

# CITY OF CHENEY

## MINUTES OF THE REGULAR CITY COUNCIL

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131 N MAIN ST  
COUNCIL CHAMBERS, CITY HALL  
October 13, 2011, 7:00 P.M.

### HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

#### CALL THE REGULAR MEETING TO ORDER

#### MEMBERS PRESENT

Mayor Linda Ball; Council Members: Jeff Albers, Greg Kampling, Carl Koster, Philip Mize; Maintenance Superintendent and Fire Chief, Brad Ewy; Police Chief, Howard Bishop; Golf Course Pro Shop Manager Patrick Jordan; Golf Course Superintendent Kevin Fowler; City Clerk, Danielle Young; City Administrator, Randall Oliver; City Attorney, Lee Parker and Austin Parker; Eric Meyer, George, Bowerman, & Noel; Charlie Young, Public Finance Group.

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### DETERMINE AGENDA ADDITIONS

City Administrator Randall Oliver added Item 9- KDHE Access to Property Agreement and 10- Public Building Commission.

#### 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 8, 2011 City Council meeting
- c) Building Permit- Pools Plus (Chad Harrison)- 512 E. 2<sup>nd</sup> Ave.
- d) Building Permit- Don Rutherford & Sons- 127 N. Main
- e) Building Permit- Kampling Construction- 517 N. Adams
- f) Building Permit- Greg Kampling Const. (Lakeside Grocery)- 412 N. Main
- g) Building Permit- Roy Elliott- 632 Wolf St.
- h) Building Permit- Dal Eck- 623 W. 2<sup>nd</sup> Ave.
- i) Roofing Permit- Heiland Roofing (R. Dickerhoff)- 524 N. Garfield
- j) Roofing Permit- Rosenhagen Const (David Rosenhagen)- 427 N. Garfield
- k) Roofing Permit- Absolute Roofing (Doris Prah)- 528 N. Marshall
- l) Roofing Permit- Bill Hoffine Roofing (Chris Young)- 524 N. Main
- m) Roofing Permit- Wichita Roofing- 217 Taylor
- n) Roofing Permit- Wichita Roofing (Aileen Hutchinson)- 612 N. Garfield
- o) Roofing Permit- Bill Hoffine Roofing (Stan Woolf) 202-216 Jefferson
- p) Roofing Permit- Equity Builders (Jimmie Ferguson)- 645 Aetna
- q) Roofing Permit- Wichita Roofing (Jerry Leroux)- 212 W 3<sup>rd</sup> Ave.
- r) Roofing Permit- Wichita Roofing (Jerry Leroux)- 219 W. 2<sup>nd</sup> Ave.
- s) Roofing Permit- Wichita Roofing (Dean Harding)- 215 Wolf St.
- t) Roofing Permit- Wichita Roofing (James Webster)- 746 N. Lake Rd.
- u) Roofing Permit- Midwest Roofing Services (Danny Cross)- 518 Filmore
- v) Roofing Permit- Neumayer Roofing (Tod Ross)- 423 Wolf St.

- w) Roofing Permit- Bill Hoffine (Roger Brown)- 640 Aetna
- x) Roofing Permit- Valerie Quiroz- 116 N. Marshall St.
- y) Roofing Permit- Bill Hoffine Roofing (Jim Pearce)- 527 Garfield St.
- z) Roofing Permit- Burwell Roofing (Kimberly Mclver)- 587 Bob White Ct.
- aa) Roofing Permit- Wichita Roofing (Larry Goodwin)- 717 N. Garfield St.
- bb) Roofing Permit- Bill Hoffine Roofing (Chris Adolph)- 305 E. 3<sup>rd</sup> Ave.
- cc) Mechanical Permit- Dan's Heating & Cooling (Dorothy Kohler) 609 Jefferson
- dd) Mechanical Permit- Service Experts (China's Bar & Grill) 127 N. Main
- ee) Mechanical Permit- Air Quality Control (Bob Downey)- 216 N. Adams
- ff) Sign Permit- Alan Hill- 610 N. Main

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

**PUBLIC AGENDA-** No one was present for the Public Agenda.

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **PRESENTATION BY ERIC MEYER OF GEORGE, BOWERMAN, AND NOEL, P.A. CONCERNING THE 2010 YEARLY AUDIT.**

Eric Meyer presented the 2010 audit report. Meyer stated the general fund cash balance is down \$60,000 from the previous year because of transfers and paying off lease purchases, but noted the general fund looked good overall. Meyer also said the Northridge fund shows a negative balance because the project was internally financed and money is collected by specials since no bond was taken out to pay for the project. It was also noted that the water fund will see a decrease in the debt service payments and the employer rate for KPERs of 7.14% has gone up over the past couple of years.

#### **CONSIDERATION OF ORDINANCE NUMBER 844 REGULATING THE OCCUPANCY OF RECREATIONAL VEHICLES AND MOTOR HOMES BY AMENDING SECTION 4-1103 OF THE CODE OF THE CITY OF CHENEY, KANSAS.**

This ordinance would allow RVs and motor homes to be occupied on lots of 9 acres or more in the city limits for up to (2) 100 days periods in a 12 month period. A 75 day moratorium was placed at the September council meeting. There would only be two lots within the city limits that would meet the lot size requirement. Council member Mize mentioned there are several RVs around town parked in front of houses. Oliver stated that the RVs are not being lived in. Council member Kampling asked about RVs at the Fairgrounds. It was stated that the Fairgrounds are not zoned residential, so those occupying RVs at the fairgrounds would not fall under this ordinance.

Council member Carl Koster moved to approve ordinance 844 regulating the occupancy of recreation vehicles and motor homes in the city limits of Cheney with the addition of a \$50 fee per permit.

Council member Greg Kampling seconded the motion.

Clerk Young called the vote, Albers- yes, Gregory- absent, Kampling- yes, Koster- yes, Mize- yes.

**CONSIDERATION OF MOVING THE NOVEMBER COUNCIL MEETING DATE**

Administrator Oliver stated that the November Council meeting date needed changed from November 10th to the 17<sup>th</sup>.

Council member Greg Kampling moved to change the November Council meeting to the 17<sup>th</sup>.

Council member Phil Mize 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 2011, WITH CERTAIN CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND PROVIDING CERTAIN PENALTIES BY AMENDING SECTIONS 14-101, 14-102, 14-103, 14-104, AND 14-214 OF THE CODE OF THE CITY OF CHENEY, KANSAS AND REPEALING SECTIONS 1 THROUGH 14 OF ORDINANCE NUMBER 807, ORDINANCES NUMBER 827, 832, 838, AND ALL OTHER CONFLICTING ORDINANCES.**

The Standard Traffic Ordinance is passed annually. Section 83.1 Recreational Vehicle, Trailer, and Boat Parking on City Streets was added to the amendments.

Council member Jeff Albers moved to adopt Ordinance #845 for the Standard Traffic Ordinance for Kansas cities.

Council member Carl Koster seconded the motion.

Clerk Young called the vote, Albers- yes, Gregory- absent, Kampling-yes, Koster-yes, Mize-yes.

**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 2011, WITH CERTAIN CHANGES AND ADDITIONS; AND PRESCRIBING ADDITIONAL REGULATIONS BY AMENDING SECTIONS 11-101 AND 11-103 OF THE CODE OF THE CITY OF CHENEY, KANSAS AND REPEALING SECTIONS 11-102 AND 11-105 OF THE CODE OF THE CITY OF CHENEY, KANSAS, SECTIONS 1 AND 2 OF ORDINANCE NUMBER 808, ORDINANCES NUMBER 826, 837 AND ALL OTHER CONFLICTING ORDINANCES.**

The Uniform Public Offense Code is passed annually. Theft of services was added to the amendments.

Council member Carl Koster moved to adopt Ordinance #846 for the Uniform Public Offense Code for Kansas cities.

Council member Phil Mize seconded the motion.

Clerk Young called the vote, Albers- yes, Gregory-absent, Kampling-yes, Koster-yes, Mize- yes.

**DISCUSSION OF THE SAFE ROUTES TO SCHOOL GRANT**

The City was awarded \$250,000 from KDOT for the Safe Routes to School grant. Administrator Oliver displayed the proposed and existing sidewalks to the Council. He stated a walking route would be designed based on pedestrian flow. A design

engineer must be hired by the City and expenses for the engineering will not come from grant funds.

**THE MATTER OF PROVIDING FOR THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011, CAME ON FOR CONSIDERATION AND WAS DISCUSSED.**

Charlie Young, with the Public Finance Group, looked at the City's debt and determined the 2003 and 2004 GO Bonds and PBC can be refunded. He stated the KDHE loan cannot be refunded. With the refunding the City would see a combined savings of approximately \$90,000 after cost of issuance. Charlie Young asked for Council to pass the PBC resolution and GO Bond resolution. These resolutions would allow his group to market the bonds and he would come back and report the results. After the results are back, the City will then make their final decision whether to refund the bond. The Public Building Commission would need to hold a meeting to determine the refunding of the PBC.

Council member Carl Koster presented and moved the adoption of Resolution 227-2011 entitled:

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2011, OF THE CITY OF CHENEY, KANSAS.**

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

**THE MATTER OF PROVIDING FOR THE OFFERING FOR SALE OF REFUNDING REVENUE BONDS CAME ON FOR CONSIDERATION AND WAS DISCUSSED.**

Council member Carl Koster presented and moved the adoption of Resolution 228-2011 entitled:

**A RESOLUTION REQUESTING THE CITY OF CHENEY, KANSAS PUBLIC BUILDING COMMISSION TO ISSUE REFUNDING REVENUE BONDS FOR THE PURPOSE OF REFUNDING A PORTION OF ITS OUTSTANDING REVENUE BONDS, SERIES 2004.**

Council member Jeff Albers seconded the motion. Motion carried unanimously.

**KDHE ACCESS TO PROPERTY AGREEMENT**

Kansas Department of Health and Environment reported by letter that they plan to drill test holes in the shaded area designated on the enclosed map. The property would be put back in the same shape it was prior to drilling. Administrator Oliver did not foresee any problems.

Council member Carl Koster moved to allow Oliver to sign the KDHE Access to Property Agreement.

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

**PUBLIC BUILDING COMMISSION**

The Public Building Commission is a five member board appointed by the Mayor and confirmed by the Council. Two members are set to serve two years ending in 2012 and three members are set to serve for four years, ending in 2014. The PBC meeting would be held within the next week.

Mayor Ball appointed:  
Ellen Bishop- expires 2012  
Leon Haden- expires 2012  
Kevin Fowler- expires 2014  
Jeremy Pauly- expires 2014  
Craig Albers- expires 2014

Council member Carl Koster moved to accept Mayor's appointments for the PBC.  
Council member Philip Mize seconded the motion. Motion carried unanimously.

### **POLICE REPORT**

Chief Bishop commented that Max Slusser has been operating a salvage yard in a residential area. Slusser has placed a fence around his property that is in violation of City Code. Slusser has been served into municipal court. Bishop also stated that the Castor property on Shadybrook was to be in court next week for junk on their property as well.

Attorney Lee Parker stated that the Sedgwick County website is allowing county residents to get a ticket for a free haul to the landfill.

Council member Carl Koster moved to take a five minute recess at 8:30.  
Council member Jeff Albers seconded the motion. Motion carried unanimously.

Chief Bishop reported that he has heard the new radios would be here in the next few weeks.

### **FIRE REPORT**

Fire Chief Ewy stated the fire department continues to be very busy. Ewy noted that he found a fire truck on Gov Deals and asked Council for permission to purchase it in the range of \$40,000-\$50,000. Administrator Oliver stated the Fire Department has \$33,000 in their cash reserves.

Council member Carl moved to authorize the fire department to spend up to \$50,000 on a new fire engine.  
Council member Jeff Albers seconded the motion. Motion carried unanimously.

### **MAINTENANCE REPORT**

Maintenance Superintendent Brad Ewy reported they had purchased a 2003 Street Sweeper for \$17,050 in Prairie Village, KS.

Ewy also noted that he still has a little oil left to finish the streets. Ewy is waiting to finish street repairs until KDHE completed their project of excavating the contaminated soil along First and Main.

Ewy also said the maintenance department has had to fix several water main breaks and service lines from pulling loose.

### **GOLF COURSE REPORT**

Golf Shop Manager Patrick Jordan said the September weather was better than previous years, which showed an increase in number of rounds played. Jordan stated he would begin looking at the pricing structure in the next couple of months.

Golf Course Superintendent Kevin Fowler didn't have anything to add to his report.  
Mayor Ball stated the Golf Course looked well.

**ADMINISTRATOR’S REPORT**

Administrator Oliver reported that he had purchased 40% of the winter gas. He had also sent another annexation letter to the property owners north of KAPS. He also sent two other letters to property owners north of Cheney to see if they would consider annexation. Oliver stated the budget will most likely have to be republished so expenditures are not exceeded in the general fund because the golf course has seen an increase in revenues and expenditures.

**ATTORNEY’S ITEMS**

Attorney Lee Parker had nothing to report.

**CLERK’S ITEMS**

City Clerk Danielle Young reported the Christmas Party will be December 11<sup>th</sup> at Stroud’s. Young also reported that money has been received from Myers Memorial Donation to go towards the parks.

**MAYOR’S ITEMS**

Mayor Ball would like letters sent to property owners with low hanging tree branches.

**COUNCIL ITEMS**

Carl had nothing to report.  
Jeff had nothing to report.  
Phil asked what was transpiring about charging inmates their jail fees. Attorney Parker stated he has looked at an Ordinance that Oliver had forwarded him. Parker stated he was going to find out what Wichita has done to assess and will go along with them. Parker will bring back an ordinance to the next meeting.  
Greg had nothing to report.

**ADJOURN**

Council member Jeff Albers moved to adjourn at 9:10 p.m.  
Council member Carl Koster seconded the motion. Motion carried unanimously.

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Linda Ball, Mayor

(Attest)

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Danielle Young, City Clerk