

CITY OF CHENEY

MEETING OF THE REGULAR CITY COUNCIL

**131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
November 12, 2015; 7:00 P.M.**

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL REGULAR MEETING TO ORDER

Council President Philip Mize declared a quorum present at 7:00 pm and called the regularly scheduled meeting to order.

MEMBERS PRESENT

Council members present were Jeff Albers, Carl Koster, Philip Mize, and Greg Kampling. Staff present were Police Chief Ken Winter, Maintenance and Fire Chief Brad Ewy, Director of Golf Kevin Fowler, City Clerk Danielle Young, City Attorney Lee and Austin Parker, City Administrator Randall Oliver. Guests present were Leo and Don Shaffer, John McKee, Jerry Leroux and Travis Mounts- Times Sentinel Newspaper.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

DETERMINE AGENDA ADDITIONS

There were no agenda additions.

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 October 8, 2015 City Council meeting
- a) Building Permit- Rudy's Metal Buildings- 113 E 1st Ave
- b) Building Permit- Roger Oswald Construction- 128 N Marshall St
- c) Building Permit- Trademark Inc- 703-705 Sunset Ave
- d) Building Permit- Better Built- 129 Washington
- e) Building Permit- Carolina Carports- 734 Filmore
- f) Mechanical Permit- Dan's Heating & Cooling- 226 W 3rd
- g) Mobile Home Permit- Advance Mobile Home Service- 915 N Filmore, Lot 28
- h) Plumbing Permit- 213 N Main
- i) Roofing Permit- Eaton Roofing- 506 N Garfield
- j) Roofing Permit- Eaton Roofing- 302 N Adams
- k) Roofing Permit- Rosenhagen Construction- 204 S Marshall
- l) Roofing Permit- Eaton Roofing- 326 W 3rd

Council member Carl Koster moved to adopt the Consent Agenda as listed.
Council member Greg Kampling seconded the motion. Motion carried unanimously.

PUBLIC AGENDA

Donna Shaffer- 912 N Garfield St- thanked Council for listening to her. She has lived in her current home for 8 years and has continuously had a problem with one of the neighbors. She has went to the neighbor many times and has contacted the police department. Shaffer begged the City to help her with the situation. Shaffer stated that at the corner of Birch Ct and Garfield, the street dead ends around the corner. There are only two houses on the east side of the street. Between the two houses there is an alley way. The alley starts at the street and only goes to the east. Shaffer stated the problem is the 2nd house has a large shed/man cave. The owner has widened the alleyway and has made a parking lot for his man cave.

Another problem is when the people gather at the shed/man cave to watch games they become intoxicated. These people then have to back up through the alley and they end up backing up over items in Shaffer's yard. They have pushed the electric and cable box off, broken the mailbox post that is 40-50' away from the alley, and ran over bushes. Shaffer is concerned about the three small children that live in a near house near there and ride their bikes.

Shaffer has asked the owner of the man cave to have his friends park in the street. Shaffer asked Council to look at their yards and think how they would feel if for the past eight years drunken grown men ran over items in their yard.

Attorney Lee Parker stated that the City of Lawrence had a similar situation and the Kansas Court of Appeals have stated that because it's a dedicated alley the City cannot restrict the use of unopened alley. Parker stated that people driving while intoxicated is a violation of the law and it is important for the police department to work off of complaints, especially if they strike things and or have an accident. Parker advised Donna to call 911 whenever she sees someone driving while intoxicated. The City does not have the power and authority to block off any use of an alley according to State of Kansas. It was originally platted and dedicated as an alley.

Council member Jeff Albers asked if it could be rededicated as an easement instead of an alleyway. Attorney stated that a petition from 100% of the property owners would have to be signed to allow this. Albers agreed that nobody wants someone to get killed, but there are no other options as a City to resolve this.

Chief Winter stated that his staff will place extra patrol in the area and if they park in the alley they can issue tickets or warnings. It is illegal to park in the alley and block the alley way. Shaffer thought the problem could be resolved if a few tickets are issued. Council member Mize thanked Shaffer for coming and told her to come back if there were any additional issues.

John McKee, lives on Shadybrook, asked about the free newspapers that are thrown every week in the streets, sidewalks, and yards. McKee asked if the City could request the paper not deliver them. Attorney Parker stated this concern came up in another city and the attorney's from the Wichita Eagle got involved. Parker stated that if the property owner tells them that they do not want the newspaper on their property, then they will not deliver it.

It was asked that the phone number for cancelling the newspaper be placed in the newsletter and on Facebook to educate the public that if they don't want the paper delivered then they need to contact the circulation department.

Council member Carl Koster moved to put an ad in the Times Sentinel Newspaper to publish the information with the number to call because of a complaint that was brought to the Governing Body on November 12th, 2015. Attorney Parker will approve the ad before it is published.

Council member Jeff Albers seconded the motion. Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF TEMPORARY SEWER SERVICE

Council member Jeff Albers abstained from discussion and voting on the agenda item. Administrator Randall Oliver explained that the City and Albers Finishing is still waiting on the grant to be approved. It could be another 2-3 months before the actual sewer is constructed for Albers Finishing and Solutions. Albers' have requested temporary sewer service from the city and would haul and dump their sewer into our city sewer.

Council member Greg Kampling moved to allow the use of a temporary holding tank for wastewater at their facility located at 38628 W 15th Street South until a permanent sewer service is provided by the City.

Council member Carl Koster seconded the motion. Motion carried 3-0-1.

CONSIDERATION OF A STATUTORY DEED FOR BALL DIAMOND LAND

Council member Jeff Albers returned to his Council chair.

Attorney Parker stated that the school district desires to have a title to the ball diamond land. The land was purchased under a lease purchase and has a clause that allows the City to step out of it at the end of any year. If a warranty deed is given, then it restricts the ability to step out of the lease purchase. The City is short \$3,500 of paying off the tract of land that is being deeded to the school district and will come out of the lease purchase from Melvin Woolf. Melvin has signed the agreement. This is for tract c2, approximately 7 acres.

Council member Carl Koster moved to convey the Deed to the Cheney School District USD 268 with an additional \$3,500 payment and authorized the Mayor to sign.

Council member Jeff Albers seconded the motion. Motion carried 4-0.

CONSIDERATION OF DEVELOPMENT AGREEMENT BLEDSOE ADDITION

Attorney Parker explained that the Bledsoe addition cannot be developed so different ways have been looked at to gain access to the lots. A development agreement states that the 3 lots will petition for the development of Taylor St at such time the Brandes property plats and a temporary driveway will be allowed for the development of one residential structure on one of the three lots. The temporary driveway will go to 2nd Ave.

Bledsoe has also requested to build a garage on one of the adjacent lots. It was determined that an accessory structure on an adjacent lot is allowed but those lots become welded and cannot be sold separately. The agreement will be filed with the Registrar of Deeds so that it shows up on the 3 lots. If a second home is wished to be developed, the road will have to be curbed and guttered.

Attorney Parker recommended Council to authorize the development agreement. A petition will be presented to the Council.

Jerry Leroux addressed the Council and stated that the same thing came up when he owned the property on the corner of South Main (where Escareno built). Had a lady who wanted to build a home at the end of the road. The city council turned Leroux down on the same request. Leroux stated that it isn't fair to allow these private drives as his request was not allowed.

Council member Philip Mize asked what the private drive requirements were. Oliver stated that the code stated the requirements and that it would be subject to the same requirements for fire code as other homes.

Council member Carl Koster stated that he didn't like this but that this was the only way for the land to be developed. Kampling mentioned that this was the same situation for Roger Brown.

Council member Carl Koster moved to proceed with the agreement for the purpose of discussion.

Council member Greg Kampling seconded the motion. Council member Mize voted nay. Motion carried 3-1-0.

POLICE REPORT

Police Chief Ken Winter state the Police Department had 311 calls for the month. Winter gave an update on the police car, but they are not sure where it is at. On October 29th it was between Chicago and Canada. The Ford Crown Vic now has 90,000 miles. We should have gotten rid of it at 70,000 miles.

Winter has had complaints about golf carts and other UTV vehicles on the street. He is addressing the complaints of driving the vehicles out to KAPS and speeding. The department is working on the SAFE program as high school. Officer Martinez has moved to town.

FIRE REPORT

Fire Chief Brad Ewy reported that KSN had done a story regarding ambulance response times.

MAINTENANCE REPORT

Maintenance Superintendent Brad Ewy stated the maintenance department is wrapping up a lot of the projects. 9000 feet of gas line has been completed, all water lines have been extended, the Back 9 sidewalk has been poured, and utilities are set for the ball diamond concession stand to be completed. Layne Inliner is in town making great progress on the sewer project. There will not be time to slurry seal the streets this year. Council member Kampling asked when the City will need to rock the parking lot. Ewy stated they will curb and gutter it first.

GOLF COURSE REPORT

Director of Golf Kevin Fowler stated the golf course is trending in the right direction. Cherry Oaks will be updating the point of sale software with Golf Now. They will also revamp the website and make it mobile friendly. There will be no up-front cost, the trade out will be two tee times a day booked from Golf Now's website. Other municipal courses have stated they like the trade out of tee times better than paying an upfront cost.

ADMINISTRATOR'S REPORT

City Administrator Oliver received word that the Back Nine properties had paid their 2014 delinquent property taxes. Oliver only sent them the total due for the special taxes, but they will pay the balance.

The City is expected to hear word on the CDBG application for the sewer at Albers Industrial Development.

The Recreation Commission plans to meet on November 18th with an architect for the recreation complex and invited Council members to join.

Oliver will meet with the water tower company next week to discuss specs for the water tower paint. A Cheney logo was shown for the water tower paint. Koster asked for Linda and Judy to look at it via email.

Ewy and Oliver will drive to Kansas City on November 23rd to see about picking up the Christmas lights for Legion Park.

Oliver will host a Google maps workshop on November 24th at 10 am to help businesses claim their business name and get them on the Google map.

Council member Koster asked about insurance costs for next year. It was stated the City will know the renewal costs next week and has also met with Arthur Gallagher as another option.

ATTORNEY'S ITEMS

Attorney Lee Parker stood for questions. There were none.

CLERK'S ITEMS

Clerk Young had nothing to add to her report.

MAYOR'S ITEMS

Mayor Ball was absent.

COUNCIL ITEMS

Council member Greg Kampling had nothing to report.

Council member Jeff Albers had nothing to report.

Council member Carl Koster had nothing to report.

ADJOURN

Council member Jeff Albers moved to adjourn at 8:26 pm.

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

Mayor Linda Ball

(seal)

Attest:

Danielle Young, City Clerk