

CITY OF CHENEY

MEETING OF THE REGULAR CITY COUNCIL

**131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
September 10, 2015; 7:00 P.M.**

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL MEETING TO ORDER

Mayor Linda Ball 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, Greg Kampling and Judy Lehner. 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 Shawn Rooker, Jim and Rita Perkins, Terry and Linda Hague, and Travis Mounts- TSN.

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 August 13, 2015 City Council meeting
- c) Approval of minutes for the August 25, 2015 Special City Council meeting
- d) Electrical Permit- Atlas Electric- 100 W 6th
- e) Electrical Permit- Atlas Electric- 100 W 6th
- f) Electrical Permit- Atlas Electric- 100 W 6th
- g) Electrical Permit- Atlas Electric- 128 W 5th
- h) Electrical Permit- Lacy Thome- 220 E 2nd
- i) Electrical- Atlas Electric- 601 S Main
- j) Roofing Permit- Eaton Roofing- 115 N Washington
- k) Roofing Permit- Eaton Roofing- 508 S Main
- l) Roofing Permit- Eaton Roofing- 1643 N Main
- m) Roofing Permit- Winter Roofing- 219 N Main

- n) Siding Permit- B & R Construction- 604 Jayhawk
- o) Siding Permit- Eaton Roofing- 905 N Garfield

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

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

PUBLIC AGENDA

Terry and Linda Hague have lived at 38625 W 23rd St S for 28 years. To the west of their property there has been farm land and water was previously drained through culverts installed by the township, with no problem. When development started at the Back Nine, Hague's became concerned about the elevation and how high the houses were being built. Hague provided pictures to the Council of dirt run off, buried fence lines, and stagnant water spots on their property from rain runoff and whenever someone waters their lawn at the new development.

Hague provided figures of the amount of water running onto their property from adjacent guttering. Linda Hague wanted to know where the paperwork was on the steps taken to develop the land, the plans, and elevations. Hague stated it is ruining her property and she requested help and guidance from the City.

Administrator Oliver stated he has talked with Hague's and the property developers. The developer has put a silt fence up. Oliver stated the elevations were planned by a civil engineer, along with a drainage plan. Minimum pad elevations were set. Oliver stated the back of the yards were to meet the existing elevation of the land.

Oliver provided a map and explained that the wavy red lines were 2 ft contour existing prior to the development (2 ft change in elevation). The blue lines are the elevations after the development, prior to when the homes were built.

Oliver showed the lot grading plan, which shows the foundation elevation.

Attorney Lee Parker stated when an engineer does a plat, they look at the drainage flow rates off of a piece of property before it is developed and they have to meet those drainage flow rates on a piece of property after it is developed. When a drainage plan is made, they determine if there should be retention detention to slow things down. So after the property is developed, it should drain at the same rate as it did when it was undeveloped.

Hague asked which engineer signed off on the plans. Hague stated the change of elevation was not reported with the core of engineering. Hague also asked if anyone took their property into consideration when they made the development plans.

Council member Koster stated it didn't matter how we got here, but it mattered how we could fix the problem. Terry Hague believed all of the water could be taken care of if a 2 foot wall was built to drain the water. It was asked who would pay for the drainage.

Council member Kampling asked if they had talked to the developer, RVM. Oliver stated that he talked to John Mies and Todd Rosenhagen and asked them to talk with Hague's.

Kamplung believed RVM needed to take care of the problem. It's not the homeowner's problem. Mayor Ball and Council member Koster agreed.

It was determined that an engineer needs to determine what the problem is.

Council member Mize asked if the county inspector okayed the elevations?

Attorney Parker believed the city should start with the engineer that did the drainage plan and tell them that the drainage plan isn't working.

The City will contact Hague's when we hear back from engineer.

Council member Albers thought it was important to express the importance of the matter to get the engineers here quickly.

Hague stated he appreciated the council members who came out and looked at their property.

Jim and Rita Perkins- 734 N Filmore- stated they would like to have chickens in town. They asked for a deviation against the ordinance to allow chickens in town. Most towns limit the number and do not allow roosters. Perkins asked for 5 chickens, which would be penned up, with no roosters.

OLD BUSINESS

DISCUSSION ON ALLOWING CHICKENS AND/OR OTHER FOWL IN TOWN

Discussion was continued from the August City Council meeting. Clerk Danielle Young requested information regarding if chickens were allowed in other cities on the list serve. A spreadsheet was provided to the Council members with information regarding other city's permit requirements, number of chickens allowed, neighbor approval, inspections, and roosters.

Council member Koster stated he asked at the Chamber meeting if anyone would like to allow chickens. No one was in favor of allowing chickens. Koster stated he had not heard of other property owners interested other than the 2 people at the meeting.

Shawn Rooker addressed the Council and stated hens are less noisy than dogs and chickens do not have a lot of waste and waste can be used as compost.

Attorney Parker stated the City of Manhattan regulates chickens under animal nuisance ordinance. Parker stated that Cherryvale has the 100 ft restriction to allow people on larger lots to have chickens, instead of placing an acreage restriction.

Kamplung stated he was not in favor of allowing chickens in town. Council member Koster agreed. Kamplung felt there are already several dog complaints and by adding chickens there will be even more complaints to deal with.

Rita Perkins noted that chickens would be confined, unlike free range cats. A few chickens wouldn't cause noise and there are items to help with the smell.

Shawn Rooker added that if there are no roosters, the chickens can't reproduce. The chickens are not going to reproduce, like dogs, and a homeowner isn't going to all of a sudden have a large amount of chickens.

Administrator Oliver stated he needed a motion to change the ordinance.

Council member Carl Koster moved to table the discussion indefinitely.

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

Council member Koster stated by tabling the item indefinitely a council member will have to bring it up to have discussion on it again.

NEW BUSINESS

CONSIDERATION OF MAYOR BALL'S APPOINTMENT FOR 2015

Mayor Ball requested the following appointment:

POLICE OFFICER CAREY SRAMEK

Chief Winter stated Sramek is an 18 year law enforcement veteran, who worked in Douglas County. His family is relocating to the Cheney area. His wife is from Hutchinson and he grew up in Atwood. He has two children and he is a certified officer. Council member Carl Koster moved to confirm the Mayor's appointment.

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

CONSIDERATION OF VOTING DELEGATE FOR THE LEAGE MEETING OCTOBER 10-12, 2015

Administrator Oliver, Council member Koster, and Clerk Young will be attending the League Conference.

Council member Philip Mize moved to elect Oliver as the voting delegate and Carl Koster as the alternate.

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

CONSIDERATION OF ZONE CHANGE

Oliver stated that the Planning Commission voted unanimously to approve the zone change. Council member Kampling thought the zone change would be a vast improvement.

Council member Greg Kampling moved to approve the adoption of the zone change per Planning Commission recommendation.

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

CONSIDERATION OF ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS FROM THE PRESENT MHP MANUFACTURED HOME PARK TO THE R-4 SINGLE FAMILY DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHENEY, KANSAS

Council member Jeff Albers moved to adopt Ordinance 883.

Council member Carl Koster seconded the motion.

Clerk Young called the Vote, Albers- yes, Kampling- yes, Koster-yes, Lehner- yes
Mize- yes

CONSIDERATION OF AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS; INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 2015, WITH CERTAIN CHANGES AND ADDITIONS; AND REPEALING SECTION 1 OF ORDINANCE NUMBER 871 AND ALL OTHER CONFLICTING

ORDINANCES

Attorney Lee Parker stated there weren't a lot of changes made to the Uniform Public Offense Code, but the Conceal Carry was the main item. He discussed the changes with the Police Chief.

Council member Greg Kampling moved to adopt Ordinance 884 for the Uniform Public Offense Code for Kansas Cities.

Council member Phil Mize seconded the motion.

Clerk Young called the vote, Albers- yes, Kampling- yes, Koster- yes, Lehner- yes, Mize- yes

CONSIDERATION OF AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS; INCORPORATING BY REFERENCE THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, EDITION OF 2015 WITH CERTAIN CHANGES AND ADDITIONS; AND REPEALING SECTION 1 OF ORDINANCE NUMBER 872 AND ALL OTHER CONFLICTING ORDINANCES

Council member Philip Mize moved to adopt Ordinance 885 the Standard Traffic Ordinance Code for Kansas Cities.

Council member Greg Kampling seconded the motion. Motion carried

Clerk Young called the vote, Albers- yes, Kampling-yes, Koster- yes, Lehner- yes, Mize- yes

CONSIDERATION OF AN ORDINANCE REGULATING THE USE OF THE PUBLIC LANDS SURROUND AND CONTAINING THE EXISTING WATER TOWER OF THE CITY OF CHENEY, KANSAS BY ESTABLISHING POLICY AND PROCEDURES

It has been determined that the water tower was built on land with restrictive covenants with mobile home use. The restrictive covenants are subject to any ordinances. Attorney Parker drafted an ordinance allowing the land to be used for utilities and a cell tower to defeat the restrictive covenants. It also addresses not clearing off the cell tower equipment from the water tower once the company is finished with it.

Council member Carl Koster moved to adopt Ordinance 886 regulating the use of public land.

Council member Judy Lehner seconded the motion.

Clerk Young called the Vote, Albers-yes, Kampling-yes, Koster-yes, Lehner- yes, Mize- yes

CONSIDERATION OF CHANGES TO THE GOLF SHOP MANAGER JOB DESCRIPTION

Changes were made to the Golf Shop Manager/Clubhouse Manager Job Description. Instead of requiring a golf pro, the job is now for a clubhouse manager. It also decreased the pay from grade 20 to 18. Fowler was involved in making the changes.

Council member Carl Koster moved to adopt the changes to the Golf Shop Manager/Clubhouse Manager Job Description

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

DISCUSSION ON WATER TOWER PAINT, COLOR AND LOGO

Oliver stated when the water tower is painted they will paint over the "Cheney" that is on it. Pictures were given to the council members to show them ideas of water tower paintings. Oliver is still trying to finish the specs for painting the water tower. There are 8-9 companies to send the binds to. Kampling asked if it would save money if nothing was painted on it.

POLICE REPORT

Chief Winter reported the number of calls were less in August. Ball stated someone reported to her that gas was siphoned from her vehicle. Winter stated nothing had been reported to the police department.

The officers will be going through taser certification. Winter will be attending Safe School conference in Manhattan. DARE starts on the 18th. The Police Department will also be taking over the safe seatbelt program. Lubbers is interested in doing a commercial again for the program. Winter would like to do "Coffee with the Cops" on a Saturday morning. On October 1st they will hold an "Identity Theft" seminar at 7 pm. Council member Koster stated the Chief should check with other businesses that offer identity theft insurance.

FIRE REPORT

Fire Chief Brad Ewy stated the cabinets are built for the fire station.

MAINTENANCE REPORT

Maintenance Superintendent Brad Ewy stated a contract had been signed with APAC. The Pool has been drained and all borings are done for water and gas lines. Sewer lines and water lines should be tied in for ball diamonds soon, but the trencher is broke down. Ewy reported that there is still 8000 feet of line to put in. The last sewer repair was finished for Inliner.

Ewy stated he is still getting a lot of complaints about the recycle truck tearing up the streets.

GOLF COURSE REPORT

Director of Golf Kevin Fowler reported the Men's Club Tournament is this Saturday and Sunday and several more tournaments are scheduled.

ADMINISTRATOR'S REPORT

Administrator Oliver is working with Cox to provide service to the new Albers Industrial Development on 15th St. Cox would like to put their line in the sewer trench. Oliver didn't see it as a problem.

Government Day is October 6th.

The tower lease adjusted contract was sent back to Verizon.

Oliver stated the City will need to make changes to ordinances about upcoming elections. Oliver will review with Attorney Parker and LKM.

Oliver received a message from Chuck with SCKEDD and they didn't have any good news regarding the CDBG grant. Oliver will follow up.

ATTORNEY'S ITEMS

Attorney Austin Parker requested the City hold off on an election ordinance until after the first of the year.

CLERK'S ITEMS

Clerk Young stated the Flu Shot Clinic will be October 6th from 1:30-4:30 at City Hall. The Christmas Party will be December 11th at Kansas Star Casino.

MAYOR'S ITEMS

Mayor Linda Ball had nothing to report.

COUNCIL ITEMS

Council member Jeff Albers thought it would be wise to set up a meeting with the Rec to determine plans at the ball complex. Albers discussed the drastic difference (2.5 ft drop) from softball field to the rec fields. Oliver will set up a meeting with the Rec to discuss a master plan.

Council member Philip Mize had nothing to report.

Council member Judy Lehner had nothing to report.

Council member Greg Kampling had nothing to report.

ADJOURN

Council member Jeff Albers moved to adjourn at 8:50 pm

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

Mayor Linda Ball

(seal)

Attest:

Danielle Young, City Clerk