

# CITY OF CHENEY

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

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131 N MAIN ST  
COUNCIL CHAMBERS, CITY HALL  
December 12, 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 Kassie Gile, Greg Kampling, Philip Mize, Greg Williams, Jeff Albers and new Council member Ryan Graf were present. Staff present were City Administrator Danielle Young, City Attorney Austin Parker, Police Chief Ken Winter, Maintenance Superintendent/Fire Chief Brad Ewy, and Director of Golf Kevin Fowler. Guests present were Sam Jack, Evelyn Mize, Jennifer Wold and Pastor Peters and son.

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### OLD BUSINESS

#### DISCUSSION OF SELLING LOTS OWNED BY CITY OF CHENEY AT THE BACK

The City of Cheney purchased two Lots at the Sheriff's Auction in July. The City briefly discussed the idea of selling the lots at the November meeting, but needed to wait for additional details from Sedgwick County on the exact cost before making a final decision. Young provided details to the Council that the cost to purchase the lots was \$2386.45 per lot and \$11,008.12 in past due Specials that were not received from 2014-2019 for a total cost of \$13,394.57. Specials pay-out in 2025 with the County showing the Specials payout at \$10,935.38.

Council member Albers didn't think the City was in the business to profit from the sale of the lots and preferred seeing two new homes being built. Albers thought the City should try to recoup the City's cost and list it for \$14,000. Young stated that last month Council discussed selling the lots through the sealed bid process.

Kampling stated that the closing costs would be split. Williams asked about the fee from a realtor and it was discussed that the City sell the lots without a realtor. Attorney Austin Parker stated that he had a Real Estate Purchase contract that we could use. The buyer may want to purchase their own title insurance policy.

Albers discussed requiring first right of refusal in the contract and list it as an exclusion on the deed. Mayor Ball asked about requiring a house to be built within so many years. Attorney Austin Parker referred to property law regarding a 21-year time limit on the right of refusal. Parker thought in the end the cost per lot would be around \$14,500. Council discussed requiring a right of reversion for a home to be built within 5 years giving the City the option to purchase the lot back in 5 years if a home is not built.

Council member Greg Williams moved to sell Lot 16 Block 1 Greens at Cherry Oaks Add and Lot 1 Block 4 Greens at Cherry Oaks Add via \$14,000 with the following stipulations discussed.  
Council member Kassie Gile seconded the motion.

Young asked for clarification if the selling process would be through sealed bids or another way.  
Kamplung recommended doing a sealed bid with a minimum of \$14,000.

Council member Williams amended his motion to include "via sealed bids due end of January to discuss at the February meeting".

Motion carried unanimously.

### **OATH OF OFFICE**

Administrator Young read a letter she wrote thanking Mayor Ball for her years of service and then did a proclamation thanking all of the elected officials for their service. The proclamation declared the 2nd Thursday in January as "Local Elected Officials Day".

Clerk Young swore in new Mayor Philip Mize, new Council member Ryan Graf, and re-elected Council member Greg Kamplung.

Mayor Mize welcomed new Council member Ryan Graf.

### **DETERMINE AGENDA ADDITIONS**

Young requested the addition of the following Agenda Items:

CONSIDERATION OF PURCHASING THERMAL IMAGING CAMERA FOR FIRE DEPARTMENT

CONSIDERATION OF PURCHASING LED LIGHTS FOR CITY HALL

CONSIDERATION OF DRAINAGE EASEMENTS

### **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 November 8, 2018 City Council meeting
- c) CMB License- QP Express 102- 1110 N Main
- d) CMB License- SPK- 412 N Main
- e) CMB License- Casey's General Store- 425 N Main
- f) CMB License- Cherry Oaks Golf Course- 1119 N Main
- g) CMB License- Dollar General- 1100 N Main
- h) Building Permit- City of Cheney- 1119 N Main (A)
- i) Building Permit- City of Cheney- 1119 N Main (B)
- j) Electrical Permit- Pro-Electrical Service- 2508 S 383rd Ct
- k) Electrical Permit- Electrical Contractors Inc- 1119 N Main (A)
- l) Fence Permit- 300 Greenwood Ct
- m) Plumbing Permit- Precision Plumbing- 1119 N Main (A)
- n) Plumbing Permit- Precision Plumbing-1119 N Main (B)
- o) Roofing Permit- Eaton Roofing- 215 S Marshall
- p) Sprinkler System- Legendary Lawn Service- 427 Garfield

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

#### **PUBLIC AGENDA**

No one was present for the Public Agenda.

#### **NEW BUSINESS**

##### **ELECTION OF COUNCIL PRESIDENT**

Kansas State Statute and City Code states that after every city general election, the council shall elect one of its members as president of the council who, in the absence or disability of, and at the request of the mayor, shall become acting mayor. The president of the council shall, while acting as mayor, have only those powers immediate and necessary to carry out the duties of the office of mayor, including all administrative, ceremonial and contractual powers, but shall not have the power to veto any measure passed by the council.

Council member Greg Williams moved to nominate Kassie Gile as the President of the City Council.  
Council member Jeff Albers seconded the motion. Motion carried unanimously.

##### **CONSIDERATION OF CHANGES TO THE FEE SCHEDULE**

The fee schedule is reviewed annually in December. Staff recommended changes and the addition of new fees. Young reviewed the new fees including updated court costs, golf course fees and the addition of fees to cover damages to auto-read equipment.

Council member Jeff Albers moved to adopt Resolution No. 298-2019 Schedule of Service, License and Permit Fees.  
Council member Greg Williams seconded the motion. Motion carried unanimously.

##### **CONSIDERATION OF 2020 SALARY SCHEDULE**

Normal and Maximum rates were increased 3%. Some of the minimum rates were also adjusted for the first time since 2012. Part-time Police Officers and Part-time Maintenance positions were also added into the Schedule.

Council member Greg Kampling moved to adopt the Resolution No. 299-2019, 2020 salary schedule.  
Council member Kassie Gile seconded the motion. Motion carried unanimously.

##### **CONSIDERATION OF 2020 HEALTH AND DENTAL INSURANCE COVERAGE FOR EMPLOYEES**

Employee health care coverage begins February 1 of each year. The renewal for Health Insurance rates increased by 5.89% and Dental rates decreased by .55% for an overall increase of 5.59%. In 2019 our rates decreased by 8.34%, 2018 rates increased 12.45% and decreased by 3.08% in 2017. Young reported that the main reason for the increase for 2020 is the implementation of the Health Insurance Tax by the Federal Government of 3% to fund the ACA. Staff recommends staying with the Blue Cross/Blue Shield, Blue Choice Comprehensive Plan for 2020. It was stated that the plan was grandfathered and provides better coverage than the ACA platinum plan, but had cheaper rates than the ACA coverage when it was bid a few years ago.

Council member Kassie Gile moved to approve the Blue Cross/Blue Shield Blue Choice Comprehensive Plan for 2020.

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

**CONSIDERATION OF 2020 MEMBERSHIP DUES AND SUBSCRIPTIONS FOR THE LEAGUE OF KANSAS MUNICIPALITIES, AND REAP ASSESSMENT**

Council member Jeff Albers moved to continue 2020 memberships with the League of Kansas Municipalities for \$1,280.04 and REAP for \$548.

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

**CONSIDERATION OF END OF YEAR TRANSFERS**

The 2019 Budget was scheduled to make transfers of \$352,000 at the end of this year. Young stated there is budget authority to increase those transfers to \$525,551 for future capital improvements projects and recommended additional transfers into the Capital Improvement Fund for Fire Station Improvements \$17,000, \$43,000 for park improvements, and \$50,000 for Sidewalk to South Main and \$50,000 for additional street improvements in 2020.

Council member Jeff Albers moved to make scheduled transfers up to the amounts listed.

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

**CONSIDERATION OF AN AGREEMENT BY AND BETWEEN SEDGWICK COUNTY AND THE CHENEY SENIOR CENTER**

The agreement is for January 1-December 31, 2020 and provides \$5,000 in funding for the Cheney Senior Center.

Council member Greg Kampling moved to enter into the agreement with Sedgwick County and the Cheney Senior Center.

Council member Kassie Gile seconded the motion. Motion carried unanimously.

**CONSIDERATION OF PURCHASING THERMAL IMAGING CAMERA FOR FIRE DEPARTMENT**

Chief Ewy stated that the current thermal imaging camera is broken. He received two bids for factory refurbished Cameras. He plans to have the other one fixed, but would like to purchase a second camera. Ewy recommended the purchase in the amount of \$4,505 from Darley.

Council member Jeff Albers moved to approve the camera purchase from Darley for \$4,505.

Council member Kassie Gile seconded the motion. Motion carried unanimously.

**CONSIDERATION OF PURCHASING LED LIGHTS FOR CITY HALL**

Young stated that there are 12 box lights in City Hall. Over the past 8 years they have tried to replace 1-2 bulbs With LED bulbs per year, but the bulbs they have used in the past are no longer available. Young requested the purchase of 12 LED lights to replace all of the existing lights so all lights will be the same. The mismatched LED lights will be used to replace the other old Mercury Halogen lights in the south side of City Hall. A cost savings was provided showing the lights would pay for themselves in 27 months.

Council member Greg Kampling moved to approve the purchase of \$3,481.

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

**CONSIDERATION OF DRAINAGE EASEMENTS**

The City of Cheney has requested a 10' easement for drainage and utility from three property owners to address drainage was that cutting across the vacant lot of Lot 12, Block 3. There is already a 10' utility

easement there, but this will add a drainage easement also. Ewy explained that the City will add in an additional storm sewer inlet at the south end of the easement for the water to drain into the storm sewer and pond. The property owners have already agreed to signing the easements:

Lot 12, Block 3, Quail Creek Addition

Lot 11, Block 3, Quail Creeek Addition

Lot 1, Block 1, Trinity United Christian Church Addition

Council member Jeff Albers moved to approve the Drainage and Utility Easements.

Council member Kassie Gile seconded the motion. Motion carried unanimously.

### **POLICE REPORT**

Chief Winter reported there were 366 calls for police service and they investigated 4 non-injury accidents and cleared 25 of 29 cases. Winter reported that the Chevy Tahoe order for 2020 was cancelled because of the GM employee strike. They looked at Police pick-ups, but delivery is 9 months out. Lubbers searched around the US with the GM rep and found a Tahoe in Texas, but the dealership backed out of selling it. SERV has a black 2020 Tahoe on hold for Cheney once Council gives approval for purchase in 2020. Winter stated that the City of Mount Hope is interested in purchasing the 2017 Ford Explorer.

### **FIRE REPORT**

Chief Ewy reported an increase in vehicle accidents.

### **MAINTENANCE REPORT**

Superintendent Ewy had nothing to add to his report.

### **GOLF COURSE REPORT**

Fowler reported that the 50/50 Revenue sharing with Golf Now has been working out well for the course and through November they have added an additional \$10,300.47 in revenue. Year to date revenue of \$531,262.64 is the highest revenue the course has had, but the course is down 600 rounds. Fowler reported that he attended the Kansas Turf Grass Conference and structures are up on the bathrooms. Plumbing is the next step and then brick. They are still waiting to hear back from Every on the cost of adding electricity on the north bathroom. The restrooms will be open year-round and accessible by the walkers. Overall, Fowler is happy with how the year has gone.

### **ADMINISTRATOR'S REPORT**

Young noted that the monthly water report showed 1% unaccounted water loss, which is exceptional. Young stated that Zenner was not willing to pay for the gas lost because of the warranty disclosure, but had agreed to waive the annual fee for 2020 in the amount of \$3,690.40 since the City had dealt with so many issues on the new auto-read system.

The end of year review was included in the Administrator's report highlighting projects that were tackled in 2019.

KPTS had completed the City's 30 second video and it was shown for review.

Discussion from the Town Hall meeting for the First Impressions Study was discussed.

Albers thought the way finding signage should be addressed in 2020 and should include items such as the Rec fields. Council thought the signs should be unique looking, that stick out and are readable and suggested working with Bob Downey to create the signs.

Young brought up the development of the Bledsoe addition on East 2<sup>nd</sup> Ave. Young is waiting to hear back from the Brandes property on their plans for development. Young brought up discussion from last

month and didn't think the City should pay for paving half of the cul de sac because what if the Brandes decide they don't want or need a cul de sac, then the City has paid for half of the cul de sac that isn't needed. Young suggested allowing them to utilize that street as a private drive until the development is done with the Brandes. At that point is the Brandes develop it and need to use the cul de sac, it would be constructed. If it's developed and don't need the cul de sac then potentially they could continue to use the private drive.

Albers asked how a private drive would need to be maintained. Ewy stated it would need to be at least 20' wide. Gile asked if they would have to maintain the current set backs from the cul de sac in case the cul de sac was later developed. It was agreed that they should have to meet the setbacks. Young asked if Council would be willing to help pay for any of the private drive if an agreement is reached. Council was not interested in helping pay for the private drive.

Mayor Mize thought the agreement should be in writing and filed with the Register of Deeds. Attorney Parker suggested including a petition for the street improvements to be included in the agreement, but didn't think the standard 1% escalator should be included, but instead 1% every 2-3 months.

Young requested executive session for non-elected personnel regarding employee evaluations and 2020 salaries.

Young requested 10 minutes of executive session for non-elected personnel to discuss employee evaluations and 5 minutes of executive session with Attorney Parker and Ewy for attorney-client privilege to discuss potential lawsuit.

#### **ATTORNEY'S ITEMS**

Attorney Parker reported that he thought one of the court cases would be going to jury trial, but it will not.

#### **MAYOR'S ITEMS**

Mayor Mize had nothing to report.

#### **COUNCIL ITEMS**

Council member Greg Williams stated he would like to see some of the other city facilities and thought it would be beneficial to go on site and see projects that we've discussed.

Council member Jeff Albers asked about the mobile home on Shadybrook. It was stated that it's in probate and technically there isn't an owner, but staff would check with the family on the plans.

Council member Ryan Graf had nothing to report.

Council member Kassie Gile had nothing to report.

Council member Greg Kampling had nothing to report.

#### **EXECUTIVE SESSION**

Council member Kassie Gile moved to enter into executive session to discuss a potential lawsuit pursuant to matters related to attorney-client privilege KSA 75-4319 (b)(2) at 9:08 pm for 10 minutes with Attorney Parker, Administrator Young, and Brad Ewy.

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

Mayor Mize stated Council was back in regular session with no binding action taken.

Council member Kassie Gile moved to enter into executive session to discuss potential lawsuit pursuant to matters related to attorney-client privilege KSA 75-4319 (b)(2) at 9:18 pm for 10 minutes With Attorney Parker, Administrator Young and Brad Ewy.

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

Mayor Mize stated Council was back in regular session with no binding action taken.

Council member Kassie Gile moved to enter into executive session to discuss wages and employee performance pursuant to matters related to non-elected personnel KSA 75-4319 (b)(1) at 9:28 P.M. for 30 minutes with Administrator Young.

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

Mayor Mize stated Council was back in regular session with no binding action taken.

Council member Kassie Gile moved to enter into executive session to discuss employee performance and wages pursuant to matters related to non-elected personnel KSA 75-4319 (b)(1) at 9:58 pm for 50 minutes without Administrator Young.

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

Young was invited back into executive session at 10:28 pm.

Mayor Mize stated Council was back in regular session with no binding action taken.

Council member Jeff Albers moved to give wage adjustments of a standard 3% increase for the employees and 4% for the administrator.

Council member Kassie Gile seconded the motion. Motion carried unanimously.

**ADJOURN**

Council member Ryan Graf moved to adjourn at 10:59 p.m.

Council member Kassie Gile seconded the motion. Motion carried unanimously.

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Mayor Philip Mize

(Seal)

Attest:

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Danielle Young, City Clerk/Admin