

# CITY OF CHENEY

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

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131 N MAIN ST  
COUNCIL CHAMBERS, CITY HALL  
April 11, 2019; 7:00 P.M.

### HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

#### MEMBERS PRESENT

Mayor Linda Ball called the meeting to order at 7:00 pm. Council members Jeff Albers, Greg Kampling and Philip Mize were present. Council members Kassie Gile and Greg Williams were absent. Staff present were City Administrator Danielle Young, City Attorney Patricia Parker, Police Chief Ken Winter, Maintenance Superintendent/Fire Chief Brad Ewy, Director of Golf Kevin Fowler.

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### PRAYER

#### DETERMINE 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 March 14, 2019 City Council meeting.
- c) Approval of minutes for the April 1, 2019 City Council meeting.
- d) Roofing Permit- 316/318 E 6th Ave- Herndon Roofing
- e) Electrical Permit- 106 E South Ave- Twietmeyer's Electric Service
- f) Fence Permit- 417 N Adams- Trevor Cunningham
- g) Building Permit- 702 N Jefferson- Otto Contracting
- h) Building Permit- 106 E South Ave- Co-Mark
- i) Building Permit- 308 S Main- Evans Building

Council member Philip Mize moved to adopt the Consent Agenda as listed.  
Council member Jeff Albers seconded the motion. Motion carried 3-0.

#### PUBLIC AGENDA

#### OLD BUSINESS

#### NEW BUSINESS

### **CONSIDERATION OF 2019 POOL FEES**

Young explained that the pool fees have not been increased since 2010 when daily admission was increased from \$2 to \$3, Lessons were increased from \$25 to \$30 and Pool Parties increased from \$80 to \$90. Young recommended keeping the fees the same.

Council member Greg Kampling moved to approve the 2019 Swimming Pool Fees.

Council member Jeff Albers seconded the motion. Motion carried 3-0.

### **CONSIDERATION FOR USE OF GOLF COURSE FOR FIRE DEPARTMENT TOURNAMENT AND FRIENDS OF CHERRY OAKS**

The Fire Department has scheduled their Annual Golf Tournament on Sunday, June 2nd, 2019 and Friends of Cherry Oaks is scheduled for June 23rd, 2019.

Council member Philip Mize moved to allow the Fire Department on June 2nd, 2019 and the Friends of Cherry Oaks on June 23rd, 2019 use of Cherry Oaks Golf Course and waive the tournament fees for their annual tournaments.

Council member Greg Kampling seconded the motion. Motion carrier 3-0.

### **CONSIDERATION OF SELLING 2000 TORO WORKMAN AND 2007 EZ GO UTILITY CART**

Director of Golf Kevin Fowler stated that a 2000 Toro Workman and 2007 EZ Go Utility Cart were advertised in the Times Sentinel Newspaper for sale through the sealed bid process. Two bids were received on the 2000 Toro Workman and one bid was received on the 2007 EZ Go. Fowler recommended accepting the highest bid on each item.

Council member Jeff Albers moved to declare the items as surplus and accept the high bid from Brad Ewy in the amount of \$800 for the 2000 Toro Workman and John Lilly Sr in the amount of \$450 for the 2007 EZ Go Utility Cart.

Council member Philip Mize seconded the motion. Motion carried 3-0.

### **CONSIDERATION OF CHANGES TO CHERRY OAKS POLICIES AND PROCEDURES**

Director of Golf Fowler explained that staff had reviewed the policy and procedure manual and changed verbiage, titles, hours of operation and information on the operating system/point of sale. Cherry Oaks' Policies and Procedures were last adopted in 2011.

Council member Greg Kampling moved to adopt the changes to the Cherry Oaks Policies and Procedure Manual.

Council member Philip Mize seconded the motion. Motion carried 3-0.

### **CONSIDERATION OF PURCHASING A SLURRY TRUCK**

Maintenance Superintendent Brad Ewy reminded the Council that the City tried to purchase a different Slurry Truck in October, but were unsuccessful. The City's current Slurry Truck was purchased used in 2007 and was put on a 1988 truck chassis. The current truck has several holes in the bed and has problems with the clutch. A new slurry box is approximately \$225,000. Last year, the City spent \$45,000 on slurry sealing the streets, with work being completed by City Employees. By purchasing a newer slurry truck, it could potentially save the City \$50,000 a year by not hiring the work to be done by another company.

Ewy explained Circle C Paving has a 1991 GMC Slurry Truck that is in much better condition than the City's current truck. Circle C is interested in purchasing the City's Pneumatic Roller for \$3000. Ewy stated the current truck has no resale value and will be kept to use for parts.

Council member Jeff Albers moved to purchase the Slurry Truck in the amount of \$22,000 from Circle C Paving and declare the pneumatic roller as surplus to sell in the amount of \$3000.

Council member Greg Kampling seconded the motion. Motion carried 3-0.

### **FINAL PAYMENT OF THE LEASE AGREEMENT WITH MELVIN R. WOOLF**

A lease purchase agreement with option to purchase was made with Melvin R. Woolf on November 15, 2014 for the property also known as "The Cheney Sports Complex". A payment is scheduled to be made in May and the final payment is scheduled for November of 2019. In order to close out the grant with the Kansas Dept and Wildlife and Parks, the City must own the land. Young requested to make both payments in May 2019 with the full interest amount to complete the Lease Agreement.

Council member Philip Mize moved to pay off the Lease Agreement in May 2019 and accept the Statutory Warranty Deed to be executed by Melvin Woolf, trustee of the Melvin R. Woolf Revocable Trust, and authorize the same to be recorded and filed with the Sedgwick County Register of Deed.

Council member Greg Kampling seconded the motion. Motion carried 3-0.

### **DISCUSSION OF STORAGE UNITS FOR ACCESSORY USE**

Council member Kampling stated the Cheney Golden Age Home was interested in using a shipping container as a permanent structure. Young gathered information from several cities and found three cities that allowed permanent use of storage containers in Commercial Districts. Young reviewed the requirements the other cities provided, including color, screening, and signage. Kampling stated the Golden Age Home would like to set the container behind their building next to the trash compactor. Ewy had looked at the location and told them they would need to keep an 8' section clear for a fire hook-up.

Council member Albers liked the requirement of painting the shipping container the same color as the building. Young mentioned painting the container the color of the building or an earth tone was required by the other cities. Kampling agreed that they needed to be painted a neutral color.

Kampling thought they would use some type of rock for the base.

Young asked what items would be in the container. Kampling stated that it might be sectioned off and used for the mower and would not be used by the residents.

Young asked Council how technical they wanted to get on allowing portable containers and if they wanted a code that allowed them overall? Council member Albers and Kampling asked if they could be approved on a case by case basis. Council member Philip Mize asked about setting up something in advance on the structure requirements.

Attorney Patricia Parker believed the existing ordinance would need to be amended because it prohibits the storage of commercial property and does not allow for an exception. Council member Kampling thought the situation would be different if a business surrounded by commercial/industrial use requested the storage container. Young stated Wichita requests screening if the portable storage container is against residential use or arterial streets.

Young recapped the discussion and said the Ordinance could be amended to state that a site plan and approval by governing body is required for commercial use. Attorney Patricia Parker thought there might need to be more detail than that and recommended having a discussion with the Golden Age Home to see what their specific request is. Parker also recommended a general criteria be adopted for guidance in the case by case decisions.

Council agreed that residential use should still be allowed on a temporary basis.

### **POLICE REPORT**

Chief Winter reported that they had two accidents, an injury accident and were successful on clearing criminal cases. Winter announced that the 2019 Chevy Tahoe arrived today.

The City is planning a National Night Out event on August 17th, 2019. Winter explained that they will be looking for people to coordinate Block Parties with the idea to get people to know each other in the neighborhood. There are plans for the police, fire, council members, mayor and other staff to attend the block parties to introduce themselves.

Winter announced that Reserve Officer Jackson Chance will be attending the part-time academy in May for two weeks.

Council member Greg Kampling asked if Cheney's crime rate was higher than other communities. Winter responded by saying there is a good relationship between citizens and the police department and so citizens feel comfortable reporting a lot of items.

## **FIRE REPORT**

Chief Brad Ewy stated they had had three fires in three days.

## **MAINTENANCE REPORT**

Maintenance Superintendent Brad Ewy reported that the 2005 Ford Maintenance pick-up hasn't been running right and there is a cam tensioner out on it, which makes it lose half of its power. The pick-up has 130,000 miles and Lubbers stated it could cost \$3300 to fix. There is a 50/50 chance that a new motor will be needed and that could cost \$8000. Ewy explained that the truck is not be worth anything for a trade-in if it isn't fixed.

Ewy explained that they have been looking to purchase a pick-up to replace the older maintenance trucks. Lubbers had a used Ford with 75,000 for \$34,000. A new 3/4 ton, gas motor is around \$40,000.

Council member Kampling asked if a utility bid could be taken off and used somewhere else. It was asked when and how much the trucks were purchased for.

Ewy also noted that the pump at the Sewer Lift Station on 6<sup>th</sup> Ave had - first time it has been pulled since it was installed. There was a 2x4 into the flute of the pump and plugged it. They were able to clean it out and put it back.

## **GOLF COURSE REPORT**

Director of Golf Kevin Fowler stated that the weather had been up and down and revenue numbers reflect that. Forty trees were planted at the golf course with Steve Zimmerman using his auger to drill holes. There was also a tree planted at a property owner on Aetna for completing the Gas Public Awareness Survey.

Fowler talked to a couple of courses about purchasing the 2006 and 2007 greens mowers.

Anthony Golf Course offered \$2250 and Fowler recommended the City accept the offer.

Council member Greg Kampling moved to sell the Toro 3150 Greens mower for \$2250.

Council member Philip Mize seconded the motion. Motion carried 3-0.

Fowler stated he has met with property owners at the Back Nine regarding allowing private carts. Council member Albers thought allowing private carts needed to be beneficial to the golf course and that a trail fee needed to be as much as what is currently received in cart revenue. It was mentioned if it would be limited to Season Pass holders and Fowler stated there were several items to consider and staff is currently discussing various situations that may arise. Council member Philip Mize thought there might be an issue with passengers on the personal cart and if and how they might pay for the cart use. Council member Kampling asked if they could be allowed on a Trial basis.

## **ADMINISTRATOR'S REPORT**

Young had prepared a Quarterly Financial statement with comparisons to 2018-1st Quarter Revenue/Expenses and Cash Balances.

The Diamond Dawgs sent information on Sponsoring a Buy-out Night again. Last year, the sponsored a Sunday night game and provided popcorn/peanuts. Council thought it was a good idea to do a Buy-out night again and requested Sunday, June 9<sup>th</sup>.

Young showed the new reflective pedestrian bands that are being given out to pedestrians by the Police Department. Young created a video to show the importance of the reflective bands.

A request was made for an Ice House, which is a 4'x5' structure that requires water service. The County and other cities do not currently permit these structures. Young asked the Council if they had any objection to allowing one at the Co-op Fuel Pumps. Permits will be required for electrical and plumbing work and a new water meter will be installed. Council member Mize asked if the area was well lit, but no one saw an issue with them and mentioned they've seen them in several other towns.

Young reached out to several cities to gather information on Letter of Credit requirements and Developer's Agreements. Mr. Lehner is interested in a second phase at the Back Nine, but does not like the current agreement, which is a Letter of Credit for 50% of the project costs which will be released when 80% of the lots are developed. There have been draws made on the Letter of Credit in the past to pay for delinquent specials. Wichita only requires 35% of the project cost for the Letter of Credit and 35% of lots developed for the release.

Young looked at other community requirements. Bel Aire adds in a 5% Administrative Fee, Sedgwick County requires an additional letter of credit if properties are transferred to a different developer for resale. Council member Kampling liked the 50% requirement and then dropping the letter of credit amount as lots are built.

Council member Albers thought the requirement should include lots with occupancy permits instead of lots sold.

Several communities also had a requirement that special assessment financing would not be approved if the petitioner had any existing developments with delinquent special assessments. Young would like to negotiate the agreement with the owner to settle on terms for an additional development to begin.

Council member Mize asked about a Homeowners Association.

### **ATTORNEY'S ITEMS**

Attorney Patricia Parker did not have anything to report.

### **MAYOR'S ITEMS**

Mayor Linda Ball had nothing to report.

### **COUNCIL ITEMS**

Council member Jeff Albers had nothing to report.

Council member Philip Mize had nothing to report.

Council member Greg Kampling had nothing to report.

### **EXECUTIVE SESSION**

Council member Jeff Albers moved the City Council recess into executive session to discuss intelligence information of an investigation that could jeopardize security measures of persons involved pursuant to matters relating to security measures KSA 75-4319(b)(13)(D) for 15 minutes. The open meeting will resume in the City Council Chamber at 8:32 pm.

Council member Philip Mize seconded the motion. Motion carried 3-0.

Mayor Ball stated back from Executive session with no binding action taken.

**ADJOURN**

Council member Philip Mize moved to adjourn at 8:50 p.m.

Council member Jeff Albers seconded the motion. Motion carried 3-0.

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Linda Ball, Mayor

Attest:

(seal)

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Danielle Young, City Clerk