

# CITY OF CHENEY

## MINUTES OF THE REGULAR CITY COUNCIL MEETING

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131 N MAIN ST  
COUNCIL CHAMBERS, CITY HALL  
September 12, 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, and Philip Mize were present. Greg Williams and Jeff Albers were absent. 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 Shelly Thurman-Wing- Willowleaf Bakery, Victor Hodstrom- KPTS and Sam Jack.

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### DETERMINE AGENDA ADDITIONS

Ordinance 923- Regulating the Operation of Golf Carts within the City of Cheney, Kansas and Amending Section 114.4

#### 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 August 8, 2019 City Council meeting
- c) Building Permit (Patio)- 546 Jayhawk Dr- Clint Reed
- d) Building Permit (New Home)- 643 Allison- B & E Investments
- e) Building Permit (New Home)- 642 E. 6th Ave- B & E Investments
- f) Fence Permit- 708 N Garfield- Kelly Patterson
- g) Mobile Home Permit- 525 Shadybrook Dr – Kevin Marsh
- h) Roofing Permit- 324 Shadybrook- Burghart Roofing & Remodeling
- i) Roofing Permit- 543 Jayhawk- LJ Herzberg & Sons Roofing Co Inc.
- j) Sign Permit- 1504 N Main- Roger Zerener

Council member Philip Mize moved to adopt the Consent Agenda as listed.

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

#### PUBLIC AGENDA-

Shelly Thurman-Wing, owner of Willowleaf Bakery, approached Council and stated that the fire code for her building will only allow 4 people inside. She has had a number of people approach her about serving biscuits and gravy and she would like to do it on Saturday mornings. In order to have room for people to sit and eat, she would like to put a table in front of her building in a parking stall that accommodates 8-

10 people and 2 bistro tables on the sidewalk in front of her neighboring businesses. There is already a trash bin on the sidewalk.

Attorney Austin Parker stated that the City can issue a Right of Way permit with conditions to define how the operation would work within certain times. Since she would like to put the table in the parking stall, Parker thought it made more sense if 1 slot on each side was coned off to make sure there's adequate space.

Council member Philip Mize moved for a right of way permit to be issued based on the conditions determined by city staff with an agreement of the area blocked off and times.

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

## **OLD BUSINESS**

## **NEW BUSINESS**

### **PRESENTATION BY KPTS- VICTOR HODSTROM, PRESIDENT/CEO**

KPTS requested a partnership with the City for funding support. In return the City will receive a commercial and segments on Positively Kansas. KPTS last requested the partnership in May 2017 and the City Council did not approve it at that time.

Hogstrom stated he was seeking a partnership for both sides that will return to the City with promotional and branding opportunities. KPTS covers 42 counties. The partnership will produce and broadcast 3 profiles on Positively Kansas on KPTS and KSN. The City will be branded at least 2 times per day with Station ID and Video production services will be offered at a 50% rate. The Mayor will do a 30 second spot. Free technical consultation for the Channel 7 TV channel, and videos produced about the City will be provided to the City for cable Channel 7. Several videos were shown as examples from what other cities have done. Cost suggested is .50/per person based on city's population. Young confirmed that if \$2,000 was spent 57 30 second TV spots would be given, which would be equivalent to 1 ad per week.

The Council stayed they would take it under advisement and discuss it, but thought it was a good rate. Young said she would double check to see if they can use the videos on Facebook and City's Website during the year and thereafter.

### **CONSIDERATION OF VOTING DELEGATE FOR THE LEAGUE MEETING OCTOBER 13-14, 2019.**

Each year the Council elects a voting delegate and alternate delegate for the Annual League meeting to represent the City. Philip Mize is the only one attending the meeting this year.

Councilmember Greg Kampling moved to elect Philip Mize as the voting delegate.

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

### **CONSIDERATION OF AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2019, WITH CERTAIN CHANGES AND ADDITIONS; AND REPEALING**

**SECTION 1 OF ORDINANCE NUMBER 913 AND ALL OTHER CONFLICTING ORDINANCES.**

Young explained the Ordinance was presented each year to accept the changes at the State level for the Standard Traffic Ordinance. Parker stated there were not many changes this year.

Council member Greg Kampling moved to adopt Ordinance #920 the Standard Traffic Ordinance Code for Kansas cities.

Councilmember Philip Mize seconded the motion.

Young called the Vote, Albers-absent Gile-yes, Kampling-yes, Mize-yes, Williams-absent

**CONSIDERATION OF AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2019, WITH CERTAIN CHANGES AND ADDITIONS; AND REPEALING SECTION 1 OF ORDINANCE NUMBER 912 AND ALL OTHER CONFLICTING ORDINANCES.**

Again, Young stated the adoption of the Ordinance accepted the State changes within the Uniform Public Offense code.

Council member Philip Mize moved to adopt Ordinance #921 for the Uniform Public Offense Code for Kansas Cities.

Council member Kassie Gile seconded the motion.

Young called the Vote, Albers-absent, Gile-yes, Kampling-yes, Mize-yes, Williams-absent

**CONSIDERATION OF ORDINANCE PERTAINING TO THE DISCHARGE OF VEGETATION, DIRT, WASTE, TRASH OR OTHER DEBRIS UPON CITY STREETS IN CHENEY, KANSAS**

City staff continues to ask people to not blow their grass clippings into the street since it clogs our storm drains. There is no type of action that the City can take against property owners not complying with staff's request, so staff recommends the adoption of Ordinance 922 to be able to enforce this issue.

Young showed a short education video on stormwater and a photo of a recent property in Cheney with large mounds of grass blown into the street.

Chief Winter would like an educational piece done notifying citizens of the new Ordinance.

Council member Kampling thought the City should start by writing warnings and then issue tickets.

Council member Greg Kampling moved to adopt Ordinance #922.

Council member Philip Mize seconded the motion.

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

**CONSIDERATION OF A LARGE VOLUME TRANSPORTATION SERVICE (LVTS) AGREEMENT**

Young explained to Council that the City's agreement with MCMC has been in effect since 2010 to purchase non-odorized gas at the two Town Border Stations on 31<sup>st</sup> Street and 375<sup>th</sup> St. The City's odorizer system needs updated at an estimated cost of \$25,000-\$47,000. City employees are responsible for adding the odorant to the gas system, which sometimes causes problems of several calls of gas leaks if too much is added. It is estimated the odorant costs \$2000 per year.

The current 2-year agreement with MCMC was extended for 3 additional months to December 31, 2019 so a decision could be made whether to stay with MCMC or switch to Black Hills Energy. A termination

letter must be sent to MCMC within 30 days of the agreement's expiration date.  
Black Hills Energy has presented an agreement for supplying the City with odorized gas.

Young explained the differences between MCMC and Black Hills Energy, with MCMC being an intrastate line, 2-year agreement, with a daily maximum capacity threshold that the City is exceeding during the winter, and a larger fixed monthly charge. Black Hills requested a 5-year agreement because of the expense they will incur to tie the systems together. Their line is an interstate line with no daily maximum and a higher cost per unit.

The two are on different pipelines and KMGA has stated that they are already purchasing Natural Gas off of the Black Hills Energy pipeline, so they may have more flexibility in the City's gas purchases.

A comparison was done to show the cost difference with the City's past 12-month gas supply and Black Hills showed a cost savings of \$2,500.

Attorney Austin Parker reviewed the agreement and thought a provision should be put in to comply with the cash basis law and changes also needed to be made in section 11.

Council member Philip Mize moved to enter into a service agreement with Black Hills Energy subject to revisions and approval by Attorney Parker.

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

#### **CONSIDERATION OF ADOPTING AN AGREEMENT FOR MUTUAL AID FIRE PROTECTION BETWEEN THE CITY OF COLWICH, KANSAS AND CITY OF CHENEY, KANSAS**

Chief Ewy stated that the volunteer departments have had a gentleman's agreement for mutual aid, but would like Council to make the agreement formal.

An agreement was created and reviewed by the Attorney for a new mutual aid agreement with Colwich Fire Department.

Council member Greg Kampling moved to adopt the agreement for Mutual Aid Fire Protection with the City of Colwich, Kansas.

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

#### **CONSIDERATION OF AN ORDINANCE REGULATING THE OPERATION OF GOLF CARTS WITHIN THE CITY OF CHENEY, KANSAS BY AMENDING SECTION 114.4 OF THE STANDARD TRAFFIC ORDINANCE FOR CITIES ADOPTED BY SECTION 14-101 OF THE CODE OF THE CITY OF CHENEY, KANSAS AND REPEALING ALL CONFLICTING ORDINANCES AND PART OF ORDINANCES OF THE CITY OF CHENEY, KANSAS**

Attorney Austin Parker explained that the Ordinance mirrored State Statute to allow Golf Carts to be operated between sunset and sunrise with lights required by law for motorcycles.

Council member Greg Kampling moved to approve Ordinance 923.

Council member Kassie Gile seconded the motion.

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

#### **POLICE REPORT**

Chief Winter reviewed his monthly report. He stated that the cut off to order a 2020 Chevy Tahoe is October. The Upfit Company or Lubbers will have one on hand to purchase after the first of the year.

The department will trade-in or sell the 2017 Ford Explorer. The Upfit Company is interested in purchasing or possibly another local police department.

The 2020 Ford Explorer is expected to cost \$39,000 and the Tahoe is \$36,390. The up fit is an additional \$6,000. Winter stated he enjoys his Tahoe much better than the Explorer.

Council member Mize asked if there had been any issues about electric scooters being rode in town. Scooters were discussed regarding what is allowed on the streets.

#### **FIRE REPORT**

Fire Chief Ewy had nothing to add to his report.

#### **MAINTENANCE REPORT**

Ewy reporter that they would start oiling the streets soon. Three streets are still scheduled for tear out but are behind schedule because of the rain. Concrete was poured at the South Main dugouts, the water line was installed for the golf course bathroom, and the new crosswalk signs were put up.

Mayor asked if they could put something out about not using the disposable wipes. Brad explained how they're clogging the sewer grate at the sewer ponds. Parker thought Clearwater had installed something to catch the wipes.

#### **GOLF COURSE REPORT**

Director of Golf Kevin Fowler stated the water line and electrical conduit for the bathroom project had been installed and tile had been purchased for the interior of the bathrooms. They have 13 events scheduled in September and 6 tournaments in October.

#### **ADMINISTRATOR'S REPORT**

Administrator Young had nothing to add to her report.

#### **ATTORNEY'S ITEMS**

Attorney Austin Parker had nothing to add.

#### **MAYOR'S ITEMS**

Mayor Ball asked about two properties on Main Street needing mowed.

#### **COUNCIL ITEMS**

Council member Philip Mize asked about mowing the lots at the Back 9.

Council member Kassie Gile stated that the school asked that the pool not be drained on Grandparent's Day.

Council member Greg Kampling had nothing to report.

#### **EXECUTIVE SESSION**

Council member Kassie Gile moved to enter into executive session to discuss potential liability pursuant to matters deemed privileged in the attorney-client relationship per KSA 75-4319 (b)(2) at 8:33 P.M. for 15 minutes with Attorney Austin Parker, Brad Ewy and Danielle Young.

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

Mayor Ball stated that the Council was back from executive session at 8:48 pm with no binding action taken.

Council member Kassie Gile moved to enter into executive session to discuss employee's performance pursuant to matters related to non-elected personnel per KSA 75-4319 at 8:50 pm for 25 minutes with Brad Ewy, Danielle Young, and Attorney Austin Parker. Ewy left at 9 pm, Winter joined at 9 pm. Winter left at 9:10 pm.

Mayor Ball stated that the Council was back from executive session at 9:15 pm with no binding action taken.

Council member Greg Kampling moved to authorize through the end of the calendar year for part-time employees to work with other family members within the same department.  
Council member Kassie Gile seconded the motion. Motion carried unanimously.

**ADJOURN**

Council member Kassie Gile moved to adjourn at 9:23 p.m.

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

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Mayor Linda Ball

Attest:

(Seal)

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Danielle Young, City Clerk