

# **CITY OF CHENEY**

## **MINUTES OF THE REGULAR CITY COUNCIL**

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**131 N MAIN ST  
COUNCIL CHAMBERS, CITY HALL  
August 11, 2016; 7:00 P.M.**

**HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL**

### **CALL MEETING TO ORDER**

#### **MEMBERS PRESENT**

Mayor Linda Ball, Council members Carl Koster, Jeff Albers, Phil Mize, Judy Lehner, and Greg Kampling. Staff present were Attorney Austin Parker Parker, City Administrator Randall Oliver, Police Chief Ken Winter, City Maintenance Superintendent Brad Ewy, City Clerk Danielle Young, and Director of Golf Kevin Fowler. Guests present were Stan Blasi, Stan Elpers, Clara McIver, Sheri and Duane Darling, Walter McIver, Houston Gile, Steve Gile, Stan Woolf, Sam Jack, Stephania Stanley, Rachel Lehner, Chase Lehner, and Travis Mounts.

#### **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**

#### **PUBLIC HEARING ON THE PROPOSED 2017 CITY OF CHENEY BUDGET**

Mayor Ball opened the 2017 Budget Public Hearing at 7:00 pm.

Council member Carl Koster moved to close the public hearing on the proposed 2017 budget.

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

#### **CALL THE REGULAR MEETING TO ORDER**

#### **PRAYER**

#### **DETERMINE AGENDA ADDITIONS**

City Administrator Randall Oliver added agenda item: Playground Equipment Mulch to the revised agenda.

#### **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 July 14, 2016 City Council meeting
- c) Building Permit – 540 Bob White Ave- Robert Shepherd

- d) Sign Permit- 207 N Main- Voss Creative
- e) Well Permit- 409 W Cherry Oaks St- Ben Wallace

Council member Jeff Albers moved to adopt the consent agenda as listed.

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

## **PUBLIC AGENDA**

Stanley Blasi addressed Council about the Planning Commission's recent ruling stating his fence was in violation of the current city code. Blasi was not happy with the decision, but thought the verbage of the city code is impacting not only them, but three other people had also talked at the meeting regarding their fences. Stan and his wife asked the City Council what needed to be done to change the code so it wouldn't penalize the current people that have a fence. Blasi had a plea to find out from Council what is involved in changing the current city code regarding fences on corner lots. The current code calls for the side yard with a street frontage to be considered as a second front yard.

Council member Greg Kampling asked Blasi if he had come to the City and checked before he installed the fence. Blasi replied, "No." Kampling felt a permit for a fence should be required and explained that a corner lot has two frontages because a house can face either way. Blasi agreed that a permit should be allowed.

Council member Carl Koster appreciated Blasi for approaching the Council. Koster believes the fence code is confusing and wonders why it is in the code that way. Koster felt everything should be put on hold for 90 days to send it back to the Planning Commission to get things sorted out.

Council member Jeff Albers stated he had a problem with someone wanting to put a fence back up in the same place that had been taken down and the code would not allow them to do this. Albers agreed with the 90 day extension.

Stephania Stanley addressed Council and stated she has a window well on the side of her house and is concerned about the safety of her child in the basement. She tore down her fence, during the construction of her house and built the fence back where it was at previously, but was notified by the City that it is in violation. She stated no one had told her that if she tore it down that she couldn't put it back up.

Houston Gile- approached the Council about the fence code on corner lots and stated he had also attended the Planning Commission. He was told by planning commission that he needed to come to the City Council. He is also in violation of the fencing code. He purchased a home with a 6' fence, which had rotting 4x4 fence posts. He removed the fence before it was blown down or became hazardous and added 300' of sidewalk. He was planning to replace the fence in the same place, but was informed that in 2007 the code changed and that he has two front yards since he lives on a corner lot. According to code, his new fence would have to be installed across a new patio and 20' x 70' would be eliminated from his back yard. Gile called Andale, Goddard, Clearwater and other jurisdictions about their codes. The City of Hutchinson had almost the exact same verbage about two front yards, but residents are allowed to come off of the side of their house as long as the sight triangle isn't affected. Gile asked the Council what kind of changes they thought could be made, keeping in mind the line of sight and public

safety, but also be homeowner friendly?

Council member Albers thought the ordinance should be researched, different options should be reviewed.

Steve Gile, Planning Commission member, was in attendance because he believed the fence requirements needed to be addressed and a fence permit should be required.

Council member Carl Koster moved to put a moratorium on any fence action for at least 90 days, extended as necessary and research fencing issues. Fences can be built as long as issues are not

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

Stan Elpers, Special Use Permit applicant, stated Hometown Farm Supply was leasing a portion of a building for a warehouse and would like to add a propane filling station at that location.

Chase Lehner, owner of Central Gas, was hired by Hometown to install the propane filling station. Lehner passed around a presentation and showed technical equipment that would make the filling station safe and odor free. Lehner understood that a person could google "Propane Explosions", but there were many unfair comparisons that had been made to the current 30,000 bulk tank and bobtails that were installed in 1940 by Propane Central. He noted that a formal complaint of smell or traffic had not been filed and that everyone around there had built a home or moved into a home already knowing the propane storage was located there. Goddard School district installed a dispensing unit across from an elementary school. Lehner stated that the filling station fits in the zoning codes of the city. Lehner stated that if it is placed outside of town in the industrial park it would be an inconvenience to Farm Supply. Lehner believed that this was a unique service that few small towns have. It keeps people in town and can fill RVs, forklifts, or up to 100 pound bottles. Lehner has made multiple attempts to contact concerned citizens about this issue.

Travis Mounts- 207 E 1st- didn't envy the Council's decision. He asked for them to look at the big picture and asked if they thought it fit the character of the area and what it will be in the future. Mounts believed the area had converted into office/retail and residential and didn't believe the propane filling station fit. Mounts mentioned the large number of people in the area that had voiced their concerns and hoped that in a small town what they have to say still matters.

Oliver read a letter received from Staci Darling Prancast

Greg Kampling mentioned that 99 percent of the homes he builds in the county he installs propane tanks. Kampling stated they didn't have smell or problems.

Duane Darling thought the mention of the facility "being used to fill small bottles" made it sound like there is a small amount of propane, but when 10 bottles are filled then there's a larger amount. Darling referenced the old property owner Lloyd Ott and stated his

mechanic shop didn't bother him and that he wouldn't have built there if he had known what he knew now. The vote at the Planning Commission on the issue was 5-4. Darling mentioned that half of the people signed the petition and several had attended the meetings. Darling had concerns about the smell, human error and thought the filling station should be in an industrial park. This location would put the filling station one block closer to Farm Supply than their current station. Darling thought that putting another filling station in the city limits is a step backwards for the town.

Council member Carl Koster asked about the comparison of the current filling station and the newer technology that would be installed.

## **OLD BUSINESS**

### **CONSIDERATION OF A RESOLUTION ISSUING SPECIAL USE NUMBER 16-01 CONCERNING THE RELOCATION OF A PROPANE FIL STATION ONTO CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS.**

Council member Carl Koster stated he was concerned about denying the full use of their property without good reason.

Council member Carl Koster moved to approve special use permit at 117 N Jefferson St by adopting Resolution 274 and issuing the special use permit 16-01.

Council member Greg Kampling seconded the motion. Motion carried 4-0-1 with Council member Judy Lehner abstaining from discussion and voting due to family interest.

## **NEW BUSINESS**

### **CONSIDERATION OF ADOPTING THE 2017 BUDGET**

The Budget was presented at last month's Council meeting. There were no comments from the public.

Council member Greg Kampling moved to adopt the 2017 budget as presented.

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

### **CONSIDERATION OF MAYOR BALL'S APPOINTMENT FOR 2015-2016**

Mayor Ball requested approval of the following appointment:

Kyle Threadgill

Police Officer

Council member Carl Koster moved to confirm the Mayor's appointment.

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

### **CONSIDERATION OF PAYING FREIGHT COST FOR PLAYGROUND EQUIPMENT**

Cheney Recreation Commission has been awarded a grant for playground equipment at the South Complex. They have asked the City to help pay for the freight and mulch.

Council member Jeff Albers moved to pay the freight cost of up to \$3,282.35 for the playground equipment.

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

### **CONSIDERATION OF CONTRACT TO INSPECT SEWER INSTALLATION**

An agreement with Schwab-Eaton was presented to allow them to inspect the new

gravity sewer line that is being extended north of Cheney. The cost can be turned into the CDBG.

Council member Carl Koster moved to accept the contract for the inspection from Schwab-Eaton.

Council member Philip Mize seconded the motion. Motion carried 4-0-1 with Council member Jeff Albers abstaining.

#### **CONSIDERATION OF CHANGE ORDER FOR SEWER PROJECT**

A change order was needed for the electrical voltage on the Sewer Project north of Cheney.

Council member Philip Mize moved to accept the change order in the amount of \$2850.

Council member Greg Kampling seconded the motion. Motion carried 4-0-1 with Council member Jeff Albers abstaining.

#### **CONSIDERATION OF PURCHASING A SENSIT CGI GAS DETECTOR**

City Maintenance Superintendent Brad Ewy stated the backup CGI unit needed to be updated.

Council member Carl Koster moved to purchase a Sensit CGI from Groebner & Associates for \$2,758.

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

#### **CONSIDERATION OF DONATION FOR MAKE A DIFFERENCE DAY**

Make A Difference Day is scheduled for October 1, 2016. Last year, \$250 was donated, but a request of \$300 has been made to cover increasing grocery prices.

Council member Greg Kampling moved to donate \$300 to the annual Make A Difference Day.

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

#### **CONSIDERATION OF PURCHASING PLAYGROUND MULCH**

Several quotes were obtained for playground mulch for the South Complex. The lowest bid was from Riverside Ranch LLC.

Council member Jeff Albers moved to purchase mulch from Riverside Ranch LLC for \$3,969.25

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

#### **POLICE REPORT**

Chief Winter reviewed his report. He is still awaiting the arrival of the new patrol car.

#### **FIRE REPORT**

The fire at the mobile home park was discussed. It was asked how the tenants were living there without gas/electricity. Chief Ewy stated that nothing can be done as long as they have water and sewer. Additional trailers that need to be removed were discussed.

#### **MAINTENANCE REPORT**

Maintenance Superintendent Brad Ewy stated the maintenance department is working on streets.

**GOLF COURSE REPORT**

Director of Golf Kevin Fowler stated they had received 9” of rain from Thursday-Monday. The maintenance building had 1.5-2” of rain standing inside. They have completed concrete on two of the cart paths and have two paths remaining.

**ADMINISTRATOR’S REPORT**

City Administrator Randall Oliver discussed the patch job on Adams between 6<sup>th</sup> and 7<sup>th</sup>. Oliver thought the City should sit down with the School to discuss what needed to be fixed on the street. The City had received a bid from APAC to replace the block, but Cornejo and Sons was hired by the school to fix the patches. Kampling thought no one else should be able to fix the City’s streets until the City contracted the work. The cell tower lease was discussed.

**ATTORNEY’S ITEMS**

**CLERK’S ITEMS**

Clerk Young discussed the upcoming Christmas Party. December 9<sup>th</sup> was decided on for a date.

**MAYOR’S ITEMS**

Mayor Ball discussed the need to mow certain properties that were getting tall.

**COUNCIL ITEMS**

Council member Carl Koster asked about the property at 5<sup>th</sup> and Marshall.  
Council member Jeff Albers had nothing to report.  
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 Greg Kampling moved to adjourn at 8:54 pm.  
Council member Carl Koster seconded the motion. Motion carried unanimously.



(Seal)

Attest:

*Danielle Young*  
Danielle Young, City Clerk

*Linda Ball*  
Linda Ball, Mayor