

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
October 10, 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 Ron Orsak, Tara Nolen, Ryan Graf and Sam Jack.

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 September 12th, 2019 Council meeting.
- c) Building Permit- 415 Quail Run Ct- Kyle Coggins
- d) Building Permit- 561 E Bob White- Becky Hedstrom
- e) Building Permit- 509 Allsion- Just Hoch
- f) Building Permit- 39198 W 39th St S- Shellie Miller
- g) Building Permit (antenna)- 320 S Garfield- Overland Contracting Inc.
- h) Electrical Permit- 915 Filmore Lot 26- Cheney Mobile Home Park
- i) Electrical Permit- 915 Filmore Lot 24- Cheney Mobile Home Park
- j) Electrical Permit- 915 Filmore Lot 27- Cheney Mobile Home Park
- k) Fence Permit- 525 N Roosevelt- Jerry Miller
- l) Fence Permit- 207 Wolf- Suzanne Dewey
- m) Mechanical Permit- 100 W 6th Ave- Cheney Electric
- n) Roofing Permit- 202 N Washington- Jim McCollumn
- o) Roofing Permit- 915 N Garfield- Eaton Roofing
- p) Roofing Permit- 408 Lincoln- GCI Construction
- q) Roofing Permit- 307 Shadybrook- Eaton Roofing
- r) Sprinkler Permit- 714 Wolf- Jim Gillett

Council member Jeff Albers moved to adopt the Consent Agenda as listed.

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

PUBLIC AGENDA- No one spoke.

OLD BUSINESS

KPTS- Young presented some ideas and photos of items that could be utilized in a campaign with KPTS to showcase the City. It was mentioned that a 30 second commercial, Station IDs, segment with the Mayor, and 3 Community profiles are included.

Council member Jeff Albers moved to approve spending \$1500 with a City-partnership with KPTS. Council member Kassie Gile seconded the motion. Motion carried unanimously.

NEW BUSINESS

PRESENTATION OF TOBACCO 21

Ron Orsak, Middle School Principal addressed how vaping is an epidemic among our youth. He said that it is directly targeted towards youth and the devices are made to look like pens, hoodie draw strings, smart watches, and toothpicks. Prior to 1997, 36% of the population smoked but because of anti-tobacco campaign it decreased to 7.6%; however, now there is new marketing on Social Media with "Launch parties" and flavored products geared towards youth named after fruit, candy, desserts, and "unicorn poop".

Orsak mentioned the effects on the educational system mentioning that Goddard recently filed a lawsuit against Juul and anticipated that there will be more. Schools are having to hire extra people to monitor detention and tobacco cessation classes. They're also trying to educate students that the Vaping Industry is coming after them and educating parents about the harm and what to watch for. He also showed material from KASB and KSHSAA showing that it's a hot topic that everyone is trying to address.

Tara Nolen, Tobacco Control Coordinator for the Kansas Academy of Family Physicians, President of Tobacco Free Coalition and Raise the Age Kansas- Statewide campaign gave a presentation on the benefits of adopting a T21 Ordinance, which would raise the age pertaining to the sale of tobacco products from 18 to 21 within the City of Cheney. Nolen stated that even though there is some support for the age to be raised at the State Legislature, she recommended the City still pass a local ordinance.

Nolen presented the facts that 10.6% of Kansas High School students use e-cigarettes, 1200 Kansas kids become new smokers each year and \$76 million was spent in Kansas on Tobacco marketing. It was stated that nicotine is in e-cigarettes and in 2014 vaping among 18-24-year old's surpassed that of adults 25+. One vape pod is equivalent to a whole back of cigarettes. There are 1,299 cases of severe lung injury and 27 deaths (2 in KS) related to e-cigarette use. 80% of those were under the age of 35. 95% of smokers initiate use before the age of 21. Frontal lobe of brain is not fully developed until age 25, making teens vulnerable to tobacco/nicotine addiction. Peer to peer purchase is most common with 90% of the tobacco supplied to kids purchased by 18-20. To purchase alcohol, gamble, or rent a car a person must be 21 years of age.

A T21 Ordinance works to decrease the initiation of tobacco as statistics show that if someone hasn't started smoking by age 26, then they won't. The T21 push has proven success in larger cities, including Chicago, IL and we would see a 12% decline in tobacco-use if everyone implemented the policy.

In regards to Retailers, Nolen explained that tobacco sales to 18-20-year old's account for 2% of retail tobacco sales. Several retailers have already stopped selling E-cigs and Target and CVS no longer sell

tobacco. Kansas is 5th in the Nation, with 31% of the Kansas population being protected by T21 Local ordinances that have already passed.

Orsak stated the High School has had some issues this year, but they started with a very strong message to the students. Orsak stated that it's very hard to find the devices on the students when it's reported to them. Last year, 5 devices were collected in the Middle School. It was mentioned that there is an influx of vaping in other surrounding communities and the court system has been enforcing a lot of community service.

Council member Greg Williams asked Nolen if she was talking to other cities in Sedgwick County. Nolen stated that right now the topic is not a priority in Wichita, but they are hoping if the smaller communities pass T21 policies then there will be more of a draw. Thinks it needs to be more of a regional draw.

Council member Albers asked the State's view and it was noted that the Governor has announced on Twitter her wishes to make it a law statewide. Michigan has already banned all e-cig products. It is likely that it will come up in the State Legislature, but it's up to City/Counties to make their own decision. Trump has also discussed a push against vaping/e-cigs also as there may also be some National policies to move forward as well.

Council member Williams asked how parents have been educated so they know it's not just a news topic. Orsak stated they educated the 6th grade parents and are putting out information in their quarterly newsletter. They may also have a night that addresses different topics and may cover the harmful effects of the products.

It was mentioned that Home Rule allows for cities and counties to increase the age to purchase tobacco from 18 to 21. The offense would be enforceable through the Public Offense Code. Currently, a student receives out of school suspension if caught with a device because it's tobacco.

Council member Kampling believed Cheney to be a progressive community and didn't think the change would put anybody out of business.

Council member Albers thought the City had always done things to stay out in front of the happenings. He thought school administration was at a disadvantage, so if the City could raise the age as a way to help the school administration, then at least the City is doing everything we can and in the best interest of the kids. Orsak didn't believe people under the age of 18 understood the effects and appreciated the great working relationship between the School and the City.

Young asked if under the Model T21 Ordinance if the Retailers are only prosecuted or if minors who are caught with Tobacco are also prosecuted. Nolen stated that since it's Evidence Based the Retailers are prosecuted. Council asked about prosecuting minors caught with Tobacco. It was the consensus of the Council to have a T21 Ordinance prepared for the November meeting. This will allow citizens to show up next month to discuss it if they are in favor or disapprove. Nolen stated she would attend next month's meeting to answer any questions that may arise.

CONSIDERATION OF EXTENDING WATER SYSTEM INTERCONNECTION AGREEMENT BETWEEN GARDEN PLAIN AND CHENEY

Cheney and Garden Plain constructed a water system interconnection in 2014 allowing for each of the City water utility systems to receive metered water from the other in the event of a water emergency. The agreement was for a 5-year term.

Council member Greg Kampling moved to extend the agreement for an additional 5-year term. Council member Philip Mize seconded the motion. Motion carried unanimously.

CONSIDERATION AND REVIEW OF 2019 STANDARD TRAFFIC ORDINANCE NO 921 WITH POSSIBLE AMENDMENTS

The League of Kansas Municipalities made an error on the Uniform Public Offense Code. The error had nothing to do with sentencing or crimes and was in regards to Commercial Fossil Hunting. Staff stated the City could draft an ordinance if Council wished, but if not, there should not be any adverse action. It was decided to take no action.

CONSIDERATION OF MAYOR BALL'S APPOINTMENT

Cheney Fire Department requested the appointment of a new Firefighter Cale Walsh. Current City Prosecutor Mandi Stephenson resigned as Prosecutor. Attorney Austin Parker would like to take over Prosecution for a short-term timeframe.

Firefighter	Cale Walsh
Prosecutor	Austin Parker

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

POLICE REPORT

Chief Winter reviewed his September report.

FIRE REPORT

Chief Ewy had nothing to add to his report.

MAINTENANCE REPORT

Ewy stated that APAC finished the patching and street replacements. City crews still plan to oil the streets.

Two gas main lines were hit by APAC during street replacements on 5th Ave and Garfield/1st Ave. A welder had to be hired to fix the steel gas lines.

GOLF COURSE REPORT

Director of Golf Kevin Fowler reviewed his report and stated that the 4A Regional Girls Golf and 5A Regional Girls Golf will both be played at Cherry Oaks next week. The Greens had some marks from the recent hail storm.

ADMINISTRATOR'S REPORT

Young stated that letters were sent to 71 properties about the City's sidewalk grant to repair sidewalks. A few people had called inquiring, but no one had applied for the grant yet.

Ninnescah Estates plat is going up for approval at the end of October through Sedgwick County Planning Department. There had previously been concerns about a possible contamination plume, but it was

decided that if the plume reaches the monitoring wells at the ball fields then homes at Ninnescah Estates will be required to go to a public water supply. Kampling asked why they don't put city water in now instead of later. It was stated that they didn't want to comply with the road requirements.

Staff has been looking at additional options to collect/haul aluminum cans that would make the process more efficient instead of utilizing the dump truck. A metal trailer could be built by Neville's and would cost \$5000-\$5500. There are currently 12 utility trailers for sale on Purple Wave, with taller sides that could hold cans and would be easier to haul to Wichita.

Council member Jeff Albers moved to spend \$2000 on a trailer for Recycling Cans.

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

Young reviewed the Quarterly Financials, comparing YTD totals through the 3rd Quarter between 2018 and 2019. She stated Golf Course Revenues are up 6%, Utility Franchise payments are down 11%, but Interest on Idle Funds is up 19%. Overall Revenues are up and Expenditures are down in 2019 compared to 2018.

ATTORNEY'S ITEMS

Attorney Austin Parker thanked Council for the opportunity to be the City's Prosecutor.

MAYOR'S ITEMS

Mayor 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

Council member Jeff Albers moved that the City Council enter into executive session to discuss security of private property pursuant to matters relating to security measures KSA 75-4319(b)(13)(d) for 10 minutes at 8:25 pm with City Administrator Danielle Young, Attorney Austin Parker, and Police Chief Ken Winter.

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

Mayor Ball stated that the Council was back from executive session at 8:35 pm with no binding action taken.

Council member Jeff Albers moved that the City Council enter into executive session to discuss security of private property pursuant to matters relating to security measures KSA 75-4319(b)(13)(d) for 10 minutes at 8:35 pm with City Administrator Danielle Young, Attorney Austin Parker, and Police Chief Ken Winter.

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

Mayor Ball stated that the Council was back from executive session at 8:45 pm with no binding action taken.

Council member Jeff Albers moved that the City council enter into executive session to discuss hiring of personnel pursuant to personnel matters of nonelected personnel KSA 75-4319(b)(1) for 10 minutes at 8:45 pm with City Administrator Danielle Young, Attorney Austin Parker and Police Chief Ken Winter. Council member Kassie Gile seconded the motion. Motion carried unanimously. Mayor Ball stated that the Council was back from executive session at 8:55 pm with no binding action taken.

ADJOURN

Council member Jeff Albers moved to adjourn at 9:00 p.m.
Council member Kassie Gile seconded the motion.

Mayor Linda Ball

Attest:

(Seal)

Danielle Young, City Clerk