

# CITY OF CHENEY

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

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

### HONORABLE MAYOR 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, and Greg Kampling were present. Jeff Albers was absent. Staff present were City Administrator/Clerk Danielle Young, City Attorney Austin Parker, Police Chief Ken Winter, Director of Golf Kevin Fowler and Maintenance Superintendent Brad Ewy. Guests present were Travis Mounts- Times Sentinel, Roger Zerener, Jami Viner, Logan Mills, David Grover, and Dan Dawson.

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### 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 June 11, 2020 Council meeting
- c) Electrical – Ben Wahlers – 1119 N Main
- d) Electrical – Ben Wahlers – 226 W 3rd
- e) Electrical – 3D Electric LLC – 307 N Main
- f) Building – Goode Pool & Spa – 438 E Quail Run Ct
- g) Building – Tim Fairchild – 564 Bob White Ct
- h) Building (shed)- Jason Gregory- 438 E Quail Run Ct
- i) Building (shed)- Cheney Golden Age Home- 724 N Main
- j) Building- B&L Roofing- 744 N Wolf
- k) Roofing – Jim Pearce – 217 N Jefferson
- l) Fence – Travis Ford – 518 E Allison
- m) Fence – Kirk Slates – 604 W 6th Ave
- n) Fence – J & J Fence – 313 Birch Ct
- o) Mechanical – RedBird Service Co – 406 Teal Lane
- p) Mechanical – RedBird Service Co – 561 Bob White St

Council member Greg Kampling moved to adopt the Consent Agenda as (listed or amended).  
Council member Ryan Graf seconded the motion. Motion carried 4-0.

**PUBLIC AGENDA** (Please limit comments to 5 minutes)

**OLD BUSINESS**

**CONSIDERATION OF APPROVING WATER TOWER LEASE AGREEMENT WITH CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

Administrator Young and Attorney Parker explained that Verizon had changed the agreement to address concerns from the Council last month. The agreement now addresses building code compliance and removal of equipment. Verizon did not accept the requested removal bond, but added that if the equipment is left behind for a certain period, the City may take ownership of the equipment and charge Verizon for any fees associated to removal or storage. If the equipment remains, Verizon must continue to pay rent at a rate equal to 125% of the rent at the time of expiration.

Verizon also offered to change the wooden fence to chain-link with slats to better hide the equipment. Council asked to verify that the fence would remain the same height.

Council member Kassie Gile moved to approve the Water Tower Lease Agreement with CELLCO Partnership d/b/a Verizon Wireless and authorized the Mayor to sign. Council member Greg Williams seconded the motion. Motion carried 4-0.

**NEW BUSINESS**

**PRESENTATION BY TROY WELLS FOR AAA AWARD TO THE CHENEY POLICE DEPARTMENT-** item tabled

**CONSIDERATION OF DEVELOPMENT AGREEMENT CONCERNING THE BLEDSOE ADDITION TO THE CITY OF CHENEY, KANSAS**

Dan and Taryn Dawson plan to build their home across Lot 1 and 2 of the Bledsoe addition. A similar agreement was approved with the former owner of the lots in 2015. The Dawson's have requested to utilize the western half of the undeveloped existing platted portion of Taylor Street for a private driveway and private water line. At the time the undeveloped land to the east is platted and homes are built with Taylor Street access, the water main and Taylor Street will be installed. If the land to the east is platted without utilizing Taylor Street, the Dawson's will be able to continue utilizing their private drive and water line. Construction and maintenance of the temporary private driveway and water line will be done by the developer or all subsequent owners of the lot. If an additional residential structure is built across Lot 2 and 3, a separate agreement will be executed addressing maintenance of the shared personal drive. Dawson stated he would be building their house as if the 25' street setback was there for when/if Taylor Ct is built.

Attorney Parker explained that the developer's agreement is unique because it's addressing future special assessments. Staff has sent the petition to Bond Counsel for correct wording on the petition to bind future owners.

Council member Greg Williams moved to approve the Development agreement. Council member Greg Kampling seconded the motion. Motion carried 4-0.

## **PRESENTATION BY ROGER ZERENER ON PROPOSED BISON RIDGE HOUSING DEVELOPMENT**

Roger Zerener, previous co-developer with Don Albers on the Amber Park and Quail Creek Additions announced potential plans for a new subdivision of Bison Ridge. Jami Viner, Farm and Home, and Logan Mills with CED were also in attendance.

Zerener stated they were in the concept and feasibility stage and they were at the meeting to ask for opinions and advisement to create a development the City will be proud of. There will be mixed use development on the 110 acres located east of the golf course on the east side of Cheney road (383rd), behind Lubbers, and on both sides of the creek.

The plans presented included an area with lots in the 75'-82' range, with paved streets, and utilities and another area with larger lots back up to the creek. There would be access to the area off Shadybrook and Hoover Street. North of the creek would be 2 acre lots and Zerener asked Council about allowing gravel streets and private septic systems.

The west-end of the development, directly across from the Golf Course would have approximately 10 lots for commercial/retail with public utilities and paved streets and two 5-acre lots for future assisted living or patio homes/senior housing or hotels. In total, it would allow for 85 homes within the development. Zerener has owned the land for 35 years and thinks the market might be there to make it work. He plans to do the development in stages, starting along the South end where a sewer line is already available behind Shadybrook.

Logan Mills, engineer with CED, discussed the development process and mentioned that gravel streets cost 25% of a paved road and are better suited for larger lots, but had cons with the dust and maintenance. Attorney Parker mentioned that typically anything larger than a 1-acre lot was not feasible with the specials. A Super Slurry process was discussed where cement is injected into the gravel road and a thin layer of asphalt is applied to the top or the use of keel as a cheaper aggregate to minimize cost. It was mentioned that the developer's agreement would have to discuss allowing the gravel streets for the development.

Council member Kampling asked about getting the 8-10 lots out of the floodplain. Mills said they were working on defining a flood way, so they could fill within the floodplain fringe. A pond was designed on the plan in the 2-acre lot area, since the water table is only 3' deep, but they weren't definite on the pond placement yet.

Because of the high ground water and less conducive soils, alternative septic systems would be required and would cost \$15,000-\$20,000. Lagoons would not be allowed because the lots would not be big enough. It was discussed that a gravity lift station would be needed if public sanitary sewer was utilized. If private sewers were allowed, the City would look at an agreement with Sedgwick County to inspect the sewers.

Zerener stated he had talked to Sedgwick County and the alternative sewer system would require some maintenance for the homeowner. Zerener plans to have a public water supply to all lots. The next step is to get a boundary survey to get the true dimensions on everything and then a Zone Change request. Attorney Parker stated that they would have to do a re-zone and variance for the advanced septic systems and roads, which could be a 60-90 process and thought the next steps would be a developer's agreement approved by the Governing Body. Parker said that the proposed revisions of the code would need to be outlined in the developer's agreement.

Council member Kampling thought there was a need for more lots in Cheney and didn't have a problem with the alternative septic or gravel roads. It was discussed that an HOA would address the Covenants

Administrator Young asked about land to the north and if that future development would require a lift station when it was developed. Mills stated a Lift station could cost \$75,000-\$250,000 plus the collection system and with the high ground water, it could increase costs. The math was done that with 15 lots x \$20,000 there would be \$30,000 in private septic's and 4 additional lots at \$40,000 sewers would be an additional \$160,000 for a total price in private sewers of \$460,000. That would be less than a lift station that could cost \$750,000.

Attorney Parker stated that a viable development typically had specials around \$200/month. If the sewer lift station was split with the vacant land to the north, it could make specials around \$119/month. Parker also asked about a grinder pump option and running some additional models on the sewer for the commercial lots.

Parker stated over the next 3-4 weeks a developer's agreement could be agreed on and the timeline would depend on the bonding process. Zerener wished to do the re-zone and plat at one time. Mayor Mize thought it was a great plan and Zerener stated he was open to any suggestions.

### **CONSIDERATION OF AN AGREEMENT WITH AGING PROJECTS**

Administrator Young stated each year the City enters into a facility agreement with Aging Projects to provide a place for Friendship Meals to be served.

Council member Kassie Gile moved to approve the agreement with Aging Projects.  
Council member Ryan Graf seconded the motion. Motion carried 4-0.

### **DISCUSSION OF COVID-19 AND MASK REQUIREMENTS**

USD 268 Superintendent David Grover addressed the Council regarding mask requirements. Grover said it was his 35th year in education and it was the most daunting mountain he has had to climb. He thought the community was very supportive of the school and hoped that the community could rally together, set aside opinions and thoughts and do what was best for the community and have a consensus message between the school, city and chamber.

Grover stated the school had several models to consider for the school year and thought having schools open was important for the economy and hoped the school could build a coalition to make the economy work. Grover thought it was more about messaging and having the opportunity to control the atmosphere and hoped a PSA video could help set an example.

Attorney Parker told the Council could create their own Resolution or Ordinance setting fines for the enforcement or a policy for employees. He said there were legalities to consider with adopting a Mask Ordinance or Proclamation, and said that it couldn't be less restrictive than the County or State. Staff did not recommend setting up an ordinance for fines/enforcement.

Young stated guidelines had been put together regarding masks for all the different departments. Guidelines for the swimming pool were discussed and it was stated that lifeguards could remove their masks in the pool house if no one was present to keep them from overheating. Fowler discussed operations at Cherry Oaks and said they plan to go back to how they were operating in March. If golfers were from the same household or rode together to the course in the same car, then they would be asked to share a cart, but they can't be forced to share a cart. During tournaments, golfers would have to share a cart because there were not enough carts at the course for golfers to have their own. It was discussed if people riding in a cart were together for longer

than 10 minutes or if it was infrequent. Fowler also stated if there was severe weather, they would manage people so they were not violating the mass gathering order and would ask people to sit in their car.

#### **ACCEPTANCE OF KANSAS CREATIVE ARTS INDUSTRIES COMMISSION RE-IMAGINED SPACES GRANT AWARD AND AGREEMENT**

An agreement was presented for approval to accept the grant for the art display across from City Hall. Kelly Caswell provided a slide show to show some mural design options. Attorney Parker stated that the agreement stated that if the agreement was cancelled, grant funds would have to be returned. Council member Greg Kampling moved to approve the agreement. Council member Greg Williams seconded the motion. Motion carried 4-0.

#### **DISCUSSION OF PROPOSED 2021 BUDGET**

The 2021 budget was prepared by the City Administrator and Department Heads for Council's consideration. Young began by reviewing the Utility Revenues/Expenditures showing expenditures were essentially staying flat from 2020. Gas construction was increased to account for the new development.

Young presented two different budget options. She reviewed the Tax Lid and stated the City's assessed valuation had increased by \$530,000, or 6%. Young budgeted a decrease in Sales tax revenues and Franchise Fees were decreased due to COVID-19 and the economy. The golf course revenues were budgeted with a slight increase even though the golf course is having a stellar year, it could change in 2021 depending on the weather. Transfers were also budgeted similar to last year. \$52,500 grant was added for the COPS grant that had been awarded. The grant is for \$125,000 over 3 years. The total expense will be reimbursed at 75% and the school will reimburse the City for a portion as well since an officer will be at the school as an SRO for 8 months out of the year.

For General Fund expenditures, most departments the expenditures are remaining the same as 2020. The police department expenditures will increase to \$607,000, which includes the increased amount for the new officer from the grant and the golf course budget will increase \$5,000 because of the principal payment. Kampling asked about the increase in the parks budget. It was explained that the budget number was the same, but the actual numbers from 2019 showed lower because a transfer into Capital Improvement was done for \$43,000 to fund a larger park project at South Main. An unallocated transfer for \$200,000 was also included on the Budget. Young stated the Council had talked highly of a new pool and stated they could allocate that transfer for a new pool or keep it unallocated. 12% increase in Health Insurance and a 3% increase in wages. The presented budget shows \$855,154 in Ad Valorem Tax. This amount would not require an election to be held because it is below the tax lid limit. The overall mill levy would be 60.608, which would be a slight decrease over last year and falls in line with past mill levies dating back to 2014 of 60.74.

Young stated that a second budget was also available to review and was set at the maximum Tax Lid Limit and would allow the Council to increase the transfer amount from \$200,000 to \$261,000. The mill levy with this Budget would be set at 64.706.

Young stated that the maximum mill levy would need to be set tonight so it can be published 10 days before the next meeting. At the next meeting, the Budget mill levy can be decreased, but cannot be increased from what was published. Young thought that there were several large capital improvement projects such as a new pool or decorative street lights that had been discussed by Council.

Council member Kampling thought everything looked to be an increase and thought the mill levy should be kept the same. He thought there were several areas that could be cut. Young stated that the first budget presented showed a mill levy of 60.608, which was not an increase from 2020. Council member Williams asked a question on the unencumbered cash carryover totals.

A budget hearing will be scheduled for August 13th at the City Council meeting. The notice will be published in the paper on July 30th. Once the budget is published, the mill levy cannot be increased. Official adoption will occur on August 13, 2020. This agenda item is for discussion purposes only.

Mayor Mize thought that with the discussion of a new pool or other projects, the City needed to do it incrementally so a Bond Issue wouldn't be needed in the end. Mize hated to see an increase due to how the year had been and mentioned the purchase of the fire truck earlier in the year and said it was possible because of the incremental transfers that had been done over the years. Young stated a pool is feasible if the City utilized some of the Budget for a Bond Payment and then utilized the money from the golf course payment in 2024 when that bond payment expired in addition to the transfers.

Williams asked if a transfer towards a pool could be expected each year? Young stated it would depend on the economy, future projects that come up, and if additional staff is hired. Transfers are approved at the end of every year by the Council and at that time they can allocate that transfer to a specific project or just to the Capital Improvement Fund. Young stated that if revenues decline or there are unexpected expenditures, then the transfer could be done at a lower amount than the budgeted \$200,000.

#### **CONSIDERATION OF PUBLISHING THE NOTICE FOR A BUDGET HEARING ON AUGUST 13, 2020 FOR THE PURPOSE OF ADOPTING THE 2021 BUDGET.**

Council member Greg Williams moved to publish the notice for a public hearing on Option 1 (60.608 mills) of the proposed 2021 budget on August 13, 2020.

Council member Ryan Graf seconded the motion. Motion carried 4-0.

#### **POLICE REPORT**

Chief Winter reported they had a slight decrease in calls from 454 in May to 403 in June. The department was able to close several cases in June. They are currently working a criminal hate crime. Sergeant Threadgill is in KPAS Training via Zoom. Officer Aden is in his 4th week at the Academy.

#### **FIRE REPORT**

Fire Chief Brad Ewy report they had had a Mobile Home fire. They were also approved for a grant to purchase Wildland Fire Gear.

#### **MAINTENANCE REPORT**

Maintenance Superintendent Brad Ewy had nothing to report.

#### **GOLF COURSE REPORT**

Director of Golf Kevin Fowler reported that golf course numbers were looking good. The Friends of Cherry Oaks tournament was a huge success. Restrooms are progressing. The south restrooms are finished and north restrooms are almost complete. Mize thought the restrooms looked great.

**ADMINISTRATOR’S REPORT**

Young reported that Sedgwick County had requested a community Covid-19 testing site in Cheney the first of August. It will be held at the Fire Station.

Young stated that the County had sent the Hillman Plat on 15<sup>th</sup> St N for Review and Comment. Council asked if it was being re-zoned for commercial for the Venue. Young stated it was not being rezoned, it was just being Platted.

Young presented the 2<sup>nd</sup> Quarter Financial Report.

It was discussed that a tree needed to be removed north of the Fire Station. It was believed that the tree was located on the property line. Two bids were presented to remove the tree. It was noted that the City crew could possibly haul the brush and see if it would decrease the cost.

Council member Kassie Gile abstained from voting.

Council member Ryan Graf moved to spend up to \$1400 for removal of the tree on the property line south of the Fire Station based on the tree being located on the property line.

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

**ATTORNEY’S ITEMS**

Attorney Austin Parker had nothing to report.

**MAYOR’S ITEMS**

Mayor Phil Mize asked when the lease was up on golf carts at Cherry Oaks.

**COUNCIL ITEMS**

Council member Greg Williams talked about wear t-shirts for his son Owen and that t-shirts were available for purchase on Facebook. They also plan to have a community-wide Scavenger Hunt on September 28th as a way to help financially.

Council member Ryan Graf had nothing to report.

Council member Kassie Gile had nothing to report.

Council member Greg Kampling asked if some rock could be put on the road at Seiler Addition.

**ADJOURN**

Council member Ryan Graf moved to adjourn at 10:32 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