

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
November 14, 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 and Jeff Albers 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 Tara Nolen, Travis Mounts, Carl Ewy, Sydney Ewy, Kyle Threadgill, Ryan Aden, Mike Satterlee, Chris Becker, Mason Schel, Jeff Cole, Jeremy Watts, Krystal Watts, Victoria Watts, Jasmine Watts, Cherrie Watts, and Cheryl Schulte.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

DETERMINE AGENDA ADDITIONS – none

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 October 10, 2019 City Council meeting
- c) CMB License- Dollar General-1100 N Main
- d) CMB License- QP Express 102-1110 N Main
- e) Building Permit- Rosenhagen Sales- 127 N Main
- f) Building Permit- Ryan Dover- 123 N Wolf
- g) Building Permit- Strategic Remodel Inc- 2508 S 383rd St Ct
- h) Electrical Permit- All Daigl Electric- 915 Filmore Lot 26
- i) Electrical Permit- Cheney Electric- 304 E 4th
- j) Electrical Permit- All Daigl Electric- 915 Filmore Lot 24
- k) Electrical Permit- All Daigl Electric- 915 Filmore Lot 27
- l) Plumbing Permit- Boyer Plumbing- 2508 S 383rd Ct
- m) Roofing Permit- Dylan Gariepy- 218 N Garfield
- n) Roofing Permit- Whalen Roofing- 327 N Main
- o) Wrecking Permit- Brad Ewy- 101 E 3rd

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

PROMOTIONAL CEREMONY- CHENEY POLICE DEPARTMENT

Police Chief Ken Winter conducted a promotional ceremony for Sergeant Kyle Threadgill and Lieutenant Jeremy Watts. A pinning ceremony was held and Chief Winter introduced and gave a bio on each police officer in the department.

PUBLIC AGENDA- No one was present.

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF MAYOR BALL'S APPOINTMENT & ACCEPTANCE OF RESIGNATION

Mayor Ball requested the appointment of Ryan Aden from part-time Police Officer to Full-time Police Officer and acceptance of resignation of Police Officer Mario Martinez.

Council member Jeff Albers moved to confirm the Mayor's appointment for full-time officer Ryan Aden and the resignation of Mario Martinez.

Council member Philip Mize seconded the motion. Motion carried unanimously.

AN ORDINANCE REGULATING THE PURCHASE AND POSSESSION BY AND SELLING, GIVING OR FURNISHING OF CIGARETTES, ELECTRONIC CIGARETTES, OR TOBACCO PRODUCTS TO PERSONS UNDER 21 YEARS OF AGE WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS BY AMENDING SECTIONS 5.6 AND 5.7 OF THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," AS ADOPTED BY SECTION 11-101 OF THE CODE OF THE CITY OF CHENEY, KANSAS, AND REPEALING ALL OTHER CONFLICTING ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CHENEY, KANSAS

The following facts were presented last month in support of a Tobacco 21 Policy: "Tobacco product use continues to be the number one preventable cause of death and most users become addicted before age 18. Nearly 95% of smokers started smoking before the age of 21. Data suggests that if someone is not a regular smoker by age 25, it is highly unlikely they will become one." As a public health initiative, raising the age from 18 to 21 reduces access of tobacco products to the youth and compliments other public health initiatives.

Young stated that her, Chief Winter, and Attorney Parker had reviewed the different Tobacco 21 ordinances that had been used by other communities and they had determined the City did not have the administrative time or staff to license to tobacco retailers like some ordinances required. If they were licensed, the City assumes some liability. An Ordinance was created to accommodate the increase in age to 21, but doesn't just focus on retailer, but also focuses on the youth. Chief Winter mentioned that the intent is not to penalize someone working in store, under the age of 21 and retail employees will still be able to sell the products.

Tara Nolen mentioned that all ordinances across the State were different and some ordinances didn't have enforcement at all. The State of Kansas is still discussing Tobacco 21. Nolen mentioned that the State does do compliance checks for 18 year old's. Winter stated that the DARE education covers tobacco and vaping and the school has discussed bringing speakers in after the first of the year for Parenting with Pride to talk about vaping and to educate parents. Chief thought it was more about educating people about the dangers of tobacco and his department would not be going around looking for people until 21 with tobacco, but the Ordinance would give them the ability to enforce it. Winter mentioned that the DARE kids gave them a round of applause when they learned Council was going to discuss increasing the age to 21.

It was noted that the adoption of the Ordinance would make Cheney the 24th City in Kansas to adopt a T21 Ordinance.

Council member Philip Mize moved to adopt Ordinance 924.

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

Clerk Young called the vote, Albers- yes, Williams- yes, Mize- yes, Gile- yes, Kampling- yes

CONSIDERATION OF VISION INSURANCE RATES FOR 2020

Young asked for approval of the employee vision insurance coverage that renews January 1, 2020. Insurance rates will remain the same through 2021. Employees pay 100% of the cost.

Council member Jeff Albers moved to approve the Surency Vision Plan.
Council member Kassie Gile seconded the motion. Motion carried unanimously.

CONSIDERATION OF KANSAS CITY LIFE INSURANCE RATES FOR 2020

Young asked for approval of the employee life insurance policy for all full-time employees as part of their Employee Benefit Package. Rates remained the same.

Council member Greg Kampling moved to approve the renewal rates from Kansas City Life.
Council member Kassie Gile seconded the motion. Motion carried unanimously.

AN ORDINANCE AUTHORIZING EXECUTION OF THE NATURAL GAS PREPAY PARTICIPATION AGREEMENT WITH THE KANSAS MUNICIPAL GAS AGENCY AND ALL OTHER NECESSARY DOCUMENTS WITH RESPECT THERETO AND PROVIDING FOR THE PLEDGE OF THE REVENUES OF THE NATURAL GAS UTILITY SYSTEM OF THE CITY TO SECURE SUCH AGREEMENT.

Young reminded Council that staff had presented this topic in December 2018 but later learned that the City's gas supplier was not on an interstate line included in the prepay agreement. Now that the City was switching to Black Hills, the City is eligible for the program through KMGGA. Young explained that the Ordinance authorizes the City to enter into an agreement for the KMGGA Prepay Project. An additional agreement would also need to be approved and would give the City a discount on a committed percentage (35%) of natural gas and shows an estimated savings of \$7,000/year. The agreement is targeting a .33 discount, but must meet the minimum .23 discount.

KMGGA will not charge an additional fee to administer the project; however, MMGA will charge .04 per MMBtu. It was asked if the City would be able to get out of the 30-year term if City decided to switch back to MCMC in 5 years. It was stated that 90% of the gas that is outsourced through KMGGA is on the same line as Black Hills, so it is possible that the City's committed volume could be re-marketed to another City.

Council member Phil Mize asked about Bond Issuance and Parker explained that MMGA is the bond issuer and Royal Bank of Canada is the Gas Supplier; however cities participating in the project are not required to put money upfront for gas supply.

It was discussed if the City should commit a higher percentage of natural gas. Young stated that other cities have nominated 30% on a three-year average, but she presented to the Council 35% of a two year average since gas purchases had changed over the past two years with increased industry. She felt the risk would be too high to increase the amount anymore, since it is based on daily allocations and not monthly or yearly.

Council member Greg Williams moved to adopt Ordinance 925.
Council member Jeff Albers seconded the motion.
Young called the vote, Williams- yes, Albers- Yes, Mize- yes, Gile- yes, Kampling- yes

CONSIDERATION OF NATURAL GAS PREPAY PARTICIPATION AGREEMENT

The agreement outlines the Prepay Program and Exhibit B lists the Daily Gas Volumes for the City of Cheney to determine the volume commitment from the City.

Council member Jeff Albers moved to approve the Natural Gas Prepay Participation Agreement with Kansas Municipal Gas Agency.
Council member Phil Mize seconded the motion. Motion carried unanimously.

DISCUSSION OF URBAN AREA OF INFLUENCE

Young explained that the Metropolitan Area Planning Department is reviewing the Urban Areas of Influence and has asked if the City would like to see changes to Cheney's Urban Area of Influence. The current map was reviewed and the growth map from the Comprehensive Plan was also shown. Council wished for the Area of Influence map to drop south to cover Ninnescah Estates and cover the northwest corner because of the highway and city utility availability.

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 has received the Sheriff's Deed to the lots. Young asked how the Council wishes to sell the lots. She mentioned that there are some people who have already reached out to the City who are interested in purchasing them.

Young stated she is still waiting to hear back from Sedgwick County on the amount they will refund in specials since they required the City to pay the full \$13,000 at the auction.

Council member Philip Mize asked if a stipulation could be placed on the lots to require a house be built within a certain amount of time and that the City have the first right of refusal to buy it back if they don't build on the lot. Council also discussed doing a sealed bid with the right to refuse all bids and notifying the parties interested in the bid. Attorney Parker stated he would gather additional information from Sedgwick County on the refund amount. Once the break-even amount is determined, Council will discuss it further.

POLICE REPORT

Chief Ken Winter reported they had 331 calls for police service including one DUI and one accident. Council enjoyed the police officers being in attendance at the meeting and thought they had a good cohesive group. Winter requested executive session for matters relating to non-elected personnel.

FIRE REPORT

Fire Chief Brad Ewy was gone, but Danielle Young reported that the City received notification that they did not receive the FEMA grant for a Fire Tanker. This was the second year the City was unsuccessful at the grant.

MAINTENANCE REPORT

Maintenance Superintendent Brad Ewy was absent for his report.

GOLF COURSE REPORT

Director of Golf Kevin Fowler reported there were 113 rounds played last Saturday, which was phenomenal for November. Fowler mentioned that 2019 was the 2nd best year ever for Revenue. Council member Mize asked how the number of rounds could be down, but revenue was up. Fowler stated they are receiving more money per golfer in other purchases. Revenues are also up because of the additional money from Golf Now's online booking agreement. Fowler reported they were working on the Restrooms. Oliver had dug the footings. The steel and rebar were in place and the footings would be poured on Monday. An agreement had been made with the Webb's on Lake Road to access the golf course via their lot to pour the concrete.

Council member Williams thanked and praised Kevin for working on updating the Memorial Bench for his father within a month.

ADMINISTRATOR'S REPORT

Administrator Young reported the ballfield grant was finalized by the Kansas Department of Wildlife and Parks. The City should receive reimbursement by the end of the year. The total project cost was \$122,463.60 with a cost to the City at \$72,463.61. Plans are to apply for the grant again next year for a different project at the Complex.

The City purchased a trailer on Purple Wave to utilize for recycling aluminum cans for the pool. A sign will be made for it and may place it behind the Fire Station for easier access for residents. It was mentioned that perhaps it could set on Main Street in the vacant lot to gain publicity.

The maintenance department and volunteers replaced lights on the Main Street Wreaths with LED lights. Jane McLaughlin donated Christmas lights and a lighted train that we will add to the light display. KPTS will be doing a Christmas Special and we have asked them to feature our Singing Christmas Trees.

Zenner made a final sweep of the gas meters and all of them should be functioning properly. There are still approximately 100 water meters that need to be installed by City maintenance department.

Young reminded everyone to RSVP to the Christmas Employee Party on December 13th at the Cheney Rec Building.

There will be a Public Reception for Mayor Linda Ball before the December Council meeting.

Ninnescah Estates Final Plat south of MacArthur was approved on November 7th.

The First Impressions Study with Sterling is complete and a Town Hall meeting date was set for December 5th at 7pm at the High School Auditorium as long as it does not conflict with Middle School game.

The Property on East 2nd has asked about the possibility of building two homes without building a road. Young asked Council's thoughts on the lots on Taylor Ct and E 2nd Ave. Currently the property is platted into three lots with ½ cul de sac and undeveloped land to the east. Council previously did an agreement with the previous owner, Brandes, saying he could build one house on the 3 lots and utilize the street as a private drive until the development on the east side went in and at that point he would then have to put the street in.

Potentially, they would like to build two houses and do a lot split on the middle lot. They are asking about the requirement for the road and the possibility of getting rid of the cul de sac so the road would dead end. Council was concerned about the ability for a fire truck to turn around if it was a dead end.

The owner also asked if they could utilize a dirt road with no future plans of paving, if they could install curb and gutter now and asphalt it later, or if a developer's agreement could be utilized to all them to build now and utilize the street as a private drive and install the street at a later time when the other side is developed.

Austin stated that the agreement would allow them to use the street as a private drive and then pay for the street later on.

Council member Williams asked what would happen if the Brandes sisters platted their land a different way and didn't utilize the cul de sac. Young stated that this issue was discussed with the Brandes' a year ago and they've stated that they do not know if they will utilize the cul de sac or not because they do not have plans prepared yet.

Young stated that the Hudson's on East 2nd were required to petition for the road to be paved to build their home and half of the cost was assessed to them and the City paid for the other half with the possibility of assessing it to the Brandes property when developed.

Young asked council if they wanted to allow them to build back there without putting in a street. Kampling stated the only way he would allow this is if the other side is developed then a street has to be put in.

Attorney Parker explained that if the Council allows a private drive now, and then the Brandes' develop the other lots, a street will have to go in. Dawson's do not have to pay up front, but will utilize the setbacks the way it should be with the cul de sac. If Brandes sisters do a different development and don't utilize the cul de sac, then Dawson would just continue to live off of a private drive.

Kampling stated that if they want to build back there that's fine, but if it gets developed a paved road will have to go in.

Another option would be the City would pay for the other side of the cul de sac with future expense going to Brandes if Dawson wants to go ahead and build the street now.

Council discussed the option of curb and gutter and discussed issues of the City maintaining it and thought the property owners would need to have it rockered.

Young asked if Council wanted to offer a private drive and if the other side is developed a street will have to be put in?

Williams asked why they can't do the straight road and other members thought it would be an issue for emergency services to access.

Council also discussed the option to install the curb and gutter to establish a road so if the property is sold again the same question is not brought up again as to how it can be developed. Mize was concerned that other people would also want to put in curb/gutter and could create other issues in the future.

It was asked if Brandes would allow for the Cul de Sac to be built and develop the west end of their lot.

ATTORNEY'S ITEMS

Attorney Austin Parker had nothing to report.

MAYOR'S ITEMS

Mayor Linda Ball had nothing to report.

COUNCIL ITEMS

Council member Greg Williams had nothing to report.

Council member Jeff Albers had nothing to report.

Council member Philip Mize had nothing to report.

Council member Kassie Gile had nothing to report.

Council member Greg Kampling had nothing to report.

EXECUTIVE SESSION FOR NON-ELECTED

Council member Jeff Albers moved that the city Council enter into executive session to discuss employee matters pursuant to personnel matters of nonelected personnel KSA 75-4319(b)(1) for 15 minutes at 9:16 pm with City Administrator Danielle Young, Attorney Austin Parker and Chief Ken Winter.

Council member Philip Mize seconded the motion. Motion carried unanimously.

Mayor Ball stated that the Council was back from executive session at 9:31 pm with no binding action taken.

ADJOURN

Council member Jeff Albers moved to adjourn at 9:31 p.m.

Council member Kassie seconded the motion. Motion carried unanimously.

Mayor Philip Mize

Attest:

(Seal)

Danielle Young, City Clerk