

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
November 9, 2017; 7:00 P.M.

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL REGULAR MEETING TO ORDER

Mayor Ball called the meeting to order at 7:02 pm.

MEMBERS PRESENT

Mayor Linda Ball, Council members Carl Koster, Jeff Albers, Judy Lehner, Philip Mize, and Greg Kampling. Staff present were City Administrator Randall Oliver, Police Chief Ken Winter, Maintenance Superintendent Brad Ewy, Director of Golf Kevin Fowler, Director of Administration Danielle Young. Guests: Ryan Scott, Jarrod Bartlett, Rod Scheer, Craig Albers.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PRAYER

Carl Koster led the prayer.

DETERMINE AGENDA ADDITIONS

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 12, 2017 City Council meeting
- c) Building Permit- JD Zoglman- 314 E 1st
- d) Curb Cut- JD Zoglman- 314 E 1st
- e) Electrical Permit- 915 Filmore Lot 3- Advanced Mobile Home Service
- f) Electrical Permit- 915 Filmore Lot 29- Advanced Mobile Home Service
- g) Electrical Permit- 915 Filmore Lot 34- Advanced Mobile Home Service
- h) Mechanical Permit- Dan's Heating & Cooling- 317 W 1st
- i) Mobile Home Permit- 915 Filmore Lot 3- Advanced Mobile Home Service
- j) Mobile Home Permit- 915 Filmore Lot 29- Advanced Mobile Home Service
- k) Mobile Home Permit- 915 Filmore- Lot 34- Advanced Mobile Home Service
- l) Roofing Permit- Dingers Roofing & Const- 319 Greenwood Ct
- m) Roofing Permit- Wray Roofing- 100 W 6th
- n) Sewer Inspection- D & R Plumbing- 564 Bob White Ct
- o) Siding Permit- Allstates Exteriors- 506 N Garfield
- p) Sprinkler Permit- Apex Lawn Irrigation- 105 N Lincoln
- q) Water Well- 1306 N Lake Rd- Bob Downey

Change Q) from Well to Sprinkler Permit- 1306 N Lake Rd- Bob Downey

Addition: CMB License- BW Gas & Convenience Retail, LLC- 1110 N Main Street

Council asked about permits for MH Park. It was stated they had complied.

Council member Carl Koster moved to adopt the Consent Agenda as amended.

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

PUBLIC AGENDA

Rod Scheer, lives at 1212 N Lake Road, discussed the conflict between him and his neighbors Pete and Carla Leroux. He believed a meaningful conversation should be had to settle the dispute.

Scheer showed a video from November 1st when he saw 2 golf carts on the easement while he was home between 10:45-11:15am. Scheer also saw Leroux out mowing the back easement in his small tractor.

Council member Mize was aware of the golfers being on his property and stated that the golfers had been talked to. Fowler and Oliver both confirmed that they had never received a complaint from Scheer in the 10 years regarding golfers on his property.

Scheer referenced the discussion from the minutes of the September Council meeting. It was discussed which Council members went and looked at the grass problem area. Scheer asked if any of the Council members met with any of the other homeowners at West Oaks. Scheer asked Council members and City Staff several questions to make his point clear about the issue of tall grass. Scheer believed Leroux lied about his grass being 3' tall and blocking their view of the golf course.

Scheer asked Fowler about a bar fence along the property. Fowler stated the fence was around some areas of the course to keep vehicles off. Scheer asked why there wasn't a fence along West Oaks. Fowler stated he didn't deem that area as vital to vehicles coming onto the course. Scheer argued that other properties in the City are different than West Oaks because other properties don't have golf carts or golf balls in their yard.

Scheer stated as a golfer, if he hits a ProV 1 ball into that area then he'd go look for the ball if the area was mowed down. Scheer stated that no one has had an issue with the grass being tall, so why is there an issue now? Scheer thought a solution could be found. Scheer asked Oliver and Fowler if they had spoke to Mr. Leroux about driving his tractor on the golf course property. Scheer also asked Oliver why Leroux couldn't drive his tractor through his own yard and the issue of Leroux's yard being wet. Attorney Parker stated an engineer would have to make a comment if there were any drainage issues.

Scheer stated he is okay with the buffer for the golf course and really liked the buffer on private property. Scheer is more than willing to mow up half way. It was unknown what the actual distance is. Council member Koster asked about a fence being installed. Scheer thought it was a huge waste of taxpayer money to build a fence. Council member Mize thought it was a lack of communication of you the homeowners getting along and asked why it had come to this point and not have it taken care of.

Attorney Parker stated that State Statute mandates that cities in Kansas deal with tall grass and weeds. Parker stated that he believed Cheney was not the most constricting city in regards to tall grass/weed ordinances and that the 12" rule was a uniformly applicable ordinance. Parker discussed implementing an exception on properties near the golf course or doing a Zoning overlay for golf course properties, but that would require a zoning amendment and increased cost with the planning commission's approval, publication requirement, notification, and public hearing. Parker stated the City hadn't done an exception for specific properties with grass before, but formalizing it in an ordinance is more of a process.

Council member Albers thought that all of the lots adjacent to the golf course should be discussed. Albers mentioned that he spoke to property owner Jason Webb, who had an idea. Webb suggested something that applied to lots adjacent to the golf course and making it a percentage of the depth of the lot with a max. Also implementing that the area would need to be planted with a native type grass.

Suggested the golf course leave a 20' barrier on the golf course side and then give the homeowners an option. Attorney Parker stated legally the City could do something like that. Parker stated the Council can do a motion that they're not going to enforce a provision of the ordinance. Koster thought the problem would be that if someone looked at the Ordinance book, they wouldn't know there is an exception that has been made.

Jarrod Bartlett, lives at 1106 N Lake Rd, stated the letter from the City was the first piece of communication he received about the grass issue. Barlett stated his garden hadn't been tilled, so that area was in violation, but his property had remained the same for 10 years without any other violations. Albers didn't think the grass issue was going to go away and it would continue to come up again and

again. Bartlett stated he didn't have an issue with golf carts on his property and was neutral regarding a fence being built.

Oliver mentioned that a buffer may or may not keep carts out; whereas, a fence would keep carts out, but won't keep people out. Oliver mentioned that the golf course was there before the homes were built.

Ryan Scott, lives at 1336 N Lake Rd, stated he's never had an issue with the grass area in question and doesn't see the area as "weeds". He stated he's had people drive around the pond onto his lawn.

Council member Albers went back to the suggestion by Jason Webb. Council member Mize reminded Albers that he wanted the golf course to cut down their tall grass/weeds. Albers stated he just thought the golf course should have to mow since we were enforcing that rule on the citizens and the City should live by our own rules.

Council member Koster wanted their decision to be fair to everybody, but wasn't sure their decision would satisfy everybody. Koster was interested in what other public courses, like Sand Creek Station, deal with this problem. It was discussed as additional lots are developed on the north edge of the golf course they will experience the same problem as West Oaks.

Scheer asked if the homeowners could come to a consensus? Koster thought if the homeowners came up with a solution that would be better, but wasn't sure how it could be enforced. Koster thought they could use it as a suggestion for the Council to make a decision. Mize thought the homeowners would need to come up with a compromise for a uniform code with a height that could be followed by an ordinance, but thought it would be difficult since there are a few hazards that they deal with and no one else deals with.

Attorney Parker stated the proposed neighborhood solution would need to be easily understandable with some type of definition and with approximate number of feet. Bartlett stated that the homeowners would come back to the next meeting with a proposed solution.

OLD BUSINESS

NEW BUSINESS

CONSIDERATION OF TIME CLOCK MANAGER SOFTWARE

Young requested the purchase of a Time Clock Manager Software System to make the payroll process more efficient. The system can be used by purchasing time clocks or through a mobile app/desktop computer. The cost is an annual fee per employee. All departments are in favor of the system. Council member Carl Koster moved to enter into a contract with TimeClock Plus and approved the purchase up to \$4524.00.

Council member Phil Mize seconded the motion. Motion passed 4-1 with Kampling opposing.

CONSIDERATION OF SOLAR POWER RADAR SPEED DISPLAY SIGN

A solar powered radar speed display sign that captures vehicle speed was requested to be purchased for the installation on North Main Street near Shadybrook. Ewy felt that if it was successful, then additional signs could be purchased for other areas. Oliver stated a pole would also need to be purchased for \$385.

Council member Jeff Albers moved to purchase a solar powered radar speed display sign for \$3,870 from ElanCity.

Council member Carl seconded the motion. Motion passed 4-1 with Kampling opposing.

CONSIDERATION OF PURCHASING PERSONAL PROTECTIVE EQUIPMENT FOR CHENEY FIRE

Council member Jeff Albers moved to purchase personal protective equipment from Danko in the amount of \$11,306.90.

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

CONSIDERATION OF AGREEMENT BY AND BETWEEN SEDGWICK COUNTY AND THE CHENEY SENIOR CENTER

Council member Carl Koster moved to enter into the agreement with Sedgwick County and the Cheney Senior Center.

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

POLICE REPORT

Chief Winter recapped his October report and stated there were 437 calls in October.

Council member Koster congratulated Winter on winning the Willard Garvey Crime Prevention Officer of the Year award by the Wichita Crime Commission.

Winter stated the Bulletproof Vest grant was approved for another year and that 45 pounds of prescription drugs were turned in on their "Take Back" event.

Winter requested 5 minutes of executive session to discuss non-elected personnel.

FIRE REPORT

Chief Ewy gave the fire report and discussed the explosion calls from individuals setting off Tannerite.

MAINTENANCE REPORT

Superintendent Ewy gave the Maintenance Report. Koster asked about the new paint striping on Main Street. Koster also asked who was installing the conduit on South Main. It was stated the Maintenance Dept is installing it, but the power steering needs rebuilt on the trencher before it can be finished.

Mayor Ball asked if the hole on East First Ave was repaired where grass was growing in the street. Ewy stated it had been repaired.

GOLF COURSE REPORT

Director of Golf Kevin Fowler reported that the revenue numbers are decent for the year.

Fowler stated he would like to discuss the mowing mandates for the golf course. Fowler strongly disagrees with the Council's decision for requiring the Golf Course to mow everything under 12". Fowler stated that every golf course has areas that they do not mow. He explained that the golf course used to mow all areas, but when gas prices sky rocketed a decision was made to start letting areas grow taller. Fowler felt like a large amount of money had been saved and aesthetics had been added to the course by letting certain areas grown taller with native grass. Fowler stated the "no mow areas" could be sprayed with herbicides to control weeds, but the expenses would increase.

Fowler felt like golfers enjoy the "no mow areas" and some areas are being mowed again to increase the pace of play. Fowler explained that most of the "no mow areas" are out of play and others are strategically placed. The areas are mowed once a year, they are not irrigated, and mowed more if there is a lot of rain in the year. Fowler stated that they use the Maintenance Department's tractor and pull behind mower. He thought they would need to mow it 8-10 times a year to keep it under 12".

Council member Albers stated he wasn't against the concept, but he thinks there are other issues that have been discussed at length and believed that several of Fowler's issues also applied to some of the citizens. Albers would like to see the golf course back to how it was being taken care of before, but would like to find a solution to the buffer zone. Albers thought the golf course should be added to the list of grass issues that need to be addressed.

Koster thought there was more than one problem that needed to be addressed. Albers had a hard time holding the government to a different level than the citizens. Need a solution to solve the problem around the golf course to work for everyone. There was a consensus of Council members being in favor of freezing anything that was put into place at the last meeting regarding mowing at the golf course until all the issues are resolved.

ADMINISTRATOR'S REPORT

Administrator Oliver reported that Alexander Well is looking at Well Number 5, which is located by the Co-op, to see if the well can be used to irrigate the multi-use fields on South Main.

Oliver stated he is looking at a variable speed motor to install on the sewer pumps.

The maintenance department has begun installing the lights at the parking lot on S. Main. Interviews will begin next week for the new maintenance employee. It was discussed if Council preferred Christmas Decorations be set up before Thanksgiving. Council told the Maintenance Department to do it when it works for their schedule and weather.

ATTORNEY'S ITEMS

Attorney Austin Parker had nothing to report.

CLERK'S ITEMS

Young reported that the 1st Annual Fitness Festival is Nov 16th at the Library.

Come Home for Christmas is Sat, Dec 2nd on Main Street.

Young asked the Council which day City employees would observe Christmas Eve and Christmas Day since it fell on a Sunday/Monday. It was decided to observe the Christmas Holiday on Monday, December 25th and Tuesday Dec 26th.

Young updated the Council that the Department Heads had met about Security Camera needs.

Young requested Executive Session for 5 minutes to discuss non-elected personnel.

MAYOR'S ITEMS

Mayor Ball had nothing to report.

COUNCIL ITEMS

Council member Carl Koster reported that a previous Police Reserve, Rhonda Oehlert, passed away. Koster also reminded everyone about the invitation to the Wichita Area Chamber of Commerce reception on the 20th.

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.

Council member Jeff Albers moved that the City Council enter into executive session to discuss employees pursuant to matters related to non-elected personnel KSA 75-4319(b)(1) for 15 minutes at 9:30 pm with City Administrator Randall Oliver, Director of Administration Danielle Young, Police Chief Ken Winter and Attorney Austin Parker. The open meeting will resume in the City Council Chamber at 9:45 pm.

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

Mayor Ball stated Council was back in session at 9:45 om with no binding action taken.

Mayor Ball requested confirmation from the Council to appoint Mason Schell and Ryan Aden as part time police officers.

Council member Carl Koster moved to confirm the appointment.

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

ADJOURN

Council member Carl moved to adjourn at 9:45 pm.

Council member Philip seconded the motion. Motion carried unanimously.

(seal)

Attest:

Mayor Linda Ball

Danielle Young, Director of Administration/City Clerk