

CITY OF CHENEY

MEETING OF THE REGULAR CITY COUNCIL

**131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
April 9, 2015; 7:00 P.M.**

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL REGULAR MEETING TO ORDER

Mayor Linda Ball declared a quorum present at 7:03 pm. Council members present were Jeff Albers, Carl Koster, Phil Mize, Linda Ball, Judy Lehner, and Greg Kampling. Staff present were Police Chief Ken Winter, Director of Golf Kevin Fowler, Maintenance and Fire Chief Brad Ewy, City Clerk Danielle Young, and City Administrator Randall Oliver. Guests present were Check Beth, SCKEDD, Ashley Oliver, Pool Manager, Pastor Doug Hasty, Betty Gracey, Tricia Thomas, Ian O'Finnen, Travis Mounts, TSN.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PRAYER- led by Pastor Doug Hasty

DETERMINE AGENDA ADDITIONS

Administrator Oliver removed item 6 from the agenda.

CONSENT AGENDA

All matters listed on the Consent Agenda are considered one motion and will be enacted by one motion. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- a) Approve bills list.
- b) Approval of minutes for the March 12, 2015 City Council meeting
- c) Approval of minutes for the March 27, 2015 City Council meeting
- d) Demolition Permit- 222 N Garfield St- Brad Ewy/Greg Kampling
- e) Plumbing Permit- 518 Filmore Royal Flush Plumbing
- f) Pool Permit- 328 Lakeside Ct- Superior Pools
- g) Roofing Permit- 447 Quail Run- Eaton Roofing & Exteriors

Council member Carl Koster moved to approve the consent agenda as listed. Council member Phil Mize seconded the motion. Motion carried unanimously.

PUBLIC AGENDA

Ashley Oliver, the new pool manager, asked Council for permission for her son, Hunter Doshier, to work as a lifeguard. He was a lifeguard last year and currently works at the Northwest YMCA as a lifeguard. She believes he would be a good asset. Attorney Parker explained the nepotism policy and stated in years past the Council has approved

such requests in regards to pool employees.

Council member Carl Koster moved to approve the request.

Council member Jeff Albers seconded the motion. Motion carried unanimously.

OLD BUSINESS

NEW BUSINESS

Council member Jeff Albers excused himself from his Council chair.

IN ACCORDANCE WITH THE NOTICE PUBLISHED ON APRIL 2, 2015 IN THE TIMES SENTINEL, A PUBLIC HEARING IS HELD BY THE GOVERNING BODY RELATING TO THE PURPOSE OF CONSIDERING AN APPLICATION TO BE SUBMITTED TO THE KANSAS DEPARTMENT OF COMMERCE FOR SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS UNDER THE ECONOMIC DEVELOPMENT CATEGORY

Mayor Ball opened the public hearing at 7:06 pm.

Chuck Beth, with SCKEDD, stated the public hearing was a requirement of the CDBG application. Beth discussed the grant application to construct a gravity sewer force main and lift station on the north side of 15th st and the west side of 383rd St. The cost will include 1,450 feet of gravity main, 5,280 feet of force main, site clearing, boring, and erosion control. The estimated project cost is \$561,290. The grant is requesting \$514,690, with a balance of \$46,600 for engineering fees that will be paid by city and Albers Finishing and Solutions, LLC. As part of the grant application the benefiting company will create 15 new full time positions, 8 of them will need to qualify for low-moderate income individuals. Albers Finishing and Solutions has pledged a million in private funds which will be the purchase of equipment. Chuck Beth stood for questions. There was no discussion from the public.

CLOSE PUBLIC HEARING

Council member Phil Mize moved to close the public hearing at 7:12 pm.

Council member Carl Koster seconded the motion. Motion carried 4-0. Council member Albers abstained.

OPEN MEETING TO THE PUBLIC

IN ACCORDANCE WITH NOTICE PUBLISHED ON APRIL 2, 2015 IN THE TIMES SENTINEL, A PUBLIC HEARING IS HELD BY THE GOVERNING BODY RELATING TO THE PURPOSE OF DISCUSSING A POTENTIAL CONFLICT OF INTEREST WITH REGARDS TO THE CDBG ECONOMIC DEVELOPMENT GRANT APPLICATION FOR ALBERS MANUFACTURING

Mayor Ball opened the public hearing at 7:12 pm.

Chuck Beth, with SCKEDD, stated the public hearing was being held in regards to the

code of ethics of the Department of Commerce. Since council member Jeff Albers is a brother to the developer and has interest in Albers Finishing and Solutions, the public has been notified of the potential conflict and can be publicly discuss at the meeting. Beth stated the Block Grant was being sought to furnish funds for a sewer extension for new business development. Beth asked for Council to approve the mitigation be put in place. Council member Albers will abstain from any current and all future votes concerning any action involving the CDBG application or administration of a possible future grant being obtained on behalf of Albers Finishing Solutions or for that matter any other action between the City and Albers Finishing Solutions.

City Attorney Lee Parker stated that before anything ever happened or started to happen concerning this matter. Council member Albers spoke with Parker about the situation and they discussed him abstaining and has abstained from all voting and all discussion and has removed himself from the bench. If there were to be any discussion that might have taken place in executive session he was absent from that discussion as well.

Parker understood what was being asked, but Parker saw no place in the laws of the State of Kansas and wished the attorney with Dept of Commerce had called himself to talk to him about it in the way of mitigation. Parker doesn't believe other members can direct that a council member not vote. He is an elected representative of the people. They may request him not to vote, but the ability for the governing body to sanction one of its members has not been authorized in Kansas law. Parker suggested in light of what has been asked. We will make a request of our council member that he not vote. If it is okay with him to not vote. Parker and Beth discussed the wording of the mitigation. Parker suggested at the end of the public hearing help draft a motion. Chuck Beth asked Parker to draft

Mayor Ball asked for comments from the public. No one spoke.

Council member Carl moved to close the public hearing at 7:18 pm.
Council member Greg Kampling seconded the motion. Motion carried 4-0.

Attorney Lee Parker suggested a motion be made to request council member Albers, because of the determined conflict of interest that may exist, that he continue to abstain from any and all discussion on the grant funding and the subsequent project that will come with the grant funding along with any other projects of the same nature.

Council member Phil Mize moved to accept Attorney Lee Parker's suggested motion.
Council member Carl Koster seconded the motion. Motion carried 4-0. Albers abstained.

Parker called Albers back to his Council seat and discussed with him that a request had been made that he abstain from future voting in regards to the grant application. Council member Albers stated he wanted to abstain from any and all discussions and voting in regards to the Albers Finishing and Solutions items.

WAMPO PRESENTATION. MOVE 2040 PLAN

Gloria Jeff, presented MOVE 2040, a blueprint for the future of the Wichita metropolitan area. It serves 22 cities and 3 counties and a 25 year planning horizon to look at the transportation needs. Jeff stated that transportation is the fundamental core to any community because can't get finished products out the door without transportation. The current transportation conditions show a system level delay is less than 1 minute. On average the trip length is 15 minutes. Transit service needs additional work in the metro area.

MOVE 2040 listened to what the community and resident's transportation wishes. Jeff provided citizen report content to the Council members.

Council member Carl Koster asked about air quality. Jeff stated that they know that the air quality difficulty is related to the seasonal burnings in the flint hills and is climate dependent. Since we don't have control over how hot it gets, there are effort underway to limit when and how the flint hills burn.

Jeff asked the Council to go to website www.wampo.org to take survey.

They plan to complete their outreach by the end of April and adopt MOVE 2040 in July 2015.

Travis Mounts, Times-Sentinel Newspaper, asked about funding from the State. Gloria Jeff state KDOT said current level of funding will continue.

CONSIDERATION OF VOTING DELEGATE FOR KANSAS MUNICIPAL UTILITIES 2015 ANNUAL MEETING

Council member Greg Kampling moved to designate Randall Oliver as voting delegate and Brad Ewy as alternate delegate.

Council member Judy Lehner seconded the motion. Motion carried unanimously.

CONSIDERATION OF 2015 POOL FEES

Staff suggested to not raise fees for 2015. City will continue to do concessions.

Ewy stated he is looking at the idea of a splash park.

Council member Judy Lehner moved to approve the 2015 swimming pool fees.

Council member Jeff Albers seconded the motion. Motion carried unanimously.

CONSIDERATION OF INTERLOCAL AGREEMENT FOR EMERGENCY WATER INTERCONNECT

Item was deleted from agenda by Administrator Oliver.

CONSIDERATION OF PURCHASING WATER LINE MATERIAL FOR SOUTH MAIN ST

Bids were received from HAJOCA and Wichita Winwater for 1400 linear feet of water main. The amount of line may be scaled back to 1200 feet. The bid includes two fire hydrants and will extend material for the water main to MacArthur. Funds will be used from the water reserve fund.

Council member Jeff Albers moved to purchase the water material from HAJOCA for \$10,469.77.

Council member Greg Kampling seconded the motion. Motion carried unanimously.

CONSIDERATION OF ZONE CHANGE IN ALBERS INDUSTRIAL PARK

Council member Albers abstained from conversation and voting on the agenda item.

Administrator Oliver stated the Planning Commission met and heard public comment. They made a recommendation to the governing body for zone change approval. The protest period ended April 6th. No protests were received.

Council member Phil Mize move to approve the zone change from AG-1 to M-1 Planned Unit Development on lots 1 and 2 in Albers Industrial Park.

Council member Judy Lehner seconded the motion. Motion carried unanimously. Motion carried 4-0. Albers abstained.

CONSIDERATION OF QUOTE FOR DIRECTIONAL BORING

Council member Jeff Albers abstained from voting and conversation on the agenda item.

Administrator Oliver stated that boring would need to be done for the utility project. Three bids were received.

Council member Phil Mize moved to approve the quote prices for price per foot for directional boring from Becker Construction Inc, for the water and gas line work
Council member Greg Kampling seconded the motion. Motion carried 4-0. Albers abstained.

POLICE REPORT

Police Chief Ken Winter reported that tires were slashed on four vehicles, including a police car.

Winter spoke about the change in affidavits with law enforcement and how they are becoming public records. They are receiving training on what items can be listed on affidavits to protect victims.

Officer Burns has been teaching criminal justice to 7th graders and the officers continue to read at the grade school. Bicycle safety was discussed by the Mayor and the possibility to join with the Recreation Commission.

Winter is waiting on bids for a new patrol car.

Council member Koster asked about the status of the body cam video bill in the legislature. Attorney Parker stated he would try to watch the language of the bill.

FIRE REPORT

Fire Chief Brad Ewy stated that the City of Rogers, Arkansas has fire hose rolls for sale. Ewy would like to bid \$300 a roll for 14 rolls of hose at a total of \$4200.

Council member Carl Koster authorized expenditure of \$300 per roll at 14 rolls for 5 inch fire hose.

Council member Judy Lehner seconded the motion. Motion carried unanimously.

Ewy discussed storm damage and storm spotting.

MAINTENANCE REPORT

Maintenance Superintendent Brad Ewy had nothing to add to the report.

GOLF COURSE REPORT

Golf Director, Kevin Fowler, stated that his new workman had been delivered. The purchase of the green's mowers that were approved last month has a destination charge of \$450.

Council member Greg Kampling moved to spend \$450 for destination charge for mowers.

Council member Phil Mize seconded the motion. Motion carried unanimously.

Fowler stated he met with Lubbers and Lubbers will furnish a pick-up to serve as the new range picker. Kerry Andrews will build a light weight cage for it.

Fowler reported 48 players at the first night of men's club and the golf course is off to a good start this year. There was storm damage at the course and they are still working on getting branches and trees picked up.

The course has some irrigation problems and will be replacing the main pump on the front system that has lasted 22 years. Lighting struck on the back 9 and will have to replace some controls.

The course is short on employees and looking for part time mowers.

ADMINISTRATOR'S REPORT

Oliver stated he removed item 6 from the agenda because it was determined that the interlocal agreement that was signed back in November was sufficient.

Oliver showed Council the drafts for the ball diamond layout. Oliver gave Council a copy of the proposed agreements between the City, USD 268, and Rec. He asked Council to offer input and stated discussions would take place to decide mowing, and parking lot maintenance.

Council member Albers mentioned he is still concerned that they are going to grass the infield, which will make the field unusable for the recreation department. He is concerned that a field is being designed only for the school and not for the community use. Albers believed the new ball fields should be the central location for the community to use. If the field is built with a grass infield it would only be allowed to be used for a few weeks a year. Albers stated this is his opinion, but he would like to make it known to the school that the city is supporting the recreation department. The city purchased the land for the school with the intent to benefit the community and the field needs to be designed to be used by the entire community. Council member Koster agreed.

Council member Kampling stated that if KSHSAA doesn't require a grass infield, then the school shouldn't do a grass infield. Kampling stated that the City should let the school know that the City prefers a dirt infield.

Administrator Oliver stated he would send a letter to the school stating the city believes

it is in the best interest for the entire community to be able to use the field, since it was sold as a community project.

Oliver noted that he had received the April natural gas price and it is \$2 less than this time last year.

ATTORNEY'S ITEMS

City Attorney requested executive session for 5 minutes for attorney-client with Council and the City Administrator.

Parker stated he would look at legislation in the wrap up session.

CLERK'S ITEMS

City Clerk Danielle Young stated very few responses had been received on the taxi survey.

Young discussed reflective wear for pedestrians to wear when walking, biking and running. Young will look at purchasing reflective items for public safety.

The employee picnic is May 19th at Cherry Oaks.

MAYOR'S ITEMS

Mayor Linda Ball had nothing to report.

COUNCIL ITEMS

Council member Carl Koster asked about who unlocked the tornado shelter.

Council member Jeff Albers had nothing to report.

Council member Phil Mize had nothing to report.

Council member Judy Lehner had nothing to report.

Council member Greg Kampling had nothing to report.

Council member Phil Mize moved that the City Council recess into executive session pursuant to attorney-client privilege KSA 75-4319 (b)(2) at 8:55 pm for 5 minutes with City Attorney Lee Parker and City Administrator Randall Oliver.

Council member Jeff Albers moved to enter into executive session at 8:55 pm.

Council member Phil Mize seconded the motion. Motion passed 4-0. Council member Jeff Albers abstained from entering into executive session.

Mayor Ball stated Council was back in session at 9:00 pm with no binding action taken.

Attorney Lee Parker explained that the City is at a point on the CDBG of acquiring easements for the utility project. Administrator Oliver has been contacting property owners regarding the easements for compensation. Parker stated that since the costs will be less than \$10,000, they will not have to be appraised. Parker talked with the Sedgwick County appraiser's officer and dry land is appraised at around \$3000-\$3500, but do know of 80 acres listed at \$3,800/acre. Parker recommended the easements be purchased by the city at a fair amount of \$4,000/acre, Parker asked for motion to state \$4000 /acre is a reasonable price and have offers tendered to the property owners at

that rate.

Council member Greg Kampling moved that \$4,000/acre was reasonable price and to offer the tendered amount to the property owners.

Council member Phil Mize seconded the motion. Motion carried 4-0. Council member Albers abstained from discussion and vote.

ADJOURN

Council member Carl Koster moved to adjourn at 9:07 pm.

Council member Jeff Albers seconded the motion.

Linda Ball, Mayor

(seal)

Attest:

Danielle Young, City Clerk