

Funding Source:

Options:

1. Approve the Resolution authorizing the removal of the nuisance(s) from 148 Barbara.
2. Provide alternate direction to staff.
3. Take no action - the abatement process is halted.

Staff Recommendation: Approve the Resolution authorizing the removal of the nuisance(s) from 148 Barbara and providing the abatement costs, if any, incurred by the city shall be charged against the lots or parcels of ground on which the nuisance is located.

Attachment(s): Required notice. Resolution, Photos

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE REMOVAL OF A NUISANCE FROM CERTAIN PROPERTY IN THE CITY OF RUSSELL, KANSAS.

WHEREAS, the Governing Body of the City of Russell has declared it unlawful for any person to maintain a nuisance on private property within the City of Russell; and

WHEREAS, the owners(s) of the private property at the address listed herein have been notified pursuant to Chapter VIII, Article 2, Section 8-207 of the Code of Ordinances of a violation of the Ordinance and have not requested a hearing before the Governing Body;

WHEREAS, the public officer in charge of administration and enforcement of this ordinance has provided the Governing Body with information regarding the condition of the property which is alleged to be a nuisance and after due consideration the Governing Body adopted the following resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS:

Section 1. Upon proper notice and consideration of information provided by the enforcement officer, it was determined that the following condition on the property is a nuisance in violation of Chapter VIII, Article 2, Section 8-201:

148 Barbara David Evans

Trash & Debris, Used Appliance, Yard waste, Scrap Metal

Section 2. Ten (10) days after passage of this resolution the public officer is authorized to enforce the abatement of this condition by abatement of the nuisance if the owner has not previously done so.

Section 3. The abatement costs, if any, incurred by the City shall be charged against the lots or parcels of ground on which the nuisance is located.

Section 4. A copy of this resolution shall be served on the owner of the land as provided in the city's Code of Ordinance.

PASSED AND APPROVED by the Governing Body of the City of Russell, Kansas, on this 7th day of July, 2020.

Raymond C. Mader, Mayor

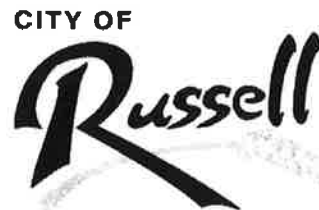
ATTEST:

Katrina Woelk, City Clerk

10 Day General Nuisance Notice

City of Russell

133 West 8th Street
Russell, KS. 67665
785-483-6311



Case Number: 20200144

05/22/2020

EVANS DAVID A
PO BOX 573 RUSSELL, KS 67665-0573

Subject Property: 148 BARBARA AVE, Russell, KS 67665, ,
Property ID Number: 084-172-03-0-10-06-00300-0-01

Dear Property Owner:

An inspection by our Division has determined the property listed above is in violation of City Ordinance Article 2; Section 8-201

The following action must be taken to correct the above stated violation:

Remove Trash & Debris, Used Appliance, Yard waste, Scrap Metal, Empty Trailers.

Fines, liens or special assessments may be placed on the property for noncompliance and/or the costs of abatement, repair or demolition by the City.

Nuisances as defined in Section 8-201 include without limitation: Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal, articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood. You have ten (10) days from the receipt of this notice to either abate these violations, or request a hearing, in writing, before the Governing Body as provided by The Code of the City of Russell. Failure on your part to either abate these violations or request a hearing within the time allowed will result in a complaint being filed as provided by Section 8-208 and/or abatement as provided by Section 8-209 or Chapter VIII of the Code of the City of Russell. If the city abates the nuisance pursuant to section 8-209, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. A copy of Chapter VIII of the Code of the City of Russell is available for your inspection at the City Building, 133 W. 8th Russell, Ks.

For further information, you may contact me at (785) 483-6311.

Date Served:

Tracking#: 7016 3560 0000 3259 7090

Sincerely,

Kim Grizzle
Code Enforcement Officer

Received By

7016 3560 0000 3259 7040

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com
RUSSELL, KS 67665
OFFICIAL USE
0583



Certified Mail Fee \$3.55
Extra Services & Fees (check box, add fee #) (Per 3902)
Return Receipt (hardcopy) \$2.00
Return Receipt (electronic) \$1.00
Certified Mail Restricted Delivery \$0.00
Adult Signature Required \$0.00
Adult Signature Restricted Delivery \$0.00
Postage \$0.55
Total Postage and Fees \$5.95
6.90

Sent To **David Evans**
Street and Apt. No., or PO Box No. **P.O. Box 573**
City, State, ZIP+4® **Russell, KS 67665**

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
David A. Evans

B. Received by (Printed Name) **DAVID A. EVANS**

C. Date of Delivery **5-26-20**

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Adult Signature
 Adult Signature Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Mail Restricted Delivery
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Return Receipt for Merchandise
 Signature Confirmation™
 Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
David Evans
P.O. Box 573
Russell, Ks. 67665



9590 9402 5042 9092 8245 79

Article Number (Transfer from service label)
7016 3560 0000 3259 7040



148 Barbara





City Council Agenda Form

Meeting Date: July 7, 2020
Agenda Item Title: Resolution to Set a Public Hearing for Dangerous Structure at 1537 N. Lincoln
Department: Building, Planning, & Zoning

Agenda Item Description: Resolution to Set a Public Hearing date for Dangerous Structure at 1537 N. Lincoln

Background: The Residence at 1537 N. Lincoln has been identified as a dangerous structure. A preliminary letter was sent to the property owner(s) of record and any lien holder, describing the reason why the structure(s) are considered dangerous. The property owner(s) were given a specific period of time to respond and inform the city of their plan to abate the condition(s).

A statement of Enforcing Officer is included in your packet. The statement contains ownership information, location and description of property explaining why the structure(s) is unsafe or dangerous.

Council is asked to set a Public Hearing for August 18, 2020 at 4:30 pm, where the owner(s), his or her agent, and lien holders of record and any occupant of the structure(s) may appear and show cause why such structure(s) should not be condemned as unsafe or dangerous and ordered repaired or demolished.

City Attorney Review/ Comment: 7-6-2020

Funding Source: Building, Planning, Zoning Demolition SVC

- Options:**
1. Approve Resolution by setting Public Hearing for August 18, 2020 at 4:30 pm, where the owner(s), his or her agent, and lien holders of record and any occupant of the structure(s) at 1537 N. Lincoln may appear and show cause why such structure(s) should not be condemned as unsafe or dangerous and ordered repaired or demolished.
 2. Take no action- the condemnation process is halted.

Staff Recommendation: Approve the Resolution setting a public hearing for August 18, 2020 at 4:30 pm, where the owner(s), his or her agent, and lien holders of record and any occupant of the structure(s) at 1537 N. Lincoln may appear and show cause why such structure(s) should not be condemned as unsafe or dangerous and ordered repaired or demolished.

Attachment(s): Statement of Enforcing Officer / Resolution

CITY OF



133 W. 8th
P.O. Box 112
Russell, KS 67665-0112
Phone: (785) 483-6311
Fax: (785) 483-4397

**STATEMENT OF ENFORCING OFFICER
(Dangerous Structure)**

TO: Governing Body of the City of Russell
RE: Statement of Dangerous or Unsafe Structure.
DATE: 7-7-2020

The following described structure is in a dangerous or unsafe condition:

- (a) Description of Structure: Haller, Block 23, Lot 3
- (b) Street Address: 1537 N. Lincoln
- (c) Owner(s): Philip Felio
- (d) Resident Agent: NA
- (e) Occupants: Vacant
- (f) Lienholder(s) of Record: None
- (g) Description of Dangerous or Unsafe Condition:

This is a trailer house that is nonconforming to the City of Russell Zoning Regulations. The current owner lived in it for a short period of time and has moved away from Russell. It has not had utilities since 2-13-18 and has been abandoned. The city has had to mow the property numerous times. Because the lack of maintenance and the disrepair of the structure and property there is a good possibility of an infestation of vermin and is currently not habitable. The accessory building needs repairs done to the roof, siding and windows. Because of those reasons I believe the two structures are a hazard and should be removed.

A blue ink signature, appearing to be "Dej B.", is written over a horizontal line. Below the line, the text "Enforcing Officer" is printed in a black, sans-serif font.

Enforcing Officer

RESOLUTION NO. _____

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS, AT WHICH THE OWNER(S), HIS OR HER AGENT, LIENHOLDERS OF RECORD AND OCCUPANTS OF THE STRUCTURE(S) LOCATED AT 1537 N. Lincoln IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE(S) SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE(S)

WHEREAS, the enforcing officer of the City of Russell, Kansas did on the 7th day of July 2020, file with the governing body of said city, a statement in writing that the structure hereinafter described is unsafe or dangerous.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Russell, Kansas:

That a hearing will be held on the 1st day of September 2020, before the Governing Body of the City at 4:30 p.m. in the council room of City Hall at which the owner, his or her agent, any lienholders of record and any occupant of the house and accessory buildings located upon the following land:

- (a) Lot Three (3), Block Twenty Three (23), Haller to the City of Russell, Russell County, Kansas

may appear and show cause why such structure(s) should not be condemned as unsafe or dangerous structure(s) and ordered repaired or demolished. (Last Record Title Owner: Philip Felio).

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published and shall give notice of the aforesaid hearing in the manner provided by law.

ADOPTED AND APPROVED by the Governing Body of the City of Russell, Kansas, on this 7th day of July, 2020.

CITY OF RUSSELL, KANSAS

Raymond C. Mader, Mayor

ATTEST:

Katrina Woelk, City Clerk



City Council Agenda Form

Meeting Date: July 7, 2020
Agenda Item Title: Special Event Application - Russell's Downtown Market
Department: City Clerk

Agenda Item Description: Special Event Application - Russell's Downtown Market

Background: Russell Main Street is planning a Downtown Market Event on August 1, 2020 from 7:00am to 1:00pm. Businesses will have sidewalk sales and vendors will set up in the streets. Russell Main Street is asking for a waiver for 3 electrical drops, 6 poly-karts, and barricades.

City Attorney Review/ Comment: N/A

Funding Source: N/A

Options:

1. Approve the Special Event Application with wavier of fees
2. Approve the Special Event Application with no waiver of Fees
3. Do nothing at all.

Staff Recommendation: 1. Approve the Special Event Application with waiver of fees.

Attachment(s): Special Event Application



FEEs:

- Application Fee - \$25
- Electric Drop (Includes usage) – \$100/drop (Fee increase may be applicable if special needs are determined)
- Poly-Kart – \$5/cart
- Dumpsters - \$30/dumpster
- Barricades/Rope Standers – \$20/event
- Picnic Tables – \$25 (includes up to 8 tables)
- CMB Application – \$200

SPECIAL EVENT APPLICATION FORM

A complete application must be submitted at least ten days in advance of City Council Meeting, held on the third Tuesday of each month at 4:30 P.M.

Applicants must have a representative at the Council meeting or the application will not be approved.

Event Name: Russell's Downtown Market

Purpose/Description of Event: Vendor event in Downtown Russell. Vendors will line the streets of Downtown, businesses will host specials. Boost traffic Downtown.

Applicant Information:

Date: 8/1/2020

Name: Krista Whitmer

Company or Group: Russell Main Street, Inc.

Address: 207 E. 8th Street, Russell KS 67665

Phone Number: 785-483-2897

Cell Phone Number: 785-483-1951

Fax Number: _____

E-mail Address: mainstreet@eaglecom.net

Event Information:

Address: Downtown Russell - 700 block

Property Owner: City of Russell

Event Type:

Type 1: Fundraising or non-commercial events for non-profit religious, educational, or community service organizations.

Type 2: Promotional or commercial events and activities intended to be for-profit, or public events intended primarily for entertainment or amusement, such as concerts or festivals.

Please describe the proposed Special Event: See attached.

Proposed Dates: 8-01-20 to 8-01-20

Proposed hours of operation: 7:00 am to 1:00 pm

***No more than four (4) Special Event Permits may be issued in a calendar year to the same applicant.**

Event Description: Please include the following information

****Applicant must visit with the Department Heads of the services requested and have them sign off.****

- **Electric Department**

- Electric Drop – # 3 (will update with exact # prior to event)
- Voltage Needed _____ Amps _____ Location 700 Block Downtown Russell

- **Public Works**

- Poly-Karts - # 6
- Dumpsters - # _____

- Barricades – (Blocking public access to businesses or residences requires signatures of agreement from all affected by such closure, please include signatures on separate document) Describe detailed placement See attached.

- Picnic Tables - # _____
- Rope Standers - # _____
- **Police Department**
 - Explain provisions for parking and security - Parking will be available on side streets, volunteers will be present for security

- Anticipated Attendance - 300
- Describe proposed site maintenance; including how and when site will be cleaned following event. Volunteers will make sure area is cleaned, vendors will clean designated area.

- Note provisions, if any, that are being made for portable toilets (please include provider and disposal contractor) - _____

- Identify any mobile food vendors associated with this proposed event – Any and all mobile food vendors will be required to provide a generator for powering mobile trailer.

- Special Event Cereal Malt Beverage License (CMB) must be submitted in addition to Special Event Application, if Cereal Malt Beverages are to be served.

GRAPHIC DESCRIPTION: Please provide an aerial photograph or site plan of the area to include the following information:

- Location and dimensions of the event area
- Location and dimensions of any structures (tents, stages, etc) used for the event
- Location of requested amenities
- Any other information which pertains to the event

CHECKLIST:

- Completed Application
- Signatures for the use of barricades (Street Closures)
- Cereal Malt Beverage License Application
- Detailed Graphic Description

*Please note: Certain fees may be waived by City Council, if proposed event fits the Type 1 criteria.

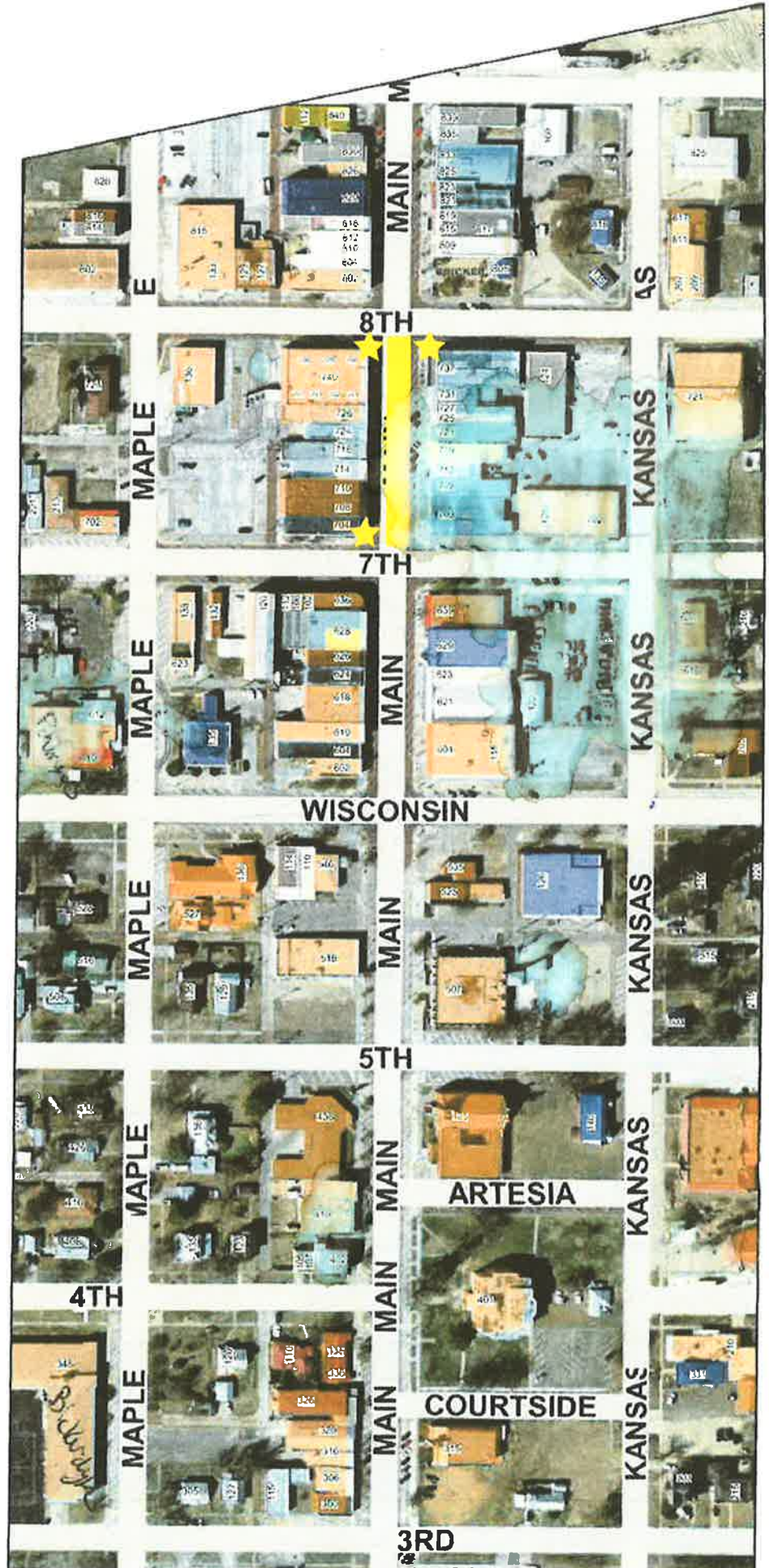
*Please submit application, required documents, and payment to City Clerk's office at least 10 days prior to regularly scheduled City Council Meeting.

For Office Use Only:		
Date Remitted: <u>6/11/2020</u>	Cash/CC/Check# <u>1776</u>	Receipt# <u>485663</u>
Reviewed by:		
Police Dept. <u>[Signature]</u> <u>6-12-2020</u>	Fire Dept. _____	Public Works <u>RK</u>
Electric Dept. <u>[Signature]</u>	City Clerk _____	
Permit Number: _____	Date Approved: _____	

ROAD CLOSURE -
 VENDOR LOCATON

ELECTRICITY

DOWNTOWN RUSSELL



Downtown Market Road Closure Signature

1. Sunflower Bank – 740 N. Main: 
2. Jerry Driscoll Law Office – 726 N. Main: 
3. OPI - 724 N. Main: 
4. Sunflower Design - 718 N. Main: VACANT
5. Gregwire Drug Store - 714 N. Main: 
6. Krug Auction & Realty - 710 N. Main: VACANT
7. Waddell & Reed - 708 N. Main: 
8. Jagged Edge - 704 N. Main: 
9. Myers North - 737 N. Main & Myers South 703 N. Main: 
10. Main St Floral - 731 N. Main: 
11. The Closet Boutique - 727 N. Main: 
12. Beautiful Images - 725 N. Main: 
13. Myers Furniture - 721 N. Main: 
14. Waudby's Sports Bar & Grill & - 719 N. & Chet's Place – 713 N. Main: 
15. Serendipity - 709 N. Main: 



City Council Agenda Form

Meeting Date: July 7, 2020
Agenda Item Title: Change in Zoning Regulations
Department: Building, Planning, & Zoning

Agenda Item Description: Request to Change Zoning Regulations

Background: Submitted to the City Council is an Amendment to the Zoning regulations. The change would ensure that accessory buildings are appropriately sized in relation to the parcel on which they are built. It would also eliminate the subjectivity when determining the height of the structure. Finally by using the thirty percent limit of rear yard formula it would reduce the number of nonconforming parcels that are currently throughout the City.

The Planning commission held a public hearing on June 11, 2020. After review of the information presented, the Planning Commission voted to recommend approval of the amendment to the zoning regulations.

City Attorney Review/ Comment: 6-12-2020

Funding Source: NA

Options:

- (1.) Adopt such recommendation by ordinance.
- (2.) Override the planning commission's recommendation by a two -thirds majority vote of the entire membership; or
- (3.) Return such recommendation to the planning commission with a statement specifying the basis for the governing body's failure to approve or disapprove.

Staff Recommendation: Review and consider the report and recommendation from the Planning Commission.

Attachment(s): Planning Commission's Recommendation Report, Ordinance

CITY OF



PLANNING COMMISSION

July 3, 2020

Dear Mayor and Council:

At the June Planning Commission meeting, a public hearing was held regarding a proposed amendment to the zoning regulations. This amendment ensures that accessory use buildings in residential districts are appropriately sized in relation to the parcel on which they are built. The previous regulation applied a uniform size limit across all residential properties. This resulted in both disproportionately large buildings on smaller parcels, and unnecessary zoning variance requests for larger buildings on larger parcels.

The amendment would eliminate the “one size fits all” regulation, and instead regulate building size using rear yard space and size of primary residence as determining factors. Additionally, this amendment more clearly defines appropriate height restrictions, eliminating the subjectivity involved with the current regulation.

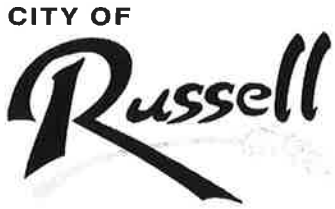
Finally, the amendment would reduce the number of nonconforming parcels. The current regulation limits two accessory use buildings per parcel. The amendment does not limit the number of accessory use buildings, instead it limits the aggregate size of the buildings. A number of parcels currently have three buildings (garage, garden shed, tool shed, etc.). As long as the buildings do not exceed 30% of the rear yard in aggregate, they would now be conforming.

The commission voted unanimously to recommend the amendment of the regulation to the City Council. The proposed amendment is attached. At this time, the Planning Commission is sending its recommendation to the Russell City Council for its review and action.

If you have any questions about the proposal, please contact any planning commission member or myself.

Sincerely,

Brady Ruggels
Chairperson



PLANNING COMMISSION

Amend Zoning Regulation Recommendation Report

On June 11, 2020 the Planning Commission Held a Public Hearing to amend Article VI. General Use Regulations and Article VI. Accessory Use Regulations. The following are the proposed amendments.

Article VI. General Use Regulations

Section 4. Accessory use.

- (a) Permitted uses. Permitted accessory uses include but are not limited to the following:

Current

(2) A detached garage or carport provided that no such structure that is accessory to a one or two-family dwelling shall exceed 1200 square feet, except in the A-1 district it shall not exceed 1500 square feet, shall not be taller than the dwelling or more than 20 feet in height whichever is less. And shall be compatible with the residential dwelling in terms of appearance and materials;

Proposed

(2) A detached garage or carport provided that no such structure that is accessory to a one or two-family dwelling shall exceed 2400 square feet with 10-foot side walls, shall be no taller than 20 feet in height and shall be compatible with the residential dwelling in terms of appearance. A detached garage or carport in an A-1 district shall not exceed 2400 square feet and shall be compatible with the residential dwelling in terms of appearance.

Article VI. Accessory Use

Section 4. Accessory use.

(b) *Bulk regulations.* Accessory structures and uses shall comply with the bulk regulations applicable in the zoning district, in which they are located, and:

C. Current

(15) The number of accessory use buildings is limited to only 2 per parcel.

C. Proposed

(15) The number of accessory use buildings shall not collectively occupy more than 30 percent of required yard space in rear half of the lot.

Also propose deletion of (b)(9) because it is already covered.

(9) No accessory building shall cover more than 30 percent of the rear yard.

Proposed Addition to Article VIII Agricultural District

(1) Agriculture, as defined in these regulations, including structures necessary to carry on the farming operations of the person who owns or operates the farm. A detached garage is a permitted use if it an accessory to a residential building.

ACTION: Recommend the Amendments proposed by the Planning Commission.

Respectfully submitted by:

Brady Ruggels
Chairperson



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CODE OF THE CITY OF RUSSELL ON THE PERMITTED SIZE OF DETACHED GARAGES OR CARPORTS AND PERMITTED AREA THAT CAN BE USED FOR AN ACCESSORY BUILDING

WHEREAS after providing published notice as provided by the City code, the Russell City Planning Commission met on June 11, 2020, to consider proposed amendments to the zoning regulation;

AND WHEREAS after a public hearing the commission voted to recommend changes in the general zoning regulation to the governing body;

AND WHEREAS the planning commission has submitted its report to the governing body with a recommendation that the proposed amendments be adopted and the governing body has voted to adopt the planning commission's recommended amendments to the zoning regulations.

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

Section 1. Article VI Section 4 Subpart (a)(2) of the Zoning Regulations of the City of Russell reads as follows:

(a) Permitted uses. Permitted accessory uses include but are not limited to the following:

“(2) A detached garage or carport provided that no such structure that is accessory to a one or two-family dwelling shall exceed 1,200 square feet, except in the A-1 district it shall not exceed 1,500 square feet, shall be no taller than the dwelling or more than 20 feet in height whichever is less, and shall be compatible with the residential dwelling in terms of design, appearance and materials;”

is hereby amended to read as follows:

(a) Permitted uses. Permitted accessory uses include but are not limited to the following:

“(2)A detached garage or carport provided that no such structure that is accessory to a one or two-family dwelling shall occupy more than 30 percent of rear yard not to exceed 2400 square with 10-foot side walls, shall be no taller than 20 feet in height and shall be compatible with the residential dwelling in terms of appearance. A detached garage or carport in an A-1 district shall not exceed 2400 square feet and shall be compatible with the residential dwelling in terms of appearance;”

Section 2. Article VI Section 4 subpart (b)(15) of the Zoning Regulations of the City of Russell reads as follows:

(b) Bulk regulations. Accessory structures and uses shall comply with the bulk regulations applicable in the zoning district, in which they are located; and

“(15) The number of accessory use buildings is limited to only 2 per parcel.”

is amended to read as follows:

(b) Bulk regulations. Accessory structures and uses shall comply with the bulk regulations applicable in the zoning district, in which they are located; and

“(15) The number of accessory use buildings shall not collectively occupy more than 30 percent of required yard space in the rear half of the lot.”

Section 3. Article VI Section 4 subpart (b)(9) of the Zoning Regulation of the City of Russell reads as follows:

“(a) No accessory building shall cover more than 30 percent of the rear yard.”

And is hereby deleted as it is repetitive of a previous section.

Section 4. Article VIII Division 1. A-1 Agricultural District Section 2, subpart 2 of the Zoning Regulations of the City of Russell reads as follows:

Permitted uses in the A-1 district are as follows:

“(1) Agriculture, as defined in these regulations;”

is amended to read as follows:

Permitted uses in the A-1 district are as follows:

(1) Agriculture, as defined in these regulations, including structures necessary to carry on the farming operations of the person who owns or operates the farm. A detached garage is a permitted use if it an accessory to a residential building.

Section 5. This ordinance shall be in full force and effect after its passage and publication of the ordinance or a summary of the ordinance as provided by law.

PASSED this 7th day of July, 2020, by the governing body of the City of Russell, Kansas.

APPROVED this 7th day of July, 2020, by the Mayor of the City of Russell, Kansas.

Raymond C. Mader, Mayor

ATTEST:

Katrina Woelk, City Clerk

(seal)