

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
April 9, 2020; 7:00 P.M.

HONORABLE PHILIP MIZE AND MEMBERS OF THE COUNCIL

MEMBERS PRESENT

Mayor Philip Mize called the meeting to order at 7:00 pm. Council members Kassie Gile, Ryan Graf, Greg Williams, Greg Kampling and Jeff Albers were present. Staff present were City Administrator/Clerk Danielle Young, City Attorney Austin Parker (telephone), Police Chief Ken Winter, and Maintenance Superintendent Brad Ewy. Guests present were Jade Piros de Carvalho (telephone) and those on Facebook Live.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PRAYER- led by Pastor McKee over video

Mayor Mize stated that the April City Council meeting is unusual because of the COVID-19 virus. Because of the Governor's stay at home order, the meeting is limited to 10 individuals and was streamed on Facebook Live to give the public an opportunity to attend the meeting. All of the requirements for the Kansas Open Meeting Act are still in effect during this online meeting. The Attorney General has given us guidelines to follow for online meetings. Those guidelines were followed even though the meeting is online. While the Kansas Open Meeting Act requires that the public be able to observe the meeting, it does not require the public be given opportunity to participate in the meeting.

In order to limit exposure and the time that everyone is together tonight, no public comment was taken during the meeting, but the public was notified that the regular Council meetings typically have a public comment period, limited to 5 minutes, at the beginning of the meetings. An Agenda Packet to the meeting was available on the City's website at cheneyks.org. Once the meeting tonight is finished, the recording of the video will remain available on the City's Facebook page. Mize asked the Council members to state their last name when making a motion so it is easier to be identified on the recording.

DETERMINE AGENDA ADDITIONS

Purchase of 2013/2019 Deep South Freightliner Pumper Tanker
Agreement to Purchase Real Estate owned at 424 E Shadybrook

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 12, 2020 City Council meeting.
- c) Approval of minutes for the March 18, 2020 City Council meeting.
- d) Electrical Permit- 549 E Shadybrook- Eck Services
- e) Electrical Permit- 614 Shadybrook- Twietmeyer Electric
- f) Electrical Permit- 408 N Wolf- Absolute Electric

- g) Fence Permit- 104 N Garfield- Gary Cokely
- h) Fence Permit- 644 Wolf- Profencing
- i) Fence Permit- 511 Filmore- Shane Fuqua
- j) Fence Permit- 711 N Lincoln- Don Dvorak
- k) Roofing Permit- 619 W 5th- Weninger Roofing
- l) Roofing Permit- 208 W 4th Ave- Eaton Roofing
- m) Roofing Permit- 214 W 4th- Eaton Roofing
- n) Shed Permit- 224 N Adams- Mary Gish
- o) Shed Permit- 320 Lakeside Ct- Greg Keefe
- p) Shed Permit- 312 Shadybrook- Janet Vulgamore

Council member Albers moved to adopt the Consent Agenda as listed.
Council member Gile seconded the motion. Motion carried unanimously.

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF AGREEMENT TO SELL REAL ESTATE OWNED BY THE CITY AT LOT 16 BLOCK 1 GREENS AT CHERRY OAKS

Last month, the Governing Body approved a bid from Burwell Construction in the amount of \$12,000 to purchase Lot 16 Block 1 at the Back Nine from the City of Cheney. An Agreement for Sale of Real Estate was been drafted and presented to the owner and signed.

Council member Kampling moved to approve the Agreement for Sale of Real Estate with Burwell Construction.

Council member Williams seconded the motion. Motion carried unanimously.

CONSIDERATION OF ADOPTING ORDINANCE NO 926: AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE MAINTENANCE AND INSTALLATION OF PERSONAL PROPERTY AND FACILITIES WITHIN THE PUBLIC RIGHT-OF-WAY LOCATED WITHIN THE CITY OF CHENEY, SEDGWICK COUNTY, KANSAS

Young stated that Attorney Parker had drafted an Ordinance regarding the use of right of way because the City did not have a code on the books. The City has the ability to do so through Home Rule powers. The Ordinance addresses the registration and permitting process. There are stipulations that talk about the repair of sidewalks, benches, planters, and landscaping, as they would not be subject to right of way permit. Attorney Parker stated the Ordinance focuses on the control and ability to work within the right of way with a permit in a uniform way. It is not designed to be a great deal of burden.

Council member Graf moved to approved Ordinance 926.

Council member Kampling seconded the motion.

Clerk Young called the vote.

Albers-yes, Gile-yes, Graf-yes, Kampling-yes, Williams-yes

CONSIDERATION OF ADOPTING ORDINANCE 927: AN ORDINANCE GRANTING TO IDEATEK TELCOM, LLC, A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF CHENEY, KANSAS

Young stated that Ideatek had requested a franchise agreement with the City to provide telecommunication service within the City limits and utilize the Right-of-way. Maps were provided of the construction route showing down 375th to 6th Ave and then west on 6th Ave to USD 268.

Jade with Ideatek was available over the phone. She stated that Ideatek was founded over 20 years ago in Buhler, KS to bring internet freedom to those underserved. They recently won the bid to build fiber optic

internet to USD 268. They stated they do not have plans to build out to the rest of the town right now, but would be able to serve those along the fiber route. They plan to build extra capacity and access points.

Council member Jeff Albers asked about building out the entire town. Jade stated that they have built out the entire towns that didn't have other internet options, like Buhler, Inman, Andale, Goessel, Moundridge, Haven, and Mt Hope, and have been focused on the rural housing developments as well.

Attorney Parker stated that Ideatek would go through the Right of Way Permit and possibly start construction sometime next week.

It was mentioned that Ideatek would put together a letter/door hangar for the properties that would have construction going on in their yards.

Council member Albers asked what residents could do if they want to see Ideatek available? Jade stated that they go off of community or neighborhood interest and on their website, Ideatek.com, an interested resident can submit their address. It was explained that their construction is based off of level of interested. So those addresses are then plotted on a map and when it peaks and makes business sense then they use that to determine where to put their resources next.

Mayor Mize asked what number they would need to have to build out the rest of town and Jade responded saying that every area is different and there are business case estimates to help calculate that.

Council member Albers moved to approved Ordinance 927.
Council member Gile seconded the motion.
Clerk Young called the vote.
Albers-yes, Gile-yes, Graf-yes, Kampling-yes, Williams-yes

CONSIDERATION OF PURCHASING A 2013/2019 DEEP SOUTH FREIGHTLINER PUMPER TANKER

Chief Brad Ewy requested the purchase of a Pumper Tanker. The Department has unsuccessfully applied for two FEMA grants, so they have continued to look for a used pumper tanker to purchase on their own. The pumper tanker will replace a 1987 Ford Tanker, with a blown motor, which was sold last year and will allow them to sell the 1985 Hurricane Engine. The requested Freightliner is on a 2013 Chassis and the Fire Body is a 2019 model.

Ewy explained that the truck was rebuilt with a 2500 gallon tank, which would still allow the City to meet the ISO rating. The cost includes delivery of the truck and an extended warranty for two years. Council member Kampling asked how many calls it would go on. Ewy stated that it would go on rural calls to provide water because it's replacing a tanker and it will also go on structure fires as a back-up engine. Ewy stated that it is 32'4" long, so it will fit in the station behind the pick-up, but some items will need to be removed along the walls.

Council member Albers moved to purchase the 2013/2019 Deep South Freightliner Pumper Tanker in the amount of up to \$199,000 from Brindlee Mountain Fire Apparatus LLC which includes delivery. Council member Graf seconded the motion. Motion carried unanimously.

CONSIDERATION OF AGREEMENT TO PURCHASE REAL ESTATE LOCATED AT 424 E SHADYBROOK DRIVE

Young presented an agreement to purchase real estate at 424 E Shadybrook for \$10,000. Mize explained that this property would give the City the advantage to having a future street right of way. Young stated that the property had been discussed in the past and under state statute the acquisition of property could be discussed in executive session. Council can discuss the item in executive session or in the open meeting. Young stated that the City will have additional expense to remove the mobile home estimated at around \$2,000.

Council member Albers thought that with future plans, he thought the property was valuable to allow access to certain areas.

Council member Kampling moved to approve the Agreement for Sale of Real Estate with Daryl Keller, Dave E. Keller, Deanna S. Keller, and Dwayne L. Keller in the amount of \$10,000.

Council member Gile seconded the motion. Motion carried unanimously.

POLICE REPORT

Chief Winter stated that Officer Watts had submitted his resignation.

Council member Williams moved to accept Officer Jeremy Watts' resignation.

Council member Graf seconded the motion.

Winter stated they had been utilizing their part-time officers. They have not been given a timeframe on when Officer Aden will attend KLETC. They have waived the 40 hour continuing education requirement for the full-time officers this year.

Winter stated he had not set up a timeframe on hiring a full-time position.

FIRE REPORT

Ewy thanked Council for the purchase of the fire truck. The Fire Department is taking a lot of steps to take precautions on calls. They had adequate equipment, such as gloves, masks, and suits to utilize on calls for COVID-19.

MAINTENANCE REPORT

Ewy would like to hire a crew to have their concrete crushed. The City does not have any crushed concrete left. The cost to have it crushed is half the price of buying it.

Council member Kampling moved to crush concrete.

Graf seconded the motion. Motion carried unanimously.

Ewy stated they have locked the doors at the maintenance shop. They have not started working on the pool yet as it isn't known if it will be open or not. Sedgwick County patched the cracks on Main Street. They plan to do an overlay of Main Street later. Ewy is hopeful oil prices will come down to allow for the City to do more streetwork.

Ewy stated their gas and water certification hours have also been extended by the state.

GOLF COURSE REPORT

Young gave the Golf Course Report. The restrooms that are being built are ready for tile. The City maintenance crew will be pouring concrete around the outside. The utilities are hooked up to the south restroom and Every will be out soon to hook up the electric. All of our tournaments have been canceled as of now, but will hopefully be made up later. The golf course remains open with a lot of different changes. They are allowing single riders only on the carts. Carts are sanitized immediately, set for 10 minutes, and then washed. Ball washers, trash cans, and sand shakers have all been removed. They also planted five new oak trees at the course that were donated by Duane Bartak. 25 trees from Gorges were also planted at the South Main Complex. Attorney Austin Parker mentioned that the Federal Reserve had announced a Main Street Business Lending Program for those experiencing financial difficulty. It is done separately from SBA and allows for municipalities to apply for funds.

ADMINISTRATOR'S REPORT

Kelly Caswell has been working on a grant for the City to create a temporary art display to be set up across the street from City Hall. If the grant is approved, we would receive funding of \$10,000 with \$3500 from Make A Difference Day being used as matching grant funds and in-King match with labor from city employees. Young showed the sketches provided by Caswell. Ewy stated there is some concrete around the tree that will need to be fixed. The display would be up for about a year. Ewy hoped it would spark other people within the community to do other projects. Young explained that the panels would cover up the remediation unit (storage unit) from view. It was stated that lighting and security cameras be discussed. Council member Graf asked if there would be grass. Young stated there are a lot of weeds now, so pavers and mulch may be utilized but it hasn't been discussed yet. Attorney Parker and Young

discussed utilizing a facility use agreement with the property owner and the City would obtain the liability insurance. Young stated they would proceed with submitting the grant next month. Council did not object.

Young reviewed 1st Quarter Revenues and Expenditures. Revenues are up for the 2020 1st Quarter Gas revenues are down 23%, which Young stated had to do with all time low gas prices and a warmer winter. Expenses appear to be down, but Young stated she decided to pay the EMC Insurance as 12 monthly payments instead of as an annual payment in April.

Young reminded Council that employees would be observing Good Friday as a City Holiday tomorrow.

Young stated that the COVID-19 pandemic has posed many obstacles. Even though the doors to City Hall, police department and maintenance building are locked to the public, everyone continues to work via phone and email. The golf course has made many changes, but remains open. We will wait a few more weeks to make a decision on opening of the swimming pool. Young has been in contact with Citizens State Bank about the SBA programs available to businesses. The City has referred several individuals to the Emergency Fund for assistance. Young has been working with Cox regarding public hot spots for additional wifi availability. The Library has had 50 requests for wifi, but Young thought it would be useful to have additional hotspots. We are still waiting for word from the State on an additional commodity distribution for those affected by COVID-19. The City is currently unable to do any utility shut-offs. It seems that information changes by the hour. It is expected that we will see a peak in cases at the end of April. Young expects 2nd quarter revenues will decrease due to COVID-19. Sales tax revenues are budgeted for \$350,000. We should expect a 25% decrease in sales tax, as well as decreases in gas tax, and franchise fees from commercial use being down and from people not paying. Young stated they'll continue to watch their budget and spending to see how it plays out.

Young presented some design ideas for some "Cheney" apparel from Purple Moose. Young would like to sell the items to promote the community and possibly use the funds as a grant opportunity to help businesses effected by COVID-19 pay for their utility bills that may not qualify for SBA funding. That program could be decided later based on the amount of items sold and funds available. Young is concerned about the small businesses that may not qualify for programs and are struggling. The items would be available on a website and there would be no expense to the City as the items would be printed per order and a check would be written to the City based on the up charge and number of items sold. Council member Greg Williams thought it was a great idea and Purple Moose had done a great job with the shirt designs. Council member Kassie Gile asked about putting "Kansas" or "KS" on it. Albers didn't see how the City could get hurt since there's no expense for the City.

Council member Albers asked about the Wifi Hotspots. Albers asked about the expense to the City to make additional hotspots. Young stated the project she'd been working on was for existing hotspots within businesses being made public, but since that's not available she did not have time to get pricing on utilizing existing Internet at City Hall to set up a hotspot. Albers thought the City should look at the cost to provide wifi in a designated area within the City for people to utilize. Attorney Austin Parker didn't see why we couldn't provide public wifi. It was mentioned to discuss with Ideatek the idea of a public hotspot. Council member Kampling thought the school could possibly have wifi available outside.

ATTORNEY'S ITEMS

Attorney Austin Parker discussed funds being available from SBA for the Economic Injury Disaster Program and Paycheck Protection Program. There may also be funds available from the Federal Reserve and every LLC should be able to apply for them.

MAYOR'S ITEMS

Mayor Mize had nothing to report.

COUNCIL ITEMS

Council member Graf had nothing to report.

Council member Albers had nothing to report.

Council member Kampling had nothing to report.

Council member Williams had nothing to report.
Council member Gile had nothing to report.

ADJOURN

Council member Albers moved to adjourn at 8:22 p.m.
Council member Kampling seconded the motion. Motion carried unanimously.

Mayor Philip Mize

(Seal)

Attest:

Danielle Young, City Clerk/Admin