

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
February 8, 2018; 7:00 P.M.

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL REGULAR MEETING TO ORDER

Mayor Ball called the meeting to order at 7 pm.

MEMBERS PRESENT

Mayor Linda Ball, Council members Carl Koster, Jeff Albers, Kassie Gile, Greg Kampling and Phil Mize. Staff present were City Administrator Randy Oliver, Director of Administration Danielle Young, Police Chief Ken Winter, Director of Golf Kevin Fowler. Guests: Ken Kopp-KRWA, Doug Helmke- KRWA, Pate and Carla Leroux, Sam Jack, Robin Colerich-Shinkle, Ryan Scott, Jarrod Bartlett, Jenny and Brad Murray.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PRAYER

Robin Colerich-Shinkle led the prayer.

DETERMINE AGENDA ADDITIONS

Oliver added Agenda Item: Backstop and Fence for Ballfields

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 11, 2017 City Council meeting
- c) Building Permit- 731 S Main- City of Cheney
- d) Building Permit- 312 S Marshall- B & B Storage
- e) Electrical Permit- 915 Filmroe Lot 3- Advanced Mobile Home Service
- f) Fence Permit- 517 N Garfield- Joe Hageman
- g) Mechanical Permit- 38628 W 15th St S- Cheney Electric Service
- h) Plumbing Permit- 126 W 4th Ave- Royal Flush Plumbing
- i) Roofing Permit- 602 E 6th Ave- Pete's Roofing

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

PUBLIC AGENDA

No one addressed the Council.

OLD BUSINESS

DISCUSSION OF TALL GRASS OVER 12" FOR PROPERTY ALONG GOLF COURSE

Carla Leroux, lives at 1136 N. Lake Rd, stated when she came to the City (with the problem), she just wanted them to mow once. She thought if the City had a 12" Ordinance, then she shouldn't have been the one that had to address it. If the property owners would mow it once a year, Leroux stated she would be happy. Mayor Ball asked how tall the grass would get if it was only mowed once a year.

Jarrold Barlett stated that mowing their yard is not the issue. He stated the property owners spend thousands of dollars maintaining their yards. Bartlett stated they are trying to create a buffer to keep golfers off of their property. The problem that they're trying to solve is keeping a buffer between the city golf course and private property.

Council member Jeff Albers asked Carla if everyone followed what Bartlett did and mowed it once a year if she'd be happy. Carla stated she would be happy, but felt like the 3' tall grass/weeds was too high.

Council member Kampling thought if there was a wet summer then the grass could grow 5-6' tall, but if there's a dry summer then mowing it once would be enough.

Bartlett stated the property owners have proposed to maintain the weeds and have come with a compromise. Bartlett didn't know how "required to mow it once a year" could be enforced. He told Council that they had let the grass grow for 10 years. He didn't think it was a health, fire or blight issue. He didn't think 'mowing' was the issue that needed to be solved.

Council member Greg Kampling didn't think two-foot grass would keep golfers off of their property because he thought golfers would still come onto their property looking for balls. Bartlett asked, "What would then?"

Kampling mentioned the homeowners could put up a rod iron fence and others mentioned the golf course installing a pipe fence. It was also mentioned that a pipe fence wouldn't keep golfers from crawling under/over it to look for balls. A privacy or rod iron fence could solve the problem of golfers coming onto their property.

Bartlett stated that land owners that don't have homes built on their lots have gotten letters over the years to mow their lots, but property owners with homes built didn't receive a letter until recently. Oliver stated that letters were sent on the other lots because complaints were received. Kampling explained that he has also received letters to mow his vacant lots along Lake Road and he had to comply.

Council member Philip Mize stated "we don't go looking for mow issues". It was explained the City doesn't have a code enforcement officer and letters are sent when complaints are received. Leroux asked questions about tree limb letters and why certified letters were sent with the grass issue and not low hanging tree limbs. It was explained there is a different in the codes.

Council member Mize thought if mowing wasn't the issue, then he wasn't sure how they could keep golfers out. Bartlett stated there's no guarantee that the golfers aren't going to crawl through tall grass to look for their ball. He stated they bought the lots knowing that was the condition and they've been maintained the same way for 10 years.

Council member Kampling didn't think the City should have to spend any money since the golf course was there first.

Council member Albers thought the drafted ordinance would put the expense on the homeowners. Albers thought if the lots adjacent to the golf course were exempted with a 24" buffer, then the native grasses could grow and most likely wouldn't get taller than 24". Young spoke about the City of Derby planting native grass in their parks and ornamental grass.

Albers again addressed if property owners would mow it once a year if the problem would be solved. Bartlett asked if they mowed it once a year and then it grew to 16" would they get a certified letter from the City. Albers asked Bartlett how to solve that problem. Albers thought part of the problem with the homeowner's proposal was there was no maximum height and it would be hard to enforce it.

Albers asked if a 24" height would ruin the view out of anyone's house. Bartlett mentioned 36" height and Leroux stated their house sits lower and 36" was too tall.

Director of Golf Kevin Fowler asked Bartlett how tall his grass was in August when a letter was sent. Bartlett stated his grass was 8" tall. Oliver stated he received a letter for his garden area that wasn't tilled. It was stated another property had 3-5' tall grass/weeds/Chinese Elms that prompted the complaint.

Oliver stated if a buffer is allowed then the Council will also need to decide on a percentage. Council member Koster asked "who is going to measure the percent?" The homeowners brought a proposal to the Council, but Koster stated he had a problem with it since it didn't have a standard of height. Mize asked how the weeds would be maintained. Oliver mentioned that he talked to Sand Creek Station and they do not have a buffer zone on personal property. Kampling stated that in the information provided by Staff from the other cities, there weren't any (other cities) that allowed grass over 12", but Bartlett stated most of the cities had some sort of an exemption.

Mize has an issue with allowing the exemption because he's afraid additional exemptions will be allowed. Mize reminded that it was stated earlier in the meeting that mowing isn't the issue, so he didn't feel the grass ordinance needed to be changed. The issue is the need to keep golfers off of private property. Bartlett asked Mize what other exemptions he was referring to. Mize stated he was talking about the grass and he felt the City should abide by the current ordinance. Mize thought a pipe fence would keep the carts out. Bartlett stated the property owners would then have to weed eat around the fence and Mize stated that the golf course took care of that on the other sections of the pipe fence at the golf course. Kampling also thought if an exemption was given, that someone else would also want an exemption.

Oliver stated he looked at what 20% of the lot would look like for other adjacent lots and he stated 20% would take the entire back yard of John Mies. Oliver asked if the 'common areas' would also be included in the exemption. Oliver mentioned that the lots with the ponds and the 20% would take up the pond.

Albers thought if the City constructed a pipe fence, then it should go everywhere around the course, but didn't see how spending that money would solve the problem. The reasoning for the pipe fence was discussed and how it would keep tractors and vehicular traffic from entering the course.

Koster asked for input from others and asked if the buffer would be considered if this issue was in another area of town or if it was next to the railroad tracks. It was mentioned that the property owner next to the railroad tracks has also received a letter to mow tall weeds/grass. Koster thought that if an exemption was done, would someone else ask for an exemption and is everyone being treated fairly.

Kampling stated he is in favor of a pipe fence to keep the golf carts off of the private property and other vehicles from entering the golf course.

Albers asked if the golf course would be allowed to have taller grass for aesthetics, less maintenance, control the flow, and less money to maintain these areas. Albers thought the City was using our advantage for the golf course to do that, but not citizens. It was mentioned that the difference was residential versus recreational.

Kampling stated he thought the yards should be well maintained. Bartlett didn't think city ordinances should be based on Council member preferences. Barlett stated this hasn't been an issue for 10 years and it became an issue when a homeowner complained several months ago. Albers stated that the homeowners seem to agree that if everyone mowed once a year the problem would be solved. Leroux stated if it gets 12" then it needs to be mowed. Barlett asked "Once a year or 12", which is it?"

Mize thought the ordinance should be left at 12" because it's the ordinance we've had citywide for ages. Bartlett stated, "That's the issue. Just because it's an ordinance, doesn't mean it should always be the ordinance. No one has said why we can't have a buffer zone. The only reason we can't have a buffer zone is because the ordinance says so. It doesn't cause a health hazard, it doesn't cause a fire hazard and it does not cause blight. That's what the ordinance is there to protect. No one has said why we can't have a buffer zone. What of those three principles is our buffer zone that we're recommended breaking?"

The possibility of rodents was discussed from tall grass.

Albers asked the Attorney to explain the Ordinance that he wrote.

Attorney Austin Parker explained the Ordinance up for adoption explaining the exception to the current grass code. Parker explained brush and woody vines, and weeds under the definition. He explained the buffer zone is limited to property with rear yards that directly abuts the golf course, it can't be wider than "X" number of feet, cannot cover more than a percentage of how large the rear yard is, and can't exceed however high. Parker stated they're subject to public and private easements rightfully.

Albers asked, "Jarrod, how does that compare to your proposal?" Bartlett replied, "The only addition is height."

Albers asked Leroux if her concern regarded the maximum height it could get. Leroux stated she was also concerned about weeds. Albers thought Leroux's concerns were addressed in the proposed ordinance.

Kampling commented that the Ordinance stated no weeds over 12". Parker stated they can have tall grasses, native vegetation or a natural area. Albers asked Jenny Murray about the native grasses she had looked into and Jenny stated she hadn't found many that got over 2' in height.

Council member Jeff Albers moved to approve the Ordinance with 24" height and 20% allowance of lots adjacent to the golf course and exempt the golf course from the code all together.

Attorney Parker asked for clarification on the width stated in the ordinance.

Council member Albers stated to leave it at 20% and get rid of the width in feet.

Motion died for lack of second.

Mayor Ball asked where it needed to go next. Attorney Parker stated that the Council could go to the next agenda item or vote to table the agenda item indefinitely.

Albers stated that Council had asked the property owners to come with a proposal and the homeowners had done that. Albers thought the motion covered everything that the homeowners

involved. Albers explained to Leroux that the compromise was to raise the height from 12" to 24" so property owners would have to mow it when it reached 24".

Mayor Ball asked Council for another motion.

Council member Phil Mize moved to keep it at the regular Ordinance and put up a pipe fence to keep out the golf carts.

Motion died for lack of a second.

Council member Kampling moved to leave it as is and don't spend any money. If we put up a pipe fence we'll be spending money. Attorney Austin stated that the motion wasn't needed since it changes nothing.

Council member Koster moved to adopt the Option presented by the Attorney with a 12" maximum height. It was stated that the homeowners can already do that right now. The homeowners were wanting more than 12" to be allowed.

Council member Gile asked to re-enter Jeff's motion and then decided to change Jeff's original motion. Gile then asked to meet halfway with a 20% buffer zone with 18" height. Gile thought 18" would be manageable to get a mower over it and would be a compromise between the 12" and 24" already suggested. Bartlett stated he wanted 36" and Jeff explained 24" was his compromise. Gile explained 18" was a compromise between the other two motions made of 24" and 12".

Gile withdrew the motion for additional discussion.

Koster asked Jarrod if he preferred 18" or nothing. Bartlett thought 18" did nothing and didn't know that 24" solved the problem either. Albers thought 24" did solve the problem because, in general, the native grasses that are planted most of them wouldn't grow more than 24".

Jerry Leroux thought it should be 12" and put a pipe fence in. A pipe fence was discussed. Kampling thought 2' or 3' tall grass wouldn't keep people out or fix the problem. Koster objected to a pipe fence because of the expense. Albers thought 24" grass would deter more golf carts than mowed grass. Fowler asked why the City should put up the fence when the golf course was there first. Kampling asked why the City had to spend anymore money? Bartlett stated their proposal didn't make the City spend more money.

Mayor Ball quieted the conversation.

Council member Jeff Albers re-entered his motion to adopt the Ordinance that staff attorney wrote that would allow up to 24" and allow a 20% buffer zone. At zero cost to the City and all the cost be beared upon the homeowners.

Council member Gile seconded the motion.

Clerk Young called the Vote, Albers- yes, Kampling- no, Gile- yes, Koster- yes, Mize- no Ordinance 905 passed with a vote 3-2.

Council member Jeff Albers moved to allow the golf course to be exempt from the grass ordinance with the hopes that the superintendent knows where buffer zones can be helped with things we've done in the past.

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

NEW BUSINESS

ELECTION OF COUNCIL PRESIDENT

Council member Jeff Albers moved to elect Philip Mize as Council President.
Council member Carl Koster seconded the motion. Motion carried unanimously.

CONSIDERATION OF CITY OF CHENEY SOURCE WATER PROTECTION PLAN

Doug Helmke with Kansas Rural Water Association presented the plan.
Council member Koster asked about the committee mentioned in the plan. Helmke stated Randy Oliver, Brad Ewy, and Helmke were on the committee.
Council member Carl Koster moved to adopt the plan.
Council member Greg Kampling seconded the motion. Motion carried unanimously.

CONSIDERATION OF BIDS FOR BACKSTOP AND FENCE

Oliver presented two bids for a backstop at the South Main Complex. The third bid received was not relevant. Oliver stated the backstop will be paid 50% by the grant.
Council member Jeff Albers moved to approve bid from American Fence Company \$18,981.
Council member Greg Kampling seconded the motion. Motion carried unanimously.
Greg noted that the dugouts needed to be put in correctly. Oliver stated that Brent Peintner is going to help set up the measurements.

POLICE REPORT

Chief Winter reported there are 270 calls for the month of January.
Officer Schell will go to academy on April 30th. Ryan Aden will go to the part-time academy in June.

FIRE REPORT

Chief Ewy was not present.

MAINTENANCE REPORT

Maintenance Superintendent Ewy was not present.

GOLF COURSE REPORT

Director of Golf Kevin Fowler stated the course is extremely dry.
Fowler reported that Cherry Oaks made the top 25 U.S. Courses for Value at number 13.
Fowler stated that they sold the 2000 Fairway mower and a golf cart on Purple Wave. He asked to sell a 2000 Utility Vehicle on sealed bids.
Council member Kampling moved to put the 2000 Workman out for sealed bids.
Council member Koster seconded the motion. Motion carried unanimously.

Fowler discussed the need for a pipe fence around the golf course. He felt the course was covered for right now, but felt that the pipe fence would eventually need to be extended.

ADMINISTRATOR'S REPORT

Oliver stated that KMGGA would have paperwork for next month's meeting. The contract with Centerpoint ends in October. KMGGA will manage the account for \$50/month and then charge .09/gas unit.

Oliver stated the departments are finalizing their needs for a Security System.

Data was downloaded from the Speed Traffic Sign on North Main. There were 54,000 vehicles recorded within a month coming into Cheney.

The SCAC meeting is Saturday morning at 8:30 am.

ATTORNEY'S ITEMS

Attorney Parker had nothing to report.

CLERK'S ITEMS

Young stated that the Council would not need to approve an agreement for the WAMPO Grant. The steering committee would proceed with meetings with Kirkham Michael.

MAYOR'S ITEMS

Mayor Ball had nothing to report.

COUNCIL ITEMS

Council member Koster reminded everyone about the SCAC meeting on Saturday morning. Koster shared that he had learned at the REAP meeting about Cyber Security and wanted to make sure the City had cyber security insurance. He also stated that a person should not shut off their computer if they think it's being hacked, but to unplug the internet cable.

Council member Jeff Albers had nothing to report.

Council member Philip Mize stated he was bothered by not complying with the City's Ordinance regarding the weeds/grass. Mize believed ordinances were made for a general population so the City has authority to take care of those types of situations. Mize is afraid someone else will come back and ask for another favor. He's also worried how it's going to be policed since there are more rules about grass/weeds to address now.

Council member Kassie Gile had nothing to report.

Council member Greg Kampling stated that a couple had approached him about a beautification project with trees being planted on Main Street. Oliver discussed the problems of adding trees along the sidewalks and the Bank's issues with bird droppings.

ADJOURN

Council member Carl Koster moved to adjourn at 8:41 pm.

Council member Greg Kampling seconded the motion.



(seal)

Attest:

Danielle Young
Danielle Young, City Clerk

Linda Ball
Mayor Linda Ball