

# CITY OF CHENEY

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

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131 N MAIN ST  
COUNCIL CHAMBERS, CITY HALL  
June 11, 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, Police Chief Ken Winter, Director of Golf Kevin Fowler and Maintenance Superintendent Brad Ewy. Guests present were Brian Bergkamp.

#### 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 May 14, 2020 City Council meeting
- c) Approval of minutes for the May 28, 2020 Special City Council meeting
- d) Building Permit – Clark Construction – 217 N Main
- e) Building Permit – Timothy Quick – 327 Filmore
- f) Electrical Permit – Smitty’s Electrical – 117 N Main
- g) Electrical Permit – Ben Wahlers – 226 W 3rd
- h) Electrical Permit – Bates Electrical – 217 N Main
- i) Electrical Permit – Kevin Lane Electric – 311 South Ave
- j) Fence Permit – Travis Ford – 518 Allison
- k) Fence Permit – Jim Pearce – 225 N Wolf
- l) Mechanical Permit – RedBird Service Co – 561 Bob White St
- m) Roofing Permit – Eaton Roofing – 536 E 6th
- n) Roofing Permit – Jim Pearce – 217 N Jefferson
- o) Siding Permit – Nic Hillman – 125 W 5th
- p) Siding Permit – Andy Kerr – 203 N Garfield
- q) Siding Permit – Travis Reitmayer – 826 N Lincoln
- r) Water Well Permit – Premier Pump & Well – 643 E Allison

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

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

Brian Bergkamp introduced himself to the Council as a candidate for 93rd House District.

**OLD BUSINESS**

**NEW BUSINESS**

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

Parker and Young discussed the proposed agreement to allow Verizon to place communications equipment on top of the City's water tower at 702 Sunset Ave. The agreement was first brought up 4 years ago, but stopped because the property was restricted from this use. An ordinance was drafted outlining the uses for the water tower to allow for a cell tower in 2016, but then agreement negotiations stopped until about a year ago when negotiations on the new lease agreement began.

The term of the agreement is for 5 years and can be extended for 4 additional 5-year terms unless written notice is given 3 months prior. The agreement will pay the City \$10,800 a year, in monthly installments of \$900/month. The amount will escalate 15% at the end of each 5-year extension. Upon the end of the term, Verizon will remove their equipment. There will be a 20' x 36' area to the north of the water tower with equipment, generator, 8' cedar fence that will be placed around the equipment, and a concrete turn around that will also be poured between the Street and equipment.

Council member Albers asked if the City could terminate the agreement or if only Verizon had the ability to terminate it. Attorney Parker stated the City could not terminate the agreement. Parker stated cell tower companies lock these agreements in and then it comes down to if the City willing to live with this long-term antenna on top of the water tower. Albers asked what kind of teeth we had for the requirement of maintenance. Young referred to section 11 covering maintenance of the equipment in good condition. Albers thought that was very broad wording and thought the definition of what reasonable maintenance and "good condition" means. Parker discussed the removal bond in Section 16. Parker thought that we could request them to maintain their equipment in accordance with all applicable building codes.

Parker stated it could be a public health safety issue if their tower is not maintained. Parker thought we could negotiation for more defined maintenance and a removal bond of \$40,000. Kampling asked about a building on the ground. Young stated there is not a building, but a fence with a concrete pad. Young stated they would build an 8' cedar fence with an electrical panel and 30 kW generator inside. Albers was concerned about a cedar fence for a 25-year lease and Council thought a better material, such as vinyl should be used for the fence.

Council decided to hold off on approving the agreement until Attorney Parker could re-negotiate the changes and additions that were discussed.

**CONSIDERATION OF APPROVING DOCUMENTS RELATED TO THE L&WCF GRANT APPLICATION**

Administrator Young reminded Council that the City had applied for the LWCF grant a few years ago to build the ballfield and would once again like to apply for the grant to develop the area north of the parking lot at the Complex. It would include seeding and irrigating about 250,000 sq feet for multi-use fields, a basketball court with adjustable goals, lighting and fencing. A quote from Versa sports had been received. A water line would run along the north side of the parking lot for irrigation, drinking fountain

and future restrooms. A sidewalk would also be installed along the east side and southern edge of the property. Young stated the development is listed on the Master Plan and the sidewalk will tie in with a sidewalk the City will build later this year and with additional sidewalks in the area. Young showed a picture to the Council to remind them of the overall Park Master Plan.

Council member Albers asked if the basketball court would be concrete or a rubberized surface. Young stated she had received a quote from Versa Sport showing a painted surface with a total cost of around \$80,000, but if the grant is awarded the project would go to bid since it's over \$25,000. Young reviewed the cost breakdown on the project. Young stated there is a big need for the area since there isn't an outdoor full court basketball court and no adjustable goals. It would also have lights to allow kids to play at night. The Rec is excited about the development of the multi-use fields because right now they utilize the bus barn fields by the school and there are issues with parking and other organizations utilizing the fields as well. Flag football, soccer, tee ball would all be programs that could utilize the fields.

Council member Albers asked about the location of the future restroom. Young stated the future restrooms were shown on the Master Plan in front of the Courts, but it was later discussed that if a maintenance building was going to be built it would have cost savings to build the restrooms with the maintenance building and have access from the outside to the restrooms. Young stated that it was discussed to build that building west of the parking lot.

Council member Kampling asked if the multi-use fields could be planted to a warm seed so irrigation wouldn't be needed. Young stated that the current fields being utilized at the school are Bermuda and are irrigated. Kampling asked if a water well would be drilled for the irrigation because an additional well would be needed for the irrigation. Young stated a well would not be drilled and a water line would be installed for use of City water.

Council member Graf asked who would maintain the fields. Young stated that currently the City maintains the park and reminded the Council that the City entered into a maintenance agreement with the Rec in 2016. The Rec currently operates the facilities for the most part, but the City maintains the grounds. It was discussed that the maintenance agreement may need to be looked at again and updated if the grant is awarded because the Rec would primarily be utilizing the park for a majority of their programming. This change could lead to the Rec needing a maintenance building being built which could allow them to help maintain the grounds as well. Albers thought the goal of the Master Park Plan was to get a majority of the Rec's programs located at the Park. Albers thought the City should keep working with the Rec the best that we can.

Mayor Mize asked about an additional entrance being added to the Park. Young stated that separate from the grant, the City had contacted Sedgwick County and they would be installing a culvert and entrance off of MacArthur for future additional parking and access to maintain the ballfields. Young thought it should be done within the next week or two.

Young stated that the Agenda Item was for the approval of documents required of the grant, including certifying that the City had the funds available for the matching portion of the grant for \$74,294. There was also a maintenance statement showing the ability to maintain the development, an Assurance Document, Flood Hazard and Energy Conservation Statement.

Council member Greg Williams moved to approve the local funding statement and Assurances for the L&WCF Grant Application authorizing the Mayor to sign.

Council member Ryan Graf seconded the motion. Motion carried unanimously.

**CONSIDERATION OF VOLUNTEER TRANSPORTATION SERVICES AGREEMENT WITH SEDGWICK COUNTY, KANSAS**

Young stated the agreement allowed the Senior Center to coordinate volunteer transportation services to residents in Sedgwick County. A RSVP volunteer at the Senior Center will act as the coordinator and will utilize RSVP volunteers to provide rides to non-family members within Sedgwick and the 6 surrounding counties. The County will reimburse \$7.00 per coordinated ride, not to exceed \$2,975. This would not affect those still wishing to ride on the Sedgwick County Transportation van.

Council member Jeff Albers moved to approve the agreement and authorized the Mayor to sign. Council member Kassie Gile seconded the motion. Motion carried unanimously.

**CONSIDERATION OF BIDS FOR LOT 1, BLOCK 4 OF THE GREENS AT CHERRY OAKS ADDITION**

Young stated that two bids were received to purchase the lot that the City purchased at a Sheriff's Auction last year. Young stated she had been contacted by several people about the lot, and two bids were received:

Mackenzie and Scott Logsdon- \$15,000  
Marc Woofter- \$14,550

It was stated that the other lot already had a contract on it, but was still unable to close. Mayor Mize asked why the process was taking so long to close on the lot. Attorney Parker explained that the title company wouldn't give title on the property for a year because the property owner has a year to come in and challenge the Sheriff's sale. The City is working to get a Quit Claim deed signed so the closing can proceed.

Council member Jeff Albers moved to accept the bid on Lot 1, Block 4 from Makenzi and Scott Logsdon in the amount of \$15,000.

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

**CONSIDERATION TO WRITE-OFF OLD DEBT WITH THE CITY OF CHENEY**

Young stated the City had 53 utility accounts with a combined balance of \$725.55. Each account had a balance under \$25.00 and therefore cannot be sent in for collection. Staff requested that the accounts be deemed old debt and written-off the City's books.

Council member Greg Kampling moved to approve writing off 53 accounts with individual balances under \$25.

a Council member Ryan Graf seconded the motion. Motion carried unanimously.

**APPROVAL TO PURCHASE FIRE EQUIPMENT FROM CONRAD FIRE**

The Fire Department requested the purchase of valves and nozzles to equip the new truck and replace other equipment.

Council member Kassie Gile approved the purchase from Conrad Fire in the amount of \$5,110.35.

Council member Ryan Graf seconded the motion. Motion carried unanimously.

## **CONSIDERATION OF FACILITY USE AGREEMENT**

Young stated the City had been awarded the grant from Kansas Creative Arts Industries Commission for the temporary Public Art Display across from City Hall on the vacant land between the Pharmacy and Gould's. Attorney Parker had recommended the City enter into a facility use agreement to utilize the property for the display. Parker stated that the City would pay to utilize the land, but the agreement would show \$1500 as a donated value. The City will maintain the property. The premise will be returned back to original use. Young stated according to the Grant, the art display is to be temporary so the display will be up for about a year. A mural will stay up on Gould's building. There will be some glass infused photos that will be installed later inside buildings, the stain glass pieces will also be installed elsewhere and the panels will be taken to South Main and installed along a walking trail. Young hoped that a future permanent display would come about.

Mayor Mize asked who was responsible for the art. Young stated the City would have liability insurance. Mayor Mize asked how vandalism would be addressed. Council member Kampling asked if all of the money was coming from the grant. Young stated the total cost of the project is about \$20,000, with the grant paying for half. Make A Difference Day will pay for about \$3,500 and the City will provide an in-kind match of donated labor and equipment for the other \$6,500. Kampling asked that there were budget issues and the City would be spending money on art? Young stated that the City would not be writing a check for the cost of the art display.

Albers asked how potential vandalism would be addressed. Parker asked if it was private pieces of art being displayed? Young stated that the City was the applicant on the grant, but Kelly Caswell would be the artist who would be doing the work. Parker thought that Kelly should be named as an additional insured in case there is vandalism. Young stated the pieces of art will eventually be donated back to the community.

Mayor Mize asked if an additional agreement would need to be entered into with Gould for the mural? It was decided that the agreement would be between the artist and Gould. Young stated the proposal showed a sunflower mural to go with the theme of a rural community transforming into a suburban community and that some of Carl Koster's photos would be utilized.

It was discussed that the maintenance department would install the panels, build the wood panels, prepare the wall for the mural and assist Kelly with the installation. Ewy stated the City had just spent the last year talking about beautifying the City and thought the project was a great addition to Main Street.

Council member Kassie Gile moved to approve the agreement for the placement of a public art exhibit Council member Ryan Graf seconded the motion. Motion carried unanimously.

## **POLICE REPORT**

Chief Ken Winter stated that there had been a lot of activity going on around town. There had been an uptick in car burglaries. Officer Aden started KLETC on Monday.

Chief Winter announced the Department had received a Federal Grant for a School Resource Officer. The grant is to hire two officers for \$125,000 each, over 3 years. Winter stated that they're still thinking about accepting the second \$125,000 grant and they have a conference call with the COPS grant to see how they can utilize the 2nd grant and make it work in the City budget.

## **FIRE REPORT**

Chief Ewy had nothing additional to report.

## **MAINTENANCE REPORT**

Ewy stated they would wrap up the Main Street project

## **GOLF COURSE REPORT**

Director of Golf Kevin Fowler stated the daily rounds had slowed down in June compared to May, but tournaments resumed with two tournaments over the weekend and a KS Junior Golf Association tournament. Fowler had a plan to resume normal operations on Monday, doing away with touchless golf. He stated ball washers, sand and seed buckets would be placed back on the course. He had been in contact with several other courses around the State in regards to what other courses were doing. Fowler was concerned about the heat and not having water jugs out. The course usually has 6 water jugs on the course at a time that are replaced daily during the heat. Council thought the jugs could be placed back out and would be "use at your own risk". Albers thought if the course was resuming normal operations they could also resume the water jugs, coffee and hot dogs. It was discussed to utilize signage in the clubhouse that operations were resuming to normal and to use facility at own risk and discretion. Fowler also stated that tee time intervals are typically every 7 minutes, but had moved to every 15 minutes. Tee times would now be moved to every 10 minutes. Operations will also change to stop making golfers ride in their own carts- and will go back to normal golf cart operations.

Fowler gave an update on the two new restrooms at the course and said the south restroom is 97% complete. The north restroom has the utilities connected and they are waiting on the electrician, tiling and concrete. The goal is to have both of them usable by June 28th. The plan is to leave the bathroom unlocked for joggers and walkers.

Kampling thought they should be locked in the evening. Attorney Parker stated restrooms were vandalized on the Prairie Sunset trail numerous times.

## **ADMINISTRATOR'S REPORT**

Administrator Young stated this year there will be a Fireworks Stand across from the bank in the vacant lot instead of at Dollar General.

Young stated that a traffic study would begin soon on South Main. The City received a TEAP grant from KDOT to conduct the study and help determine which side of the street the sidewalk to the Complex should be built.

Dr. Mins recommended on Friday for Sedgwick County to remain in Phase 2 of COVID-19. The County Commissioners met yesterday and it was stated it was a recommendation that people could choose to follow it or not; however, the commissioners are going to set up another meeting with Dr. Minns present to discuss his recommendations.

Sedgwick County approved the purchase of a Rapid Response Vehicle. It was stated the City didn't have information on how it would operate. They purchased them with CARES funding because of the 24-minute response to COVID-19 patients in rural Sedgwick County. Young stated that they had also discussed the removal of the ambulance from Station 39, which could increase transport time. Clearwater will also receive a Rapid Response Vehicle. There was discussion regarding what the Rapid Response vehicle could mean for Cheney and where there might be room to house one.

Young stated next month she hoped to have an agreement with Mr. Dawson to begin building his home on Taylor Ct. The 2019 Audit has been completed and Eric will be here next month to present the Audit. Next month there will also have a presentation on a new proposed development.

**ATTORNEY'S ITEMS**

Attorney Parker had nothing to report.

**MAYOR'S ITEMS**

Mayor Philip Mize had nothing to report.

**COUNCIL ITEMS**

Council member Kassie Gile asked if the Crosswalk lights could be switched to red or if Crosswalk Education could be pushed out because cars are not stopping for pedestrians on Main Street.

Council member Ryan Graf had nothing to report.

Council member Jeff Albers had nothing to report.

Council member Greg Kampling had nothing to report.

Council member Greg Williams had nothing to report.

**ADJOURN**

Council member Jeff Albers moved to adjourn at 9:07 p.m.

Council member Kassie Gile seconded the motion.

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Mayor Philip Mize

(Seal)

Attest:

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Danielle Young, City Clerk/Admin

**2021 BUDGET WORKSHOP**