

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
May 14, 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, Director of Golf Kevin Fowler and Maintenance Superintendent Brad Ewy. Guests present were those on Facebook Live.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Mize stated that the May City Council meeting was once again unusual because of the COVID-19 virus. Because of the Governor's Order, the meeting is limited to 10 individuals and was streamed on Facebook Live to give the public an opportunity to attend 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

CONSIDERATION OF COMMERCIAL PERMIT APPLICATION FOR STORAGE CONTAINER

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 April 9, 2020 City Council meeting
- c) Electrical Permit- 408 N Wolf- Absolute Electric Inc
- d) Electrical Permit- 311 E South Ave- Kevin Lane Construction
- e) Fence Permit- 509 Allison-Justin Hoch
- f) Fence Permit- 318 W 3rd Ave- Randall Oliver
- g) Fence Permit- 711 N Lincoln- Don Dvorak
- h) Fence Permit- 418 Quail Run Ct- Kelly & Linda Patterson
- i) Fence Permit- 507 N Garfield- Dennis & Sharon Winter
- j) Fence Permit- 425 W 2nd Ave- Justin & Nicole Vulgamore
- k) Fence Permit- 326 Greenwood Ct- Keith & Jan Jopp
- l) Fence Permit- 108 N Adams- Mark Meng

- m) Roofing Permit- 511 N Garfield- Eaton Roofing
- n) Roofing Permit- 211 Filmore- Eaton Roofing
- o) Roofing Permit- 619 Wolf- Eaton Roofing
- p) Plumbing Permit- 226 W 3rd- Precision Plumbing
- q) Shed Permit- 519 Roosevelt- Nathan Miller

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

PUBLIC AGENDA (Please limit comments to 5 minutes)

No public comment was taken due to Virtual meeting on Facebook Live.

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF MAYOR MIZE’S APPOINTMENTS FOR 2020-2021

Mayor Mize requested Council’s confirmation on the following appointments of officers for a one-year term:

City Administrator:	Danielle Young
City Clerk:	Danielle Young
Police Chief:	Kenneth Winter
Fire Chief:	Brad Ewy
City Attorney:	Austin Parker
Municipal Judge:	Harold Flaigle
City Prosecutor:	Brandon Ritcha
City Treasurer:	Roger Brown
Police Sergeant	Kyle Threadgill
Police Officer	Mason Schell
Police Officer	Ryan Aden
Part-time Police Officer	Jeff Cole
Part-time Police Officer	Martin Bell
Part-time Police Officer	Mike Satterlee
Part-time Police Officer	Christopher Becker
Part-time Police Officer	John McCord
Part-time Police Officer	David Ohlde

Council member Gile moved to confirm the Mayor’s appointments.
 Council member Kampling seconded the motion. Motion carried unanimously.

CONSIDERATION OF MAYOR MIZE’S APPOINTMENTS FOR THE PLANNING COMMISSION AND RECREATION COMMISSION

Mayor Mize requested Council’s confirmation on the following appointments:

Planning Commission	Jessa Albers	3 year term
Planning Commission	Ryan Runnells	3 year term
Planning Commission	David Rich	3 year term
Planning Commission	Nate Kutilek	3 year term
Recreation Commission	Andy Riggs	4 year term

Council member Graf moved to confirm the Mayor's appointments.
Council member Albers seconded the motion. Motion carried unanimously.

CONSIDERATION OF ADOPTION OF THE CHENEY POLICE DEPARTMENT POLICY MANUAL

The Cheney Police Department worked to develop a Policy Manual in coordination with Lexipol Risk Management. The City Council approved working with Lexipol in January 2018 and the process began with Attorney Lee Parker to help develop policies for the Police Department. It was also sent to Attorney Austin Parker for legal review. Chief Winter stated that Lexipol has staff that reviews and regularly updates the policies. Training is also given to officers.

Council member Kampling moved to approve the Cheney Police Department Policy Manual.
Council member Graf seconded the motion. Motion carried unanimously.

CONSIDERATION FOR USE OF GOLF COURSE FOR FIRE DEPARTMENT TOURNAMENT AND FRIENDS OF CHERRY OAKS

As of now, the Fire Department will hold their Annual Golf Tournament on Sunday, June 7th, 2020 and Friends of Cherry Oaks is scheduled for June 28th, 2020 unless something else changes due to COVID-19.

Council member Williams moved to allow the Fire Department on June 7th, 2020 and the Friends of Cherry Oaks on June 28th, 2020 use of Cherry Oaks Golf Course and waive the tournament fees for their annual tournaments.

Council member Graf seconded the motion. Motion carried unanimously.

CONSIDERATION OF TORO NSN AGREEMENT

Director of Golf Kevin Fowler stated that Cherry Oaks has operated under the agreement with Toro NSN since 2005. It includes a computer system that controls the irrigation system for the Back 9 from the maintenance department facility. The three-year agreement with Toro NSN ends in June. The agreement provides a computer for the Maintenance Superintendent to utilize as well as three years of support, 24/7 support, software and ability to operate the course's irrigation system. A new computer is overnighed if the computer goes down, which has happened in the past when it was hit by lightning. Staff recommended the Standard Tower option for 36 months at \$7,074.

Council member Kampling moved to approve the Toro NSN support agreement in the amount of \$7074.00 Council member Albers seconded the motion. Motion carried unanimously.

CONSIDERATION OF OPENING THE SWIMMING POOL FOR THE 2020 SEASON AND POOL FEES

Administrator Young reviewed the packet of pool information within the agenda packet. Several different guidelines were reviewed regarding changes in operations (due to COVID-19). Due to the Governor's decision today, the State will be moving to Phase 1.5. That does not allow swimming pools to open yet. Even with the upcoming phase there is no guarantee when they will happen.

Each phase also has many guidelines and recommendations for cleaning and PPE. CDC guidelines, optional scheduling changes, other cities decisions, the total number of people that can go to the pool. Young has set through a lot of different zoom meetings from Red Cross, KRPA, NRPA and they have all set different guidelines by saying, "You can open, but you should follow these guidelines."

Young discussed removing pool chairs, operating in sessions to allow cleaning in between groups of people at the pool, disinfecting surfaces such as railings to slide/boards, the deck, and chairs. One recommendation is to not allow on duty life guards to do the cleaning and hire additional staff. Young stated CDC guidelines appear to be somewhat confusing as they say to play it safe around pools, but not to use hot tubs or water parks because it's hard to social distance and disinfect all of those areas.

Other things to think about are the Governor's phases. Typically, the pool opens on Memorial Day and closes around August 23rd. The City's Liability Insurance company is encouraging cities to operate within all State and Federal guidelines to mitigate liability. The City has not hired any pool employees yet. There are 4 returning guards who will be returning and 3 additional guards who will need to re-certify. The Pool typically has 8-12 lifeguards. Young stated another thing to consider was many kids come to the pool without adult supervision. So would the lifeguards be required to monitor social distancing or require waivers to be signed and will masks be required within the pool house? Young said they also need to think about kids spitting in the water, jumping on top of each other and the items that are brought in like goggles. Young stated that even though pool water has chlorine in it, the pool water cannot be used as a disinfectant as stated in one of the Zoom meetings, she listened to so an additional disinfectant would be required. Young stated if there is a delayed opening there is also a potential for loss revenue to consider and additional expenditures. There were some additional guidelines from KRPA released this week for pools, showers, and locker rooms provided to the Council. Young stated that Sedgwick County also came out with a Recovery Plan, which outlines pools, but the guidelines starting in Phase II were in progress.

Mayor Mize Stated that the Governor had indicated today that when they get to the end of Phase 3 that there's no guarantee that they will allow pools to be open and it could be extended even further. Mize asked how early the pool could open. Young stated that the pool could open June 1st, but it would be limited to only 30 people.

Kampling stated he was thinking if it couldn't open by June 15th, it might as well not be opened. Young stated that her recommendation up until the Governor spoke at 4 pm today was to look at a Phased opening on June 1st where swimming lessons and smaller groups are allowed and then opening completely on June 15th when the Phase Out begins. Now with the Phase Out beginning June 29th and knowing that the Governor pushed this phase back and that would put the Phase Out possibly in July and that makes opening the pool much more difficult.

Kampling asked what it cost in chemicals to fill it up. Ewy stated it could be filled and then dumped if it didn't open, but it's 140,000 gallons of water and all of the chlorine up front. It was believed a couple thousand dollars are spent for chemicals.

Gile asked if swim lessons could still start June 1st. Young stated they could, but the additional guidelines would need to be met. Albers asked if they had to be met or if they were just recommendations. Young stated they're recommendations and according to the liability insurance you are to follow the guidelines.

Williams asked about requiring the waiver and how we expect lifeguards to social distance kids. He asked if the waiver removed that risk. Young asked Attorney Parker for his opinion. Parker thought the waiver could be required and have the lifeguards make sure one is on file when kids first come to the pool. Williams asked if the liability waiver was approved by the liability insurance. Parker thought a

liability poster should be posted around the facility and post the Governor's guidelines. Parker stated that operating the pool is an assumption of risk.

Mize asked if the pool employees had given any indication if they will still be available mid-June. Young stated that some had reached out to her and she has told them that hopefully a decision would be made tonight if the pool would be open or not. There are two candidates that would make great managers and it has been discussed having a co-manager position. Typically, the pool closes around August 23rd because we lose lifeguards to school, college and fall sports. School is scheduled to start August 13th.

Young stated if you took the size of our pool and figured 36 sq. ft it would allow 78 people to be in the pool, which includes the shallow and deep end. It was asked how many people are typically at the pool. Young stated a report given showed the total number of daily attendances at the pool and she marked the number of days with more people than would be allowed. It was noted this was the total daily attendance from the sign-in sheet, but most kids leave by 5 pm so they're all there within a 3-4-hour window.

Council member Gile asked if there was a way to utilize off-duty lifeguards vs. hiring additional staff. This way they wouldn't be there for the day to work as a lifeguard. Young stated that it was recommended not to use lifeguards for cleaning and social distancing. Albers and Gile asked if it was allowed to use non-active lifeguards to clean and social distancing. Albers asked if someone working the sign-in could also be doing the cleaning. Young stated it was recommended the pool close for cleaning. Albers stated he didn't agree with that recommendation. Albers thought cleaning on an on-going basis was better than clearing the pool every two hours and then doing cleaning. Gile thought if the pool closed kids would go into the park area and congregate waiting for the pool to reopen. Young thought that spraying chemical while the kids were at the pool was one of the concerns.

Mize said he thought he read one place that diving board and slide would be off limits. It was mentioned that people waiting in line for the slide/diving board would be too close together.

Ewy asked what the golf course was doing to disinfect their restrooms. It was stated the bathroom was still closed. Albers thought a ladder could be closed off for 10 minutes while one ladder is disinfected. Ewy asked if the bathrooms would need to be cleaned in between each person.

Albers thought the City needed to try and figure out anyway to get the pool open. Albers can see both sides of it, but thinks it's their job to exhaust every possibility to get it open before we close it. Albers asked about a June 1st limited opening for swim lessons and private parties and June 15th open to the public. Even it was open from June 15th-August 15th, there is still a 2-month season. He didn't think the City was in the pool business to make money and expenses would still need to be watched. Albers said the financial side didn't bother him much and he thought it was a service to the community. He didn't think the financial side should be the reason it's closed.

Council member Kampling thought an extra lifeguard on staff rotating around cleaning would be much better than waiting two hours. Or a cone could be placed next to a ladder and have it closed while cleaning is taking place. Albers stated he had watched an employee at a Doctor's office go around wiping chairs and cleaning. It was mentioned that a garden sprayer could be used to spray down items. Fowler said he would need to read the label to see if it could be used around the pool. It was mentioned that the disinfectant has to set for 10 minutes.

Gile thought there would be more lifeguards available and willing to work more hours. Kampling stated it might not be what they want to do, but if they want a job they'll have to clean.

Albers asked if 3 lifeguards are working at the pool, how many are actually on duty at a time. It was mentioned that two guards are in the chairs and 4 people are actually working. Albers thought having the other two employees would be sufficient to have them cleaning. Albers said it wouldn't be one person constantly cleaning because they would be rotating around. Young stated someone would also need to be watching for social distancing and it cannot be the lifeguards job watching for social distancing because it's their job watching for someone drowning. Albers didn't think that made any sense.

Attorney Parker said the City becomes the local parent of the child. Parker thought 3/4 of the communities would open their pool and everyone will do it differently. From the liability aspect, there will be protection under the tort claim act and didn't think the City was being reckless and that things were being thought through. Would need to come up with a local policy regarding the operations and it's a practical decision that needs to be made.

Council member Kampling recommend opening fit June 6th and have someone cleaning and restricting it to 30 people and have swim lessons with 6' apart. Signs need to be posted and cleaning more often is better than every 2 hours and the ladders will just be closed. Young asked for clarification on the date and it was decided Phase 2 began on June 1st.

Council member Williams asked about the employees. It was state they're seasonal employees and they would need to be hired to get them certified. Young stated Red Cross is not starting any classes until May 26th and thinks that may get pushed back. Young stated they could be subject to unemployment and subject to the CARES Act where if they get sick, they would receive 2 weeks off. Kampling asked if lifeguards would need to wear masks.

Council member Graf asked if they would need to be over the age of 18 to clean. Young stated there are a lot of stipulations on age restrictions and what duties lifeguards can handle and that is why our maintenance department handles chlorinating the pool and not the lifeguards.

Council member Williams thought we needed to provide a service to the community, but need to have more of our personal preferences laid out and come to more of a consensus and agreed upon cleaning regimens.

Albers thought we could push off opening the pool to June 15th to give additional time to lay out a plan to open and didn't want to make a rushed decision. Albers thought the City needed to protect people coming to the pool and those working at the pool. He thought there was a way to accomplish that and stay within a majority of the guidelines and make it as safe as possible under the current situation. Mayor Mize clarified a tentative date for June 15th and within that time frame a series of cleaning schedule and guidelines on how the pool will be operated. Albers said there could be a special meeting to discuss that.

Mayor Mize mentioned that the Governor mentioned today that she may extend the opening of pools. Kampling thought June 15th would give additional time.

Gile asked when the pool would need to be filled. Ewy stated it takes a couple weeks to get the water warmed up. Albers stated we're willing to take the financial risk. If the Governor changes the guidelines again it could be throwing money away, but Albers thought it was worth the risk. Mize thought between now and the next Council meeting some choices could be made. Albers didn't think there would be any additional decisions made by the Governor until 2 weeks, which would be when the pool would need to be filled for a June 15th opening.

Ewy said he would need to know by June 1st to get it filled. Mayor Mize thought the Governor would speak again in two weeks. Albers asked Young if City Staff needed another special meeting or felt comfortable to put everything together. Williams said it would be good to have the Pool Managers available also. Young stated the Managers hadn't been hired yet because a decision about the pool hadn't been made. Young asked if she was supposed to go ahead and hire staff. Gile asked if staff could be hired at the end of the month. Young stated she would hire them once the City decided to open the pool.

Attorney Parker stated a motion would need to be made to formally delegate Staff to use reasonable guidance. Albers stated if another meeting was held then the motion delegating staff wouldn't be needed. Mize and Graf thought there might be an issue with having lifeguards still available if a decision was made too late. Mize hated to hire everyone and then tell them later the pool was closed. Albers stated ultimately that we'll need to wait 2 weeks from today to make a decision to hire employees after new information comes out. Williams thought that enough people are out of work that there would be enough people interested in working at the pool.

Mize stated we're up again making a decision to open the pool until we have additional information; however, we are going to have to prepare the pool in case we do open. Mize didn't think we could make a decision tonight about opening it or not until there is more guidance on opening the pool. Kampling thought we could tell people the pool is tentatively set to open June 15th depending on additional guidelines from the Governor.

Council member Albers moved to approve tentative date to open the pool June 15th pending any new additional information the Governor places regarding stipulations on opening the pool. Council member Kampling seconded the motion. Motion carried unanimously.

It was determined to hold a special meeting to discuss further guidance on pool operations. Young stated they could wait to see when the Governor addressed additional guidelines within the next two weeks and then set the meeting.

CONSIDERATION OF COMMERCIAL PERMIT APPLICATION FOR STORAGE CONTAINER

Downey Consulting requested a Storage Container at 317 Jefferson. Young presented a copy of the Ordinance outlining the conditions for the Council to consider and indicated screening was not mentioned on the permit, but the conditions stated it was to be determined by the Council.

Council member Kampling moved to approve the Commercial-use of Portable Storage Unit at 317 Jefferson.

Council member Williams seconded the motion. Motion carried unanimously.

Mayor Mize asked the Council to recess outside to view the new Fire Truck that was purchased last month. Council and staff moved outside for 10 minutes to view the truck.

POLICE REPORT

Chief Winter reviewed his monthly report and stated they had seen an uptick in activity from March to April.

FIRE REPORT

Chief Ewy thanked Council for the new truck and said they would continue to get it equipped more.

MAINTENANCE REPORT

Maintenance Superintendent Brad Ewy reviewed his maintenance report. It was asked if oil for the streets had gotten cheaper this year. Ewy said they were waiting for APAC to arrive for street work.

GOLF COURSE REPORT

Director of Golf Kevin Fowler stated April was very busy since Golf was deemed an essential outdoor activity. Operations have changed dramatically and they've seen 135 rounds/day in the first 10 days of May. They are still working on the restrooms and are hoping to have them completed by June 28th. Fowler stated they would be resuming additional operations by following guidelines on Monday, May 18th. They will reopen the clubhouse and men's club will resume with social distancing. Tournaments will begin June 1st. The City of Wichita only has two courses open. Fowler stated it has been challenging and many changes have been made with credit card only payments, sneeze guards installed and 15-minute tee time intervals, but customers have been thankful that we've stayed open and given them the opportunity to get out. Fowler thinks the course will see many new repeat new customers as there has been comments that "it wasn't as far out here as they initially thought". Mayor Mize thought they had done a great job on the interior of the bathhouse.

ADMINISTRATOR'S REPORT

Young stated the City had closed on the lot on Shadybrook and demolition of the mobile home would begin soon.

Young stated Ideatek had completed their fiber optic project and the route had changed to the south side of 6th Ave. She's also been working with Ideatek, Cox, and ATT on WIFI in the parks.

Young thought all of the employees had been doing a great job. Each department has had to make several changes to their operations, but the City has been fortunate to have everyone continuing to work hard and thought Council should be appreciative of them all.

ATTORNEY'S ITEMS

Attorney Parker had nothing to add and would be available during executive session at the end of the meeting.

MAYOR'S ITEMS

Mayor Mize asked about the issue in selling the lots at the Back 9 that were purchased from the Sheriff's Auction. Attorney Parker stated a process server had been hired to serve the prior owner. If that's not doable, a quit claim deed could be done, or a year wait will be required for title insurance to insure lots or a quiet title action will be filed. The City is trying to take the quickest route right now with the process server.

COUNCIL ITEMS

Council member Graf asked about doing a community event later in the year downtown to help out the local businesses. Chief Winter suggested doing it for National Night Out.

Council member Albers had nothing to report.

Council member Kampling asked about reopening playgrounds. Young stated that they are following guidelines.

Council member Williams had nothing to report.

Could member Gile had nothing to report.

EXECUTIVE SESSION

Council member Albers moved to enter into executive session to discuss police officer employment applications pursuant to matters related to non-elected personnel KSA 75-4319(b)(1) at 8:40 pm for 15 minutes with Chief Winter and Administrator Young.

Council member Gile seconded the motion. Motion carried unanimously.
Mayor Mize stated no binding action was taken.

Council member Gile authorized the Chief of Police to make a provisional offer for employment subject to appointment by the Governing Body and successful background check.
Council Graf seconded motion. Motion carried unanimously.

ADJOURN

Council member Kampling moved to adjourn at 8:57 p.m.
Council member Graf seconded the motion. Motion carried unanimously.

Mayor Philip Mize

(Seal)

Attest:

Danielle Young, City Clerk/Admin