

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL

**131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
July 14, 2016; 7:00 P.M.**

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL MEETING TO ORDER

OPEN PUBLIC HEARING FOR PROTEST OF SPECIAL USE PERMIT SUB 16-01 BY HOMETOWN FARM SUPPLY AT 117 N JEFFERSON ST

Mayor Linda Ball opened the public hearing at 7:02 pm.

Council member Judy Lehner abstained from discussion and voting because of personal family interest.

Administrator Oliver stated the Planning Commission had held a public hearing and approved a recommendation to the Governing Body at 117 N Jefferson St to install a propane dispensing station. A Protest Petition was received at City Hall; therefore, a hearing in front of the Governing Body was opened for public comments on the protest of the special use permit approved for recommendation to the governing body by the Planning Commission at 117 N Jefferson St to install a propane dispensing station.

Public Comments:

Fred Foley- property owner- thanked the Council for hearing their concerns. Foley stated he has been on the Co-op board and they made a decision to move the anhydrous tanks seven miles south of the City because of a safety concern. Foley's second concern revolved around "nothing will ever happen here". He reminded the Council that the pharmacy blew up and they are also pumping gasoline out of the ground from an abandoned gas station nearby the location. Foley has many friends and family that work within close proximity of the facility.

Travis Mounts- 207 E. 1st- first stated he was not reporting for the newspaper on the meeting. Mounts felt 117 N Jefferson is not the right location for the propane unit. He has attended several council meetings and has gathered that zoning regulations are about making sense of what goes where. He stated if one looked at how the area has changed- to the east it is residential and the rest of the block is no longer industrial, but include gyms, a doctor's office, and pharmacy. He believed it didn't make sense anymore and asked for the Council to overturn the planning commission's decision.

Pete McIver had concern about the safety in the area and agreed with Mr Foley.

Duane Darling and wife Shari live at 102 Jefferson, which is across the street from the proposed site. Mr Darling stated that the planning commission said this would be an improvement to the town. Darling does not see it as an improvement. Darling talked to Merlin McFarland, who said he wouldn't be at the meeting, but stated the problem with a planning commission is they don't do enough research and they push through these types of dealings. Darling did not feel the issue was researched enough by the Planning Commission.

Darling stated his concerns are smell, explosive, flammable (human error), the REC tower being so close that it could act as a lightning rod, more traffic with a bad road/alley, an underground gas problem, eye sore, property values could be decreased it would be a deal breaker if they need to sell their house, and if Farm Supply goes out of business- they will walk away from the propane tank and Darling will still have to look at it. Darling also mentioned that if Chase Lehner is not making a profit he can also walk away and believes the propane dispensing unit belongs in an industrial park. Darling also believed his insurance rates would go up if his property is within 200 feet. The petition presented showed eight people signed the petition and business owners were reluctant to sign because friends and clients were involved.

Council member Carl Koster asked if there was a picture of what the dispensing unit would look like. Administrator Oliver stated an 8' fence would be erected around the unit. Koster asked Darling if there was any evidence from a realtor about decreasing the property value or any evidence from an insurance company. Darling stated someone told them their insurance would go up, but hadn't talked to an insurance agent. The Darling's spoke with Roger Zerener, who said it could affect their value. Koster also asked if there was any historical data on things blowing up or leaks. Darling did not have that data.

Chase Lehner- owner of Central Gas Service- has been hired by Farm Supply to install the dispenser unit. Lehner stated in regards to safety wise they would follow NFPA58-2014 code, which has the latest safety features. As far as smell, there is a minimal loss valve which releases 3cc or less (1/2 teaspoon). Lehner stated that tanks don't just blow up, but if they are at a house when there is a leak then they can blow up, but there isn't an area at the dispenser unit for the propane to build up for an explosion. Central Gas Unit will only be there 6-7 times a year to fill the dispensing unit tank. It was asked if there were other locations available. Central Gas Service has worked with Farm Supply, but this was the best option they could come up with. Farm Supply is already renting the building at that location.

Roland Elpers- owner of Hometown Farm Supply- stated he has been having a problem with their current propane vendor in terms of distance from the store and price. Elpers said he hears from everyone in town that his business is a benefit to the community. Elpers stated this is an economic measure that will help the store and another local business and he is just trying to make a living and keep the store going. Elpers stated if there was another location closer and more convenient then they would look into it, but there is not. Hometown Farm Supply needs additional storage, as the business grows,

so they are renting the storage building at 117 N Jefferson already. They don't intend to hurt anybody.

Council member Carl Koster asked how often they would fill from the dispenser unit. Elpers reported that some days they fill 3-4 bottles in a day. They have a tough time competing with bigger box stores, so they need to give better service than anyone else. If someone says they need it right away, then they'll go fill it right away, if not they accumulate 3-4 bottles before going to fill them.

Council member Greg Kampling asked if they had looked into the old REC lot.

Duane Darling stated he could testify about the smell and said they can smell it all the time.

Stan Blasi- approached the Council and stated he had 30 years of experience in filling propane tractors and campers while owning Blasi RV Park in Wichita. He stated there is a distinct smell from propane and the smell will be present from the discharge. The smell doesn't last long, but he noted that after 30 years of personal experience there is a smell associated with propane. He worked with a 500 gallon pound tank and it was filled twice a week, with 30-40 items being filled from it in a day. Regarding safety- they never had a problem in 30 years, but exercised extreme caution.

Attorney Lee Parker stated that the Governing Body had three decisions. The decision would need to be voted on by at least the majority of the governing members. The first option is the special use permit could be approved by passing a Resolution. Or the Governing Body could override the planning commission by a majority vote of the governing body. Or the Governing Body could return the Special Use Permit to the Planning Commission.

Council member Carl Koster moved to close the public hearing at 7:34 pm. Council member Greg Kampling seconded the motion. Motion carried 4-0-1 with Lehner abstaining.

CALL MEETING TO ORDER

MEMBERS PRESENT

Mayor Linda Ball, Council members Carl Koster, Jeff Albers, Phil Mize, Judy Lehner, and Greg Kampling. Staff present were Attorney Lee Parker, City Administrator Randall Oliver, Police Chief Ken Winter, City Clerk Danielle Young, and Director of Golf Kevin Fowler. Guests present were Brad and Chase Lehner, Stan Woolf, Travis Mounts, Walter and Clara McIver, Duane and Shari Darling, Fred Foley, Patricia Parker, Bret Albers, Stanley Blasi, Roland Elpers, Steve Gould, and Callie Lampe- Times Sentinel Newspaper.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PRAYER

DETERMINE AGENDA ADDITIONS

City Administrator Randall Oliver added Agenda Item: Confirmation By The Mayor to Appoint a Police Officer

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 June 9, 2016 City Council meeting
- c) Approval of June 23, 2016 Special Council meeting
- d) Building Permit – 421 N Garfield- Paintbrush Properties, LLC
- e) Building Permit- 225 N Marshall- Bill Block
- f) Electrical Permit – 421 Garfield- Bybee Electric
- g) Electrical Permit- 225 N Marshall- Electricraft Inc
- h) Mechanical Permit- 125 N Main- Cheney Electric
- i) Mechanical Permit- 1753 N Main- Fenix Co Inc
- j) Mechanical Permit- 659 Jayhawk- Dan's Heating & Cooling
- k) Mechanical Permit- 318 E 6th- Hanna Heating & Air
- l) Plumbing Permit- 113 E 1st Ave- Mikes Plumbing
- m) Roofing Permit- 421 N Garfield- Paintbrush Properties, LLC
- n) Roofing Permit- 421 S Main- Chris Farber Construction

Council member Jeff Albers moved to adopt the consent agenda as listed.
Council member Carl Koster seconded the motion. Motion carried unanimously.

PUBLIC AGENDA

Bret Albers, Executive Director of the Sedgwick County Fair, thanked the City Staff and crew for their support. He wanted to highlight that the Fair took over the beer garden and security and ended up with uniformed officers. He thanked Chief Winter for everything they had done as well as Kevin, Brad, and Craig.

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF A RESOLUTION ISSUING SPECIAL USE PERMIT NUMBER 16-01 CONCERNING THE RELOCATION OF A PROPANE FILL STATION ONTO CERTAIN PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS.

Judy Lehner abstained from discussion and voting for personal family matters.

Council member Phil Mize stated he could relate to Mr. Elpers about trying to stay in business as it gets more difficult of staying in town. Mize stated it makes the decision very difficult because we're fighting ourselves. We have asked the planning commission to do a very difficult job. Mize stated we're trying to be a growing community and

progress, but there is an issue about the propane dispensing unit going in next to a residential neighborhood.

Council member Greg Kampling wished there was a better option. He didn't think safety was a problem because he places propane tanks next to new houses all the time. As far as property values decreasing, he thought with the metal building and cars being gone, it probably helped their property values. Kampling still has a problem with having the tank in town and thought it was a hard decision to vote on.

Council member Carl Koster thought it was hard to go against the planning commission's decision. Koster had no concern about safety. Koster agreed with Greg regarding their property value. Koster is concerned about odorant concerns. Based on information heard tonight, he still has some concern. It's important to help businesses, but property owners have rights too.

Council member Phil Mize hoped we could find a means to come back and work on an agreement we could deal with.

Council member Jeff Albers stated he could see both sides. The safety issue of 30,000 gallon tank is much more of a concern. Albers asked Blasi if the equipment was the same that was used at the camp ground by Blasi. Albers wanted to make sure we were talking about the same equipment. Lehner stated equipment used now has a minimal release valve. Brad Lehner stated it was coded 3 years ago by law that a minimum release valve be used. It used to be everything in a 6" valve would leak out. The new equipment is not the same as the 1946 equipment at the Propane Central location. The propane central tank was placed in 1946 and the new dispensing unit would be a different type of fill valve. Lehner also stated that the Propane Central location has semis with a 25 foot hose that bleeds off and they do not have a minimal release valve on those semis. There could be up to 10 gallon of propane released in that 25 foot hose that is being used at the Propane Central location. Lehner stated that anything over two thousand gallons capacity meets a different code. Lehner stated they are installing a 1,000 gallon tank that will never be fuller than 80%, so only 800 gallons of propane will be in the tank.

Council member Carl Koster moved to refer back to the Planning Commission for further consideration based on the discussion and concerns that were presented at this Governing Body meeting.

Council member Philip Mize seconded the motion. Motion carried 4-0-1 with Lehner abstaining.

Attorney Lee Parker stated that the unapproved minutes should be given to the planning commission so they can review the Governing Body's comments.

August 8th is the next Planning Commission meeting at 7pm.

CONSIDERATION OF AN ORDINANCE DECLARING IT TO BE IN THE INTEREST OF THE PUBLIC WELFARE AND SAFETY TO VACATE AND DISCONTINUE AN UNOPENED PORTION OF PREVIOUSLY DEDICATED PUBLIC STREET RIGHT-OF-WAY IN THE CITY OF CHENEY, KANSAS

The following described unopened portions of previously dedicated public street right-of-way are hereby annulled, vacated and discontinued, pursuant to the provisions of K.S.A. 15-427, to-wit:

The 80 foot wide right of way for Marshall Street commencing at the North right of way line of South Avenue, thence running Northerly a distance of 140 feet, City of Cheney, Sedgwick County, Kansas

Council member Carl Koster moved to accept Ordinance 888 to vacate and discontinue the described portion of Marshall Street.

Council member Greg Kampling seconded the motion.

Clerk Young called the Vote, Albers- yes, Kampling-yes, Koster-yes, Lehner-yes, Mize-yes.

CONSIDERATION OF A RESOLUTION ISSUING SPECIAL USE PERMIT NUMBER 16-02 TO ALLOW LIGHT METAL FABRICATION AND ASSEMBLY IN THE EXISTING BUILDING LOCATED ON THE HEREIN DESCRIBED REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS

Jeff Albers abstained for personal interest reasons.

Council member Greg Kampling moved to approve the special use permit at 317 N Jefferson St by adopting Resolution 273-2016 and issuing the special use permit 16-02.

Council member Judy Lehner seconded the motion. Motion carried 4-0-1 with Albers abstaining.

DISCUSSION OF PROPOSED 2017 BUDGET

The 2017 budget was prepared by the City Administrator and Department Heads for Council consideration. The proposed budget has no mill levy increase. A budget hearing and official adoption will be scheduled for the August 11th City Council meeting. The notice will be published in the paper on July 21st. Once the budget is published, the mill levy cannot be increased. This item is for discussion purposes only.

Administrator Oliver went over budget charts showing numbers and stated asset valuations increased almost \$300,000.

CONSIDERATION OF PUBLISHING THE NOTICE FOR A BUDGET HEARING ON AUGUST 11, 2016 FOR THE PURPOSE OF ADOPTING THE 2017 BUDGET.

Council member Carl Koster moved to publish the notice for a public hearing on the proposed 2017 budget on August 11, 2016.

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

CONSIDERATION OF FACILITY AGREEMENT BETWEEN AGING PROJECTS, INC. MEALS ON WHEELS/FRIENDSHIP MEALS AND CHENEY SENIOR CENTER

Council member Carl Koster moved to approve the agreement and authorized the City

Clerk to sign.

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

APPOINTMENT OF POLICE OFFICER

Chief Winter stated he had almost 50 applicants for the police officer position. Eight individuals were interviewed.

Chief Winter asked for the appointment of Leslie A Waldschmidt as police officer.

Mayor Ball asked for confirmation of appointing Leslie A Waldschmidt as police officer.

Council member Carl Koster moved to confirm the Mayor's appointment.

Council member Judy Lehner seconded the motion. Motion carried unanimously.

POLICE REPORT

Chief Winter reported the police department had 82 calls for police service during the Sedgwick County Fair. They utilized bike patrol; the Sheriff's office had 3-6 people on duty each night of the fair and put in a large amount of hours in assisting.

The 2013 Ford Explorer was taken offline on Monday and sold to Sedgwick Police Department. Lubbers has provided the Chief with a loaner car until the other vehicle gets here.

FIRE REPORT

Fire Chief Brad Ewy was absent.

MAINTENANCE REPORT

Maintenance Superintendent Brad Ewy was absent. Council member Greg Kampling thought a Grasshopper was a high priced mower and a bid from Hustler should be obtained.

GOLF COURSE REPORT

Director of Golf Kevin Fowler publicly thanked the members that organized the Friends of Cherry Oaks Tournament: Jim Lubbers, Donna Watson, Steve Seiler, Jeff Albers, Greg Williams. They raised \$22,500 and had nine less teams than last year.

The Junior Golf program was held with Irvin Schueller and began on June 14 and ended July 11. There were 39 kids signed up and good reviews were heard from parents.

Fowler explained that the June numbers were higher because the Friends of Cherry Oaks revenue was included in the revenue this year. In prior years, the tournament revenue has not been included.

There are five events scheduled in July. Work has begun on the concrete cart paths, with 1,100 feet being poured yesterday.

Fowler reported the 72" JD rough mower was sold for \$3900 on Purple Wave and the steam table went for \$80.

Fowler stated with the purchase of the new golf course utility vehicle, Medicine Lodge would like to purchase the older utility cart for \$3500.

Council member Jeff Albers moved to sell the Toro Workman to Medicine Lodge Golf Course for \$3500.

Council member Carl Koster seconded the motion. Motion carried unanimously.

ADMINISTRATOR'S REPORT

City Administrator Randall Oliver stated the sewer project for Albers Finishing lift station will start on July 25th.

Oliver explained that the FEMA flood maps will be adopted later this year.

There is a meeting scheduled for July 27th with the architect on the Master park plan.

ATTORNEY'S ITEMS

Attorney Lee Parker had nothing additional to report.

CLERK'S ITEMS

Clerk Young addressed David Blaire in the audience about his CMB application. It was reported that the application was missing someone residing within Sedgwick County; therefore, the application was not approved.

Young asked Council about their preference for the Christmas Party. Kampling mentioned checking with The Barn in Burrton.

MAYOR'S ITEMS

Mayor Ball asked about the drain on South main. She stated it didn't seem to be draining.

COUNCIL ITEMS

Council member Carl Koster had nothing to report.

Council member Jeff Albers had nothing to report.

Council member Philip Mize had nothing to report.

Council member Judy Lehner had nothing to report.

Council member Greg Kampling had nothing to report.

ADJOURN

Council member Jeff Albers moved to adjourn at 8:45 pm.

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

(seal)



Attest:

Danielle Young
Danielle Young, City Clerk

Linda Ball
Linda Ball, Mayor