

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
March 12, 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 and Bryant Parker, Police Chief Ken Winter, Director of Golf Kevin Fowler, Maintenance Superintendent Brad Ewy, Guests present were Sam Jack- Times Sentinel and Don and Diane Seba.

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 February 13, 2020 City Council meeting
- c) Mechanical Permit- Cheney Electric- 214 N Taylor
- d) Mobile Home Permit- Prairie Mobile Home Service- 614 Shadybrook
- e) Building Permit- Houston Gile- 226 W 3rd Ave
- f) Roofing Permit- Intelligent Roofing Solutions- 506 Roosevelt
- g) Sprinkler System- Ryan Lawn & Tree- 104 Garfield St
- h) Sprinkler System- Kyle Coggins- 415 Quail Run Ct
- i) Well Permit- Kyle Coggins- 415 Quail Run Ct

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

PUBLIC AGENDA- No one spoke.

OLD BUSINESS

CONSIDERATION OF BIDS FOR BACK 9 LOTS

A bid was received for \$12,000 for Lot 16 from Burwell Construction. They plan to build a home as soon as possible and sell it to their son.

Council member Jeff Albers moved to accept the bid on Lot 16 from Burwell Construction for \$12,000.

Council Ryan Graf seconded the motion. Motion carried unanimously.

NEW BUSINESS

CONSIDERATION OF MAYOR MIZE'S APPOINTMENT

Mayor Mize requests Council's confirmation on the following appointments for a one-year term:

Prosecutor:	Brandon Ritcha
Part-time Police Officer:	David Ohlde

Council member Greg Williams moved to confirm the Mayor's appointments.
Council member Kassie Gile seconded the motion. Motion carried unanimously.

ADOPTION OF UPDATED JOB DESCRIPTIONS

Updated job descriptions were presented for approval for the following positions:

Pool manager, Police Officer (Certified), Police Officer (uncertified), Police Lieutenant, Police Sergeant, Chief of Police, Reserve Police Officer

Young stated that the Pool manager position had changed from exempt to non-exempt a few years ago, but the job description was not updated at that time. It was discussed that the residency for the police chief stated must live within 3 miles, but other documents showed he must live within the City limits or the School district. It was changed to reflect the school district as a policy had been put in place in 2014 for all law enforcement officers to reside within the school district.

Council member Kassie Gile moved to approve the job descriptions.
Council member Greg Kampling seconded the motion. Motion carried unanimously.

DICUSSION OF VACANT LOTS

Administrator Young handed out pictures of different locations throughout Cheney where there are developments with vacant lots along dirt streets. Young stated she has been asked by residents and property owners if they can build on certain lots within the City. Young stated that her response always comes back to City Code Chapter 16 that says Adequate facilities are required including streets shall have minimum construction of concrete curb and gutter with asphalt/concrete surfacing. 16-345 talks about exceptions, and that the sub-divider shall provide improvements to meet requirements from 16-344.

Young asked for Council's guidance and their wishes on what response she needs to give. Albers remembered the Council discussing the use of ditches without curb/gutter/asphalt and asked if a code was adopted to allow for dirt streets. It was stated that it has been discussed in the past but nothing has ever been approved. Albers thought in some instances having a ditch would be better than curb/gutter. Parker thought if areas were functioning properly, he didn't see a need to require curb/gutter/asphalt.

383rd Ct- Albers asked about the agreement between City and Township on dirt road maintenance. Parker stated that Township should grade road, but City has been maintaining it. Young asked about the single vacant lot remaining in the development and asked if someone wanted to build if they'd have to build with access off of Main Street, since it's paved, or if they could utilize access off of 383rd Ct. Parker thought on a lot that size, the numbers don't add up. Albers thought if the lot was split there could still be access off of 383rd and Main.

Birch Ct- less than 50% of lots have been developed. There are 8 lots along the North and East with no sewer available. Three individuals own the 8 lots. There is some potential with a new housing development for sewer to become available. Albers asked if the homes were built inside the City limits when they were built or

why a dirt street was allowed. It was believed the code had not been adopted requiring paved streets at that time. Young stated that assessing specials would require 51% of the property owners to make a request. Albers thinks it's difficult to say "this is how it's going to be" across the board. Attorney Bryant Parker stated may have to look at the plat to see what the requirements were at the time of the plat. Mize thought if the additional houses were built it would create a need to do something different with the street.

Taylor St- There is a street easement and it is platted to continue south of 1st Ave. There is a lot to the east of Taylor with a shed. Young assumed that if someone wanted to build with the shed they would be allowed to make their driveway off of 1st Ave/Taylor St. If they split the lot, they could potentially utilize the street easement as a private drive or vacate it as a flag shaped lot since development has already occurred to the west.

Heather Ln- There is a vacant lot in between the other homes. The property owner has asked about building a home on the vacant lot. Young stated Heather Lane is built on except for that lot and the vacant lot along Santa Fe and Lake Rd. Young asked if Council would allow a building to be built along Lake Rd with access off of Heather Lane or could a lot split be done? Albers thought it was a similar situation to 383rd Ct. It was mentioned the lot (Sagner) is non-conforming because it is narrow in the front and may need a variance for the setbacks when a home is built on it. Albers thought it would be an unusable lot if something wasn't figured out. In regards to the lot along Lake Rd, Young asked if a lot split would be favorable and allow them to build off of Heather Ln because if it is split North/South, the east lot would have to be accessed off of Heather Ln. Albers didn't see a problem with doing that. Young thought if building was going to be allowed on Sagner lot, then should allow the other lot to be split and allow access off of Heather Ln for either of them. Kampling stated the land was previously owned and access was wanted off of Santa Fe, but at that time the City didn't own Santa Fe Street for access. Albers thought that if we were going to allow the north lot to be split with access off of Heather Ln and we can split the south lot with access off of Santa Fe. If someone wants more than that, then they will have to replat it.

South Main- There is a home west of Marshall (Lot 7, 8, 9, 10, 11, 12) and south of South Ave. The property is 6 lots and there is a shed and house. It has been asked if they could split the lots and if a house could be built on the vacant lots. Adams St is platted to the west, but is not paved. There is also a street on the south side (Ave A) that is not paved. There are also vacant lots to the South along Ave B. One lot had frontage along Main Street for access. Young stated if Council didn't want to make a decision on it, she would have the interested party draw up their plans and re-present it. Parker stated that in another community they spelled out engineering standards for property use. There could also be a private road maintenance agreement or a hybrid agreement where they install it and the City maintains it. Albers stated that the City has been allowing access via the dirt road and it would be nice to know how they'd like to access the lots. These situations are not easy to fix and we want to work with citizens and come to a compromise to get houses built. We want to make sure as the town grows. The streets get put in as they're supposed to. It was discussed that someone else wanted to build a house on one of the lots at another time. Albers thought each location had a different set of issues and would like to see what the owners have to say to make sure there's some sort of cohesiveness in making a decision. Parker stated that if there's access points that can be gained off already paved roads that would keep access consistent with what's already available. An administrative exception could be utilized after showing the plans and reporting to the Council with the guiding factors in place.

RESOLUTION 301-2020

Administrator Young stated that staff spends a lot of time sending out notices to property owners regarding Backflow testing. The homeowner then contracts with a licensed company to check their backflow and a form is submitted to the City to keep on file making sure the inspection occurred. It was discovered that other cities in Sedgwick County charge for the inspection form to be filed with the City. Some cities even

charge for the contractor to be listed on the letter issued by the City. Staff asked for the Fee Resolution to be adopted to include the \$5.00 backflow filing fee for when the reports are turned in to City Hall.

Council member Jeff Albers approved Resolution 301-2020

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

POLICE REPORT

Chief Ken Winter reviewed monthly police report.

Chief stated that KLETC has closed their campus. Officer Aden was supposed to start at the Academy on the 16th, but it will now be delayed 3 weeks.

The department will hold the Drug Takeback event on April 25th.

FIRE REPORT

Chief Ewy thanked everyone for coming to look at the fire station.

MAINTENANCE REPORT

Maintenance Superintendent Ewy stated they had worked hard on the Senior Center interior and were able to do the remodel in two weeks.

GOLF COURSE REPORT

Director of Golf Kevin Fowler gave an update on the restrooms and stated the sheet rock and exterior is almost completely finished. The utility lines are trenched in at the south bathroom and tile work will start next. Fowler and Ewy met with Every about electricity for the north restroom and it was quoted at \$4800 to set the primary to the east and then the City would trench south to the restroom. This bid was much cheaper than they had originally stated in the beginning conversations.

ADMINISTRATOR'S REPORT

Young reported that she is working with Kelly Caswell on an Arts Grant to bring a temporary art display to Main Street. Caswell will present her design next month.

The City was notified that WAMPO would not be funding the repaving of Santa Fe project. WAMPO received 36 applications for \$90 million and they were only able to approve 17 projects for \$30 million. The City can apply again for the project in 2022.

Young requested executive session for the acquisition of property.

ATTORNEY'S ITEMS

Attorney Parker requested executive session for attorney-client privilege.

MAYOR'S ITEMS

Mayor Mize had nothing to report.

COUNCIL ITEMS

Council member Greg Williams asked about the installation of Coggins drain. Ewy stated it went well.

Council member Jeff Albers had nothing to report.

Council member Kassie Gile had nothing to report.

Council member Ryan Graf had nothing to report.

Council member Greg Kampling asked about the boarded up mobile home on Shadybrook.

EXECUTIVE SESSION

Council member Kassie Gile moved to enter into executive session to discuss employee leave pursuant to matters related to non-elected personnel KSA 75-4319(b)(1) at 8:26 pm for 10 minutes with Chief Winter, Administrator Young, and Attorney Parker.

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

Council member Kassie Gile moved to enter into executive session to discuss employee leave pursuant to matters related to non-elected personnel KSA 75-4319(b)(1) at 8:36 pm for 10 minutes with Chief Winter, Administrator Young, and Attorney Parker.

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

Council member Kassie Gile moved to enter into executive session to discuss the purchase of property pursuant to preliminary discussions relating to the acquisition of real property KSA 75-4319(b)(6) at 8:46 for 10 minutes with Administrator Young and Attorney Parker.

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

Council member Kassie Gile moved to enter into executive session to discuss the purchase of property pursuant to preliminary discussions relating to the acquisition of real property KSA 75-4319(b)(6) at 8:56 for 10 minutes with Administrator Young and Attorney Parker.

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

Council member Kassie Gile moved to enter into executive session for a consultation with the attorney deemed privileged in the attorney-client relationship on a preliminary contract KSA 75-4319(b)(2) at 9:06pm for 10 minutes with Administrator Young and Attorney Parker.

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

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

ADJOURN

Council member Kassie Gile moved to adjourn at 9:20 p.m.

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

Mayor Philip Mize

(Seal)

Attest:

Danielle Young, City Clerk/Admin

Council members met at 5:15 at Cherry Oaks golf course and toured the Club house facility and then the Cherry Oaks Golf Course Maintenance facility. Next, they traveled to the Fire Station and toured the inside and then across to the Senior Center to look at the remodel. They then traveled to City Hall at 6:30 where they ate supper together before the meeting began at 7:00 pm. There was no binding action taken between 5:15 pm and 7:00 pm, but the time was used as a workshop to familiarize the Council members with the facilities to help them understand requests made by Department heads. After the meeting they toured the police department and City Hall until 9:45 pm.