

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
February 13, 2014; 7:00 P.M.

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL REGULAR MEETING TO ORDER

MEMBERS PRESENT:

Mayor Linda Ball declared a quorum present at 7 pm. Council members present were Carl Koster, Jeff Albers, Philip Mize, Judy Lehner, and Greg Kampling. Staff present were Police Chief Howard Bishop, Fire Chief and Maintenance Superintendent Brad Ewy, Cherry Oaks Superintendent Kevin Fowler, Cherry Oaks Pro Shop Manager Jim Richmond, City Administrator Randall Oliver, Deputy City Clerk Mary Bronston, City Attorney Lee Parker. Guests present were Jeff Bennett, Alex Thisius, Todd Thisius, Laurie Thisius, Chuck May-Schwab Eaton.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

DETERMINE AGENDA ADDITIONS

Revised agenda was provided.

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 January 9, 2014 City Council meeting
- c) Building Permit- Lubbers Ford- Commerce Construction- 944 N Main
- d) Building Permit- Dream Life Homes- 624 Cherry Oaks Ct
- e) Building Permit- Paintbrush Properties- Jim Gillett- 426 Wolf
- f) Roofing Permit- Sedgwick Co Fair- Wichita Roofing- 308 S Main
- g) Sign Permit- Cheney High School- 100 W 6th Ave

Council member Carl Koster moved to adopt the Consent Agenda as listed.

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

PUBLIC AGENDA

Boy Scout Alex Thisius spoke of his plans to build a six community gardening box on the corner of 4th and Lincoln at Cheney United Methodist Church. They should be ready for spring planting. Shawn Kelly will be in charge of the project.

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF REDUCING THE LETTER OF CREDIT FOR THE BACK NINE PROPERTY

Jeff Bennett passed out a hand out and asked the City to consider lowering his letter of credit amount on the special taxes at the Back Nine property.

The development began in 2006 with 40 lots being developed at the Back 9. As of now, 17 homes are occupied, 2 homes are under construction, and it is expected that 3 additional homes will be built in the next few months. There are 20 vacant lots that have been sold.

The Letter of Credit was required with the intent to protect the City against the developer not paying their taxes. The agreement states that 40% of the amount will be released once half of the properties are built on. Once 75% of the occupancy permits are issued, then 80% of the letter of credit will be released. And the full letter of credit will be released when 90% of the occupancy permits are issued.

The current letter of credit is \$496,500. The current liability of specials is \$183,000. It costs Bennett \$10,000 a year to keep the letter of credit and he has already paid for the 2014 letter of credit. Bennett stated they would like to add 5-8 additional lots to the development, but he cannot go to the next phase because the letter of credit is hanging out there until 2025. So he is hoping the city will reduce the amount of the letter of credit. Bennett felt that he is paying a letter of credit on lots that he no longer owns.

It was mentioned that the City had already taken two draws against the letter of credit for unpaid specials. Bennett stated he allowed the second draw to happen so the amount of the letter of credit could be reduced. Attorney Parker stated the letter of credit was required so a shell corporation couldn't be set up and then lots sold to them. The letter of credit would help avoid transferring ownership between corporations and resulting in no houses being built.

Administrator Oliver talked to Intrust Bank and they stated the letter would be amended down to the amount agreed upon, but the original terms and conditions would remain the same. Bennett stated that by reducing the amount, his annual fee would also be reduced. Council member Jeff Albers felt there was still a need to protect the citizens.

Council member Carl Koster made a request to ask the attorney to draw up a resolution to reduce the letter of credit to \$200,000 for next council meeting.

Bennett appreciated the request and asked for the release to be sooner than 2025 and with 25 homes with certificate of occupancy. Council member Carl Koster did not like the request. Council member Albers would like for this to be reviewed more often and for there to be more communication. Albers agreed to doing a reduction now and looking at the situation at the end of the year to see if it can be reduced even more.

Bennett said if the council released the full amount, then an additional development would be started. There would be no progress until the current letter of credit is gone. Council member Koster said the release would need to be negotiated.

CONSIDERATION OF AGREEMENT BETWEEN SCHWAB-EATON, P.A., CONSULTING ENGINEERS AND THE CITY OF CHENEY.

Chuck May, Schwab-Eaton, stated he would be working on the sewer project to replace and rehabilitate old sewer lines. KDHE has placed the project on their use plan to qualify for the State Revolving Loan Fund. The next step is to prepare the preliminary

engineering report. Oliver will work on the application for the loan. A contract was presented for Schwab-Eaton to conduct work on the sewer project.

The agreement includes Preliminary Engineering Report of \$5,000, Design and Specifications for contractor bids and Letting of Bid at \$55,000, and Contract Administration and supplemental services, estimated at \$40,000. Inspection by Schwab-Eaton on the project has been included on the agreement. Schwab-Eaton fees will be included in the loan amount. The City has applied for a \$600,000 loan for 20 years.

Council member Carl Koster moved to accept the agreement with Schwab-Eaton and authorized the Mayor to sign.

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

CONSIDERATION OF CHENEY SOCIAL MEDIA POLICY

Administrator Oliver stated that most cities are adopting a Social Media Policy for the City's protection. Attorney Parker reviewed the policy. Council member Koster asked about Section 5, Bullet 3. Attorney stated if city business is discussed then social media can become discoverable in lawsuits or open records. Koster thought the phrasing seemed confusing in the last sentence. Koster thought it should state "pertaining to city business". It was also discussed if it was a control of free speech. Koster would like to see the section clarified. The Attorney will revise the policy and note that it's talking about city business.

CONSIDERATION OF ORDINANCE 868 AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, OF THE CITY OF CHENEY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

City Administrator Oliver stated that this Ordinance is to refund the KDHE Sewer loan, Evergreen Ct, Back Nine and Lubbers Bonds. The final savings of the refunding is \$118,583. The average interest rate was 4.87% and the new series bond is 2.32%. The higher savings is from the high bond rating of AA-.

Council member Greg Kampling moved to adopt Ordinance No 868.

Council member Carl Koster seconded the motion.

Deputy City Clerk Bronston called the Vote, Albers-yes Kampling-yes Koster-yes

Lehner-yes Mize-yes

CONSIDERATION OF RESOLUTION 249-2014 PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, OF THE CITY OF CHENEY, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 868 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Attorney Parker stated that the resolution clarifies and provides details of Ordinance 868.

Council member Jeff Albers moved to adopt Resolution 249-2014 at 8:35 pm.

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

CONSIDERATION OF CHANGES TO THE CHIEF OF POLICE JOB DESCRIPTION.

Administrator Oliver stated that residency in a three mile radius, 10 years experience and 5 years supervisor were added to the job description. Council member Carl Koster believed there should be a residency requirement inside the City limits. It was discussed that the city limits residency requirement was pulled during a prior hiring process with a tight pool of applicants. It was discussed if the residency requirement should include the school district boundaries. It was decided that boundary was too large.

Council member Greg Kampling moved to adopt the changes to the police chief's job description as presented.

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

CONSIDERATION OF RESOLUTION 250-2014 AUTHORIZING FILING OF APPLICATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR A LOAN UNDER THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND ACT (K.S.A. 1988 SUPP. 65-3321 THROUGH 65-3329).

Administrator Oliver stated the resolution authorizes the improvements to the wastewater system. It also provides for the payment of the project through the State Revolving Loan Fund.

Council member Greg Kampling moved to accept Resolution 250-2014.

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

CONSIDERATION OF AN AGREEMENT TO PROVIDE KDHE WASTEWATER REVOLVING LOAN FUND ADMINISTRATIVE SERVICES.

An agreement was presented to apply for State Revolving Loan Fund with Ransom Financial. The fee is not to exceed \$10,000.

Council member Jeff Albers moved to accept agreement with Ransom Financial Consultants, L.L.C.

Council member Carl Koster seconded the motion. Motion carried unanimously.

CONSIDERATION OF RFQ FOR UPDATING COMPREHENSIVE PLAN

Administrator Oliver sent out Request for Qualifications and two companies' submitted bids. Prices ranged from \$18,000-\$22,000. Oliver would like to talk with Wichita State University to see if the Comprehensive Plan could be set up as a project for Danielle's graduate work during the summer. Oliver would also like to take it to the Planning Commission. He will bring the Comprehensive Plan back to Council next month with additional options. If the Comprehensive Plan is not updated, the zoning codes could become null and void. Council member Mize suggested using our existing plan and adding information to it.

GOLF COURSE EQUIPMENT PURCHASE

Cherry Oaks Superintendent Kevin Fowler stated his capital equipment budget is \$35,000. Fowler would like to upgrade his 2000 Fairway mower with a 2008 Reelmaster 5510. Toro has priced it at \$22,367.50. He would also like to purchase verticutters for

\$2500. A quote from Schmidt and Sons was also presented for a Landpride overseeder for \$8430. Fowler planned to use Maury Scheer's donation of \$2,921 for golf maintenance.

Council member Carl Koster moved to purchase equipment from Toro in the amount of \$24,867.50 and Schmidt and Sons in the amount of \$8430 for a total amount of \$30,376.50.

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

Koster suggested we send a thank you to the Scheer family for their donations. The 2000 fairway mower will be sold for \$4,500.

CHERRY OAKS LIQUOR LICENSE

After the liquor license application was submitted to Alcoholic Beverage Control, the City became aware that liquor can only be sold between 9 AM and 2 AM. This means if the golf course receives a liquor license, then beer could not be sold until 9 AM. It can currently be sold at 6 AM. The time change would create a problem for early morning tournaments. Oliver stated the license procedure could be stopped and the City would only be out \$50 for the application fee. Oliver thought financially the liquor license wouldn't make sense because golf tournaments might have to be rescheduled. Richmond shared his thoughts.

Council member Jeff Albers moved to cancel the liquor license application. Council member Phil Mize seconded the motion. Motion carried unanimously.

COUNCIL MEETING TIMES FOR MARCH AND APRIL COUNCIL MEETINGS

Administrator Oliver will be attending a supervisor class at Wichita State University from 4:30-7:30 pm on Thursday nights. Oliver asked for Council to change the start time to 7:30 pm for the March and April council meeting.

Council member Carl Koster moved to change the March and April Council meeting times to 7:30 pm.

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

POLICE REPORT

Chief Bishop asked for new parts for the laptops to be purchased at \$415 per unit. David Rich will install the parts.

Council member Jeff Albers made a motion to allow the purchase of up to \$1,245.00 and \$40.00 per month fee per unit for data usage.

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

FIRE REPORT

Fire Chief Brad Ewy left earlier in the meeting for a gas leak.

MAINTENANCE REPORT

City Administrator reviewed the Maintenance report. The maintenance department asked to purchase a new steam pressure washer to clean equipment. They will trade in an older pressure washer.

Council member Judy Lehner approved to purchase the Alkota 420X4X pressure washer in the amount of \$4,700.00 with trade in.

Council member Carl Koster seconded the motion. Motion carried unanimously.

GOLF COURSE REPORT

Cherry Oak Golf Shop Manager Jim Richmond reported the course had not had good weather. He has booked tournaments and sent out e-mails to people who have booked tournament in the previous year.

Cherry Oaks Maintenance Superintendent Kevin Fowler reported he had narrowed his assistant applications and would be making a final decision soon.

ADMINISTRATOR'S REPORT

Administrator Randall Oliver gave an update on the increasing natural gas prices. Oliver stated that a committee to review the police applicants needed to be formed. Council member Koster, Albers and Mayor Ball will review the applicants and determine who will be interviewed. Koster would like to have additional people from the Chamber, school, and ministerial alliance to be included on the interview panel. They will look at Monday night's for interviews.

The Back Nine Sidewalk was shown to Jeff Bennett. He did not see anything wrong. It was discussed to perhaps add a few more bends to the sidewalk.

Young's are still waiting to close on the Ott property. They will tear it down once they own it.

ATTORNEY'S ITEMS

Attorney Parker stated the legislature is looking at solid waste and recycling, but noted that the City is exempt.

CLERK'S ITEMS

Mayor Ball thanked Deputy City Clerk Bronston for filling in while Clerk Young was gone.

MAYOR'S ITEMS

Mayor Ball had nothing to report.

COUNCIL ITEMS

Council member Greg Kampling had nothing to report.

Council member Judy Lehner had nothing to report.

Council member Phil Mize asked what the purchasing limit was for department heads. Oliver stated the maintenance and police have a \$1,000 limit and the administrator had \$5,000 limit. Mize noticed that two fire trucks were purchased without Council approval. Council member Jeff Albers reported that the Chamber is looking to do a 130th Anniversary celebration. Albers thought the City should be involved and is looking at dates after Memorial Day.

Council member Carl Koster reported that the legislature would like to change municipal elections to the fall when national, state and county elections are held. Koster asked for the attorney to draft a letter to be sent to the president of senate, speaker of house and representatives.

Council member Carl Koster moved for attorney to draft resolution and send it to members of legislature, including our senate and house representatives, speaker of house and president of the senate.

Judy Lehner seconded the motion. Motion carried unanimously.

Council member Koster also commended the maintenance crew on snow removal.

ADJOURN

Council member Jeff Albers moved to adjourn at 9:15 p.m.

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

Mayor Linda Ball

(Seal)

Attest:

Danielle Young, City Clerk