

## December 14, 2022

The scheduled monthly meeting of the Chapman City Council was held Wednesday, December 14, 2022, at City Hall at 7:00 pm. Mayor Howard Battishill was present. Councilmembers Tim Jury, Rick Johnson, James Bell, Christy Loy, and Mary Monasmith were present. Also in attendance were City Attorney Brad Jantz, City Administrator Bill Flanery, Police Sargent Jamie Reynolds, and Golf Superintendent Austin Murphy.

### **#2 Consent Agenda**

Motion by Jury to approve the consent agenda as presented, 2nd by Bell, vote: yes, unanimous (5-0). Motion carried.

### **#3 Public Comments**

None

### **#4 Resolution 12142022 - Show Cause Hearing for Unsafe Structure at 214 E 5<sup>th</sup> St.**

City Administrator Bill Flanery stated the owner of the property at 214 E. 5th Street had not made any progress towards cleaning up the property after the fire on 31 October 2022. Resolution 12142022 will schedule a show cause hearing and notify the owner that the property is considered an unsafe structure. The hearing will be scheduled for 6:00pm on March 8th, 2023. Security First will provide an Owner's and Encumbrances Report to ensure all interested parties are notified of the hearing. Once the resolution is published in the paper, the city only has three days to notify all interested parties.

Motion by Bell to approve Resolution 12142022 – Show Cause Hearing for Unsafe Structure at 214 E. 5th St., 2<sup>nd</sup> by Jury. Vote: yes, unanimous (5-0). Motion carried.

### **#5 Ordinance 1058 – Policy for Return of Security Deposits**

City Administrator Bill Flanery stated there is currently no provision to return utility deposits to residents that do not move from Chapman. Ordinance 1058 directs utility deposits to be returned to residents after 12 consecutive months of on-time and full payments. Any late or partial payments will restart the 12-month period.

Motion by Bell to approve Ordinance 1058 – Return of Security Deposits, 2nd by Loy. Vote: yes, unanimous (5-0). Motion carried.

### **#6 Ordinance – Prohibiting Shipping Containers as Accessory Structures in Areas Zoned as Residential**

City Administrator Bill Flanery stated there have been multiple residents inquiring about using shipping containers as accessory structures on their property. Any change to the current ordinance would not include commercial properties. Councilmember Bell stated he did not have a problem with shipping containers being used as accessory structures. Councilmember Jury stated shipping containers are great structures, mouse proof for the most part, indestructible, but not so pretty. Councilmember Jury stated he did not think allowing shipping containers in residential areas is something the city wanted to get started. While they are handy, the problem is that some residents will not take care of the containers or paint them. City Attorney Brad Jantz stated that in the event of a tornado, shipping containers could destroy a house as seen in Greensburg, Kansas. Aesthetics is always a concern in residential areas and there are safety concerns associated with allowing shipping containers. Councilmember Rick Johnson asked the members' thoughts on potential tiny houses being allowed in residential areas. City Attorney Brad Jantz stated the city's zoning and planning code need to be updated. These types of concerns should be

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addressed in the zoning and planning code under properties zoned as residential. It would be better to update the zoning and planning code rather than pass an ordinance dealing with just this issue.

Councilmember Monasmith stated she would rather not allow shipping containers in residential areas. The issue was tabled until a later time. No action was taken.

### **#7 Ordinance – Expanding Area for Library Board Membership**

City Administrator Bill Flanery stated the charter ordinance to expand the living area for library board membership had been approved previously and has been published in the Dickinson County News-Times. City Attorney Brad Jantz stated there are a couple of ways to accomplish expanding the area for membership on the library board. It can be added as a bylaw element of the library board. The library board could establish the criteria since it has already been enabled by the charter ordinance. The charter ordinance had to happen through the city council. The city council has the ability to publish an ordinance that would direct the library board to expand the area for board membership. City Attorney Brad Jantz recommended the city council publish an ordinance expanding the area for library board membership rather than allowing the library board to make changes to their bylaws. Councilmember Tim Jury concurred with Mr. Jantz and recommended the city council pass an ordinance. The issue was tabled until a later time. No action was taken.

### **#8 Reports**

#### **Police Sergeant James Reynolds**

Officer Colton Barton will be leaving the department at the end of the year. He will go to a part-time status. Officer Brian Pryor has been hired to take his place and he will start working on 28 December. Colton will officially step down on 30 December. Officer Pryor knows the system and lives in Chapman. The case load for the department is up again and all officers are extremely busy.

#### **City Administrator – Bill Flanery**

The city currently manages its website, and it is hosted through AT&T. AT&T pulled the website down for a \$10.00 late payment that did not process due to the card being on hold. When they restored the website, they restored a version from October 2021. All updates since October 2021 were lost and must be republished. A meeting has been scheduled with CivicPlus to discuss the possibility of them creating and hosting the city's website. The city's website is lacking and should provide much more information and resources to the residents of Chapman.

The Country Mart in Abilene has eight new charging stations. They were able to come to an agreement with Tesla for the installation of the stations at Tesla's expense. Bill put the team from Tesla in contact with Doug Thompson of the Chapman Food Mart to see if a similar arrangement could be made in Chapman.

The abatement of the old grocery store has been completed at no cost to the city. The issue now is what to do with the property going forward. There have been discussions with the American Legion to see if they would be interested in purchasing the property and tearing down the structure. With the closure of Blixt's landfill, the cost to tear down the structure has increased. Councilmember Tim Jury stated the property is out of the floodplain.

The office holiday party is scheduled for 21 December at 6:00pm at the Golf Course.

There are a couple of steps that need to be completed before the city can place a light at the crosswalk for the middle school. The location is on private property, and an ordinance needs to be published before the

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city can place the light. Police Chief Kevin Diercks will provide a letter stating the light needs to be placed for safety reasons and that the light has been requested by the school district.

The lights donated by the Root family will be placed at Sheeran Park on Marshall and 6th Street. There will be four lights on each side of the street.

The audit for 2021 has not been completed. The city continues to use Varney and Associates but they have been unable to complete the audit. The audit should be approved and presented to the city council by the end of the year. If the audit is completed prior to the end of the year, the city will need to schedule a special council meeting to present and approve the audit.

The city owns some property, the old dump, west of the elementary school. Mayor Battishill and City Administrator Bill Flanery recommend looking into using that land for a dog park. The property once was used as a dump and cannot be built upon. However, a dog park could make use of the land and provide a benefit to the residents of Chapman. The city will contact KDHE to ensure there is nothing to prohibit the property being used as a dog park.

### **Council**

Councilmember Jury – Thanked Councilmembers Rick Johnson and Christy Loy for their service and encouraged both to run for office again in the future.

Councilmember Bell – Thanked Councilmembers Rick Johnson and Christy Loy for serving on the council and stated it had been an honor serving with them.

Councilmember Johnson – Serving on the council has been a learning experience and a lot of fun. Rick asked the council not to increase the city's sales tax. Chapman's rate is already higher than Abilene and it's difficult to keep people in town. Rick asked that the money the city received from FEMA be used to pay down the city's debt.

Councilmember Loy – Christy stated she enjoyed her time on the council and she is not going anywhere. She plans to continue to attend every council meeting and will run for office again.

Mayor Battishill – Thanked Councilmembers Rick Johnson and Christy Loy for serving on the council. Howard wished everyone a Merry Christmas and Happy New Year and told everyone he appreciates what they do for the city.

### **#14 Adjournment**

Motion by Johnson to adjourn, 2nd by Loy, vote: yes, unanimous (5-0). Motion carried.

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Howard Battishill, Mayor

ATTEST:

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Bill Flanery, City Clerk