

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
March 14, 2019; 7:00 P.M.

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

MEMBERS PRESENT

Council President Philip Mize called the meeting to order at 7:00 pm. Council members Jeff Albers, Kassie Gile, Greg Kampling, and Greg Williams were present. Mayor Ball was absent. Staff present were City Administrator Danielle Young, City Attorney Bryant Parker, Police Chief Ken Winter, Maintenance Superintendent/Fire Chief Brad Ewy, Director of Golf Kevin Fowler. Guests present were Tricia Parker.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

DETERMINE AGENDA ADDITIONS

RESOLUTION 295-2019 DETERMINING A NUISANCE EXISTS WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS AND ORDERING THE REMOVAL AND ABATEMENT OF SAID NUISANCE

CONSIDERATION OF PURCHASING EZ GO TERRAIN 1000 UTILITY VEHICLE FOR CHERRY OAKS GOLF COURSE

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 February 14, 2019 City Council meeting
- c) Building Permit- 1106 N Lake Rd- Goode Pool & Spa
- d) Fence Permit- 503 Jayhawk- Taylor Made Exteriors
- e) Mechanical Permit- 729 Filmore- Roth Heating & Air
- f) Mechanical Permit- 209 N Main- Cheney Electric
- g) Roofing Permit- 523 Lincoln- Hobson Roofing (house)
- h) Roofing Permit- 523 Lincoln- Hobson Roofing (garage)

Council member Jeff Albers moved to adopt the Consent Agenda as (listed or amended). Council member Kassie Gile seconded the motion. Motion carried unanimously.

PUBLIC AGENDA

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF RESOLUTION 294-2019

The Schedule of Service, License and Permit Fees has been updated to include the \$1 increase in the Sewer Monthly Service Fee, which was approved at the February 14, 2019 Council meeting. Young also requested the addition of a Multi-dwelling with one water meter rate change. She discovered the existing rate was set in 1992 and was never added to the rate schedule; therefore, it had not been changed since 1992. Young estimated the fee would affect 18 properties and discussed increasing to the

rate to \$5.00. Council discussed if the rate should be set at \$21.50, which is the minimum monthly water charge. They didn't think it seemed right that someone living in the Mobile Home Park on the west side was charged \$2.80 plus usage when someone living on the east side with their own meter is charged \$21.50 plus usage. Young stated that they had not found another City that was charging more than one monthly minimum on the multi-unit dwellings with one meter. It was stated that the water rates would be up for review in the next year and it could be discussed further at that time if an additional increase needed to be made over the recommended \$5.00.

Council member Greg Kampling moved to adopt Resolution No. 294-2019 Schedule of Service, License and Permit Fees.

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

CONSIDERATION OF ORDINANCE 915: AN ORDINANCE REGULATING THE SALE AND CONSUMPTION OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF CHENEY, KANSAS BY AMENDING PORTIONS OF CHAPTER 3 OF THE CHENEY MUNICIPAL CODE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CHENEY, KANSAS IN CONFLICT HEREWITH.

A recent change in Kansas State Law will take effect on April 1, 2019 allowing Cereal Malt Beverage Licensed businesses to sell beer containing not more than 6% alcohol. Ordinance 915 updates the City's Code to include "Enhanced Cereal Malt Beverage" which is defined as the combination of CMB and beer containing not more than 6% alcohol by volume. Previously, CMB allowed 3.2% alcohol by volume to be sold.

Council member Jeff Albers moved to adopt ordinance 915.

Council member Kassie Gile seconded the motion.

Young called the Vote, Albers-yes Gile-yes Kampling-yes Mize-yes Williams-yes

CONSIDERATION OF ORDINANCE 916: AN ORDINANCE PROHIBITING DISTURBANCES AT SCHOOLS WITHIN THE CITY OF CHENEY, KANSAS BY ADDING SECTION 11-214 TO THE CHENEY MUNICIPAL CODE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CHENEY, KANSAS IN CONFLICT HEREWITH.

Chief Winter explained that the Adoption of Ordinance 916 would add "Disturbances at Schools" to the City's Uniform Public Offense Code. Winter recently attended a School Safety Training and learned about the Ordinance from the City of Topeka, which gives local municipalities another option to keep Schools Safe. Currently the Police Department uses disorderly conduct to deal with issues at the school, but Chief explained that Disorderly Conduct can have a gray area. The specific Ordinance would allow the Police Department to act if there was an event or parent at school.

Attorney Bryant Parker mentioned that the Ordinance also gave the Police Department the ability to give someone a notice to leave. Parker mentioned that with the school property being a public premise, it is difficult to file a no trespassing case, so the Ordinance would allow the police to serve a notice to leave to individuals. Parker also mentioned that it would allow the Police Department to act on something as extreme as picketing from the Westbrook Baptist church.

Council member Greg Kampling moved to adopt ordinance 916.

Council member Jeff Albers seconded the motion.

Young called the Vote, Albers-yes Gile-yes Kampling-yes Mize-yes Williams-yes

CONSIDERATION OF PURCHASING TWO JACOBSEN GREENS MOWERS

Last month, Director of Golf Kevin Fowler discussed the purchase of two used 2015 Jacobsen greens mowers. Fowler explained they currently use 2011 and 2006 model Toros. With the purchase of the 2015 mowers, the 2011s will move to tee mowers and the 2006 models will be sold. Fowler hoped to sell the units for \$1,500-\$3,000. Fowler looked at comparables across the country and found another 2015 Jacobsen selling for \$23,000.

Council member Kassie Gile moved to purchase two Jacobsen Eclipse 322 greens mowers from Kansas Golf and Turf in the amount of \$30,000.
Council member Greg Williams seconded the motion. Motion carried unanimously.

RESOLUTION 295-2019 DETERMINING A NUISANCE EXISTS WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS AND ORDERING THE REMOVAL AND ABATEMENT OF SAID NUISANCE

Young explained that the City has been working with the homeowner at 125 E 2nd Ave to have all animals removed by March 25th. By adopting the Resolution, the City would be able to remove the animals, with the help of Sedgwick County Animal Control on March 25th. The removal cost could then be assessed to the property.

Council member Jeff Albers moved to adopt Resolution 295-2019.

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

CONSIDERATION OF PURCHASING TWO EZ GO TERRAIN 1000 UTILITY VEHICLE FOR CHERRY OAKS GOLF COURSE

Director of Golf Kevin Fowler requested the purchase of two used 2016 EZ Go Terrain 1000 Utility Vehicles. The purchase will replace the 2000 Toro Utility Vehicle and the 2007 EZ Go Beverage Cart, which was formerly used as the Range Picker. Fowler has been looking for a new mid-size utility vehicle in the \$9,500-\$11,000 range, but Kansas Golf and Turf currently has off-lease utility vehicles listed at \$4,900 each. Fowler stated a new EZ GO Terrain is \$8,500-\$9,000 and found a used comparable for \$6,950.

Council member Greg Williams moved to purchase two EZ Go Terrain 1000 Utility Vehicles in the amount of \$9,800 from Kansas Golf & Turf.

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

POLICE REPORT

Chief Winter reported that the department averaged over 14 calls for Police Service a day in February. Young and Winter have been talking about the National Night Out event in August and would like to coordinate with families around the community to host block parties. Winter explained that the event gives an opportunity for neighborhoods to come together to build relationships.

Winter mentioned that the department lost their police chaplain since Pastor Seifert moved away. Pastor Aaron Rust is the new Assembly of God pastor and has accepted the Chaplain position.

Chief Winter stated they will be selling a Ford Explorer and would like to purchase a demoed Chevy Tahoe from SERV.

Winter also reported that during their Seatbelt Enforcement they gave 10 adult seatbelt citations, 1 expired tag and 1 speeding ticket.

FIRE REPORT

Chief Ewy stated the Sedgwick County Commission held a meeting regarding auto-aid agreements. Commissioner Dennis is pushing for Sedgwick County Fire to take over all cities/unincorporated areas of Sedgwick County and assessing 18 mills. Ewy said several of the other departments will be meeting to discuss this, to see what can be done to fight it. Ewy also stated Cheney Fire just had their ISO review.

MAINTENANCE REPORT

Ewy reported that they had had a KCC Gas Audit and KDHE water inspection this year already. It was mentioned that since the streets were cleared of snow, the street seal on Main Street was now completely gone. Kampling stated he met with the County and they said within 10-11 months of warranty they would bring the crew out to look at it again.

GOLF COURSE REPORT

Director of Golf Kevin Fowler stated the weather has been horrible for golfers. Their first tournament of the year is scheduled for Saturday, March 16th and they have 20 teams signed up already. There is another tournament scheduled for the 30th and April 6th. Leagues will also be starting soon.

Fowler mentioned that the committee met to plan the 25th Anniversary Celebration on Friday, June 21st. Flyers will be distributed once everything is finalized. Supper will be served at 6 and a Band will play from 6:30p-8:30p. There will also be inflatables and a photo booth. Sponsors are helping with expenses.

ADMINISTRATOR'S REPORT

Young reported that the property owners at 717 E 2nd Ave had requested a livestock permit for two 4-H animals. They had obtained the required signatures from the adjacent householders. The City Code states one animal is allowed with a minimum of 2 acres. Several years ago a request was made and the City Administrator did an exception to allow 1 animal per 2 acres. Young will do an exception to allow a goat and bucket calf on their 3.65 acres.

Young stated that they were not able to obtain the 51% of LMI individuals on the surveys to qualify for the CDBG for a new swimming pool. They obtained 34.81%, but noted they were unable to contact several people and others refused the survey.

The City is still dealing with issues on the Zenner gas meters. There is a firmware update that needs to be done to correct the meters. Council asked if Zenner was helping with the expense the City has incurred from lost gas, broken meters, and employee hours to find and fix the issues.

Tricia Parker researched the City's ability to purchase the lots at the Back 9 and discovered that the City must pay the delinquent real estate taxes plus the costs and expenses of the sale, but shall not be required to pay any delinquent special assessments. The costs per parcel will be \$470 and the delinquent real estate taxes are \$537.53 per parcel. An auction date has not been set yet. Parker stated that the City can bid to protect their interest and do not have to pay specials or interest on specials. Young will contact the County Clerk to verify amount and request the specials and interest to be backed out from the total. It was noted that if the City is the successful bidder, then the City could sell the land and require the purchaser to build a home within a certain amount of time.

Council discussed a new development of the Back 9 Lots with Southwind. It was mentioned that an agreement for a functioning Homeowners Association also be discussed. Council stated they would like to see another phase developed and would stay open to ideas and an agreement, but are concerned because they felt the first phase had been abandoned by the developers and the past experience of not paying the Special Assessments.

ATTORNEY'S ITEMS

Attorney Bryant Parker had nothing to report.

MAYOR'S ITEMS

Mayor Linda Ball was absent.

COUNCIL ITEMS

Council member Greg Williams had nothing to report.

Council member Jeff Albers had nothing to report.

Council member Kassie Gile had nothing to report.

Council member Greg Kampling asked about storage containers being allowed. It was discussed that the Golden Age Home would like to look at the possibility of using a portable storage unit instead of building a new shed. Young stated that the City adopted an Ordinance in 2011 that does not allow them except temporarily in residential districts. Council asked for information to be brought back next month for discussion. Attorney B. Parker mentioned the possibility of a renewable permit to make sure that the storage container can't be visible from the front of the lot or require a privacy fence.

Council member Philip Mize asked about the unaccounted water usage on the monthly report. It was explained that Well 5 is no longer used and a line at the well had blown, but wasn't discovered for several days. The line has since been capped to the well, but the leak caused the unaccounted water usage to spike for the month.

ADJOURN

Council member Greg Kampling moved to adjourn at 8:50 p.m.

Council member Kassie Gile seconded the motion. Motion carried unanimously.

Linda Ball, Mayor

Attest:

(seal)

Danielle Young, City Clerk