

CITY OF CHENEY

MINUTES OF THE REGULAR CITY COUNCIL MEETING

**131 N MAIN ST
COUNCIL CHAMBERS, CITY HALL
October 12, 2017; 7:00 P.M.**

HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

CALL REGULAR MEETING TO ORDER

Mayor Ball declared a quorum and called the regularly scheduled meeting to order at 7 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, Asst. Fire Chief and Asst. Maintenance Superintendent Jerry Peitz, and Director of Administration Danielle Young. Guests: Rev Joe Cowell, Pete & Carla Leroux, Jason and Melissa Webb, Ed Magruder, Kassie Gile, Travis Mounts- Times-Sentinel Newspaper.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PRAYER

Rev Joe Cowell led the prayer.

DETERMINE AGENDA ADDITIONS

Administrator Oliver stated there were no agenda additions.

PUBLIC AGENDA

Ed Magruder addressed the Council and stated he has lived at the Cheney Mobile Home Park since 1996. He stated that he has talked to the City Administrator about the Mobile Home Park being under new ownership. Magruder complained about the lack of mowing and three mobile homes that are missing floors, ceiling and doors and are believed to be owned by the Park's owner. Magruder also stated that the sewer lines are not 2' deep and the sewer caps aren't secured.

Council member Kampling asked if the Council could deny the permits on the consent agenda. Kampling thought the mobile home park needed to be looked at and figure out what's all going on at the location. Mayor Ball mentioned giving the owners a time limit to fix the problems.

Attorney Parker discussed the process of condemnation, stating the title company would give a title report, a resolution would be adopted to give the property owner 30 days to get it removed or the City would remove the home. The property owner then has 30 days to pay the costs assessed by the City, or it is placed on their tax rolls as a special assessment.

Magruder also stated that his water bill is \$58, but his neighbor only pays \$40 and asked if it was legal for the owner to charge them differently. Oliver stated he spoke to the State and because the owner is not metering them individually, there is nothing that the State can do.

Council member Jeff Albers asked if there was anything the City could do to put some pressure on the owners to fix the problems. Parker stated the Certificate of Occupancy could be used and documentation would need to be gathered for KDHE. Parker stated he would draft a letter to the owner.

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 14, 2017 City Council meeting
- c) Building Permit- 217 N Adams- Eric Meyer
- d) Building Permit- 510 Jayhawk- Justin Maus
- e) Building Permit- 564 Bob White Cr- Andy & Gina Riggs
- f) Building Permit-
- g) Curb Cut Permit- 811 N Lincoln
- h) Electrical Permit- 915 Filmore Lot 3- Advanced Mobile Home Service
- i) Electrical Permit- 915 Filmore Lot 29- Advanced Mobile Home Service
- j) Electrical Permit- 915 Filmore Lot 34- Advanced Mobile Home Service
- k) Fence Permit- 105 N Lincoln- Larry Booze
- l) Fence Permit- 622 W 2nd Ave- Abby Stuhlsatz
- m) Fence Permit- 518 N Lincoln- Bryce Rhodes
- n) Mobile Home Permit- 915 Filmore Lot 3- Advanced Mobile Home Service
- o) Mobile Home Permit- 915 Filmore Lot 29- Advanced Mobile Home Service
- p) Mobile Home Permit- 915 Filmore- Lot 34- Advanced Mobile Home Service
- q) Plumbing Permit- 826 N Lincoln Dan's Plumbing
- r) Plumbing Permit- 406 Filmore- Benjamin Franklin Plumbing
- s) Roofing Permit- 318 Shadybrook Dr- Danny Schneider
- t) Roofing Permit- 1665 N Main- Yardley Roofing
- u) Roofing Permit- 616 Aetna Dr- Bruce Fireash
- v) Siding Permit- 618 N Jefferson- Craig May
- w) Water Well Permit- 651 E Allison Premier Pump & Well

Council member Carl Koster moved to adopt the Consent Agenda as listed except for those on 915 Filmore, including items H,I,J,N,O, and P.

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

PUBLIC AGENDA

Jason and Melissa Webb, recently purchased a lot on Lake Road, and wanted to discuss the concerns about the height of the grass at the back part of the property. They were in attendance to see what the concerns were.

OLD BUSINESS

TABLED HEARING BY PROPERTY OWNERS LOCATED AT 1242 N LAKE RD AND 1212 N LAKE RD CONCERNING WEEDS AND GRASS OVER 12"

Administrator Oliver stated that last month property owners in violation of the grass and weed ordinance expressed their concern that they would like to leave a buffer zone between the golf course and their properties at West Oaks.

Council asked for some options. Oliver presented ideas and suggestions. Oliver stated that it needed to be decided if the property owners need to keep the area mowed, a buffer or fence.

Council member Koster stated he thought there was a good point made with the complaint. He stated that the yards around the area look nice, but the area being discussed looks visually deficient.

Council member Kampling stated he went and looked at the area also and didn't like how it looked.

Kampling didn't think they should be allowed to have taller grass there than any other areas in town.

Koster thought maybe an exemption for public park areas should be considered for areas with well kept natural turf or native grasses and not weeds to be over 12" in height.

Council member Jeff Albers asked if city was going to allow parks to have the native grasses, if

homeowners were also going to be allowed to have the same native grasses over 12" in their yards?

Albers stated that weeds are one thing, but if city parks or the golf course can have native grasses over 12" then homeowners should also be allowed. Albers stated he was not arguing for or against, but he had

a hard time saying the golf course could have taller native grass, but not property owners.

Kampling suggested maybe the rough parts of the golf course needs to be mowed 5-6 times a year instead of twice.

Grass height for other properties around the golf course and other golf courses was discussed.

Leroux asked why a buffer is needed for the two properties and not the other properties. It was stated that there is a fence on the north edge of the golf course and no tall grass buffer.

Property owner, Jason Webb, stated that they are moving from Sand Creek Station and stated they had native grass. Webb agreed with what has been said and doesn't think there needs to be wild weeds, but likes the idea of having native grass planted for the aesthetics it will flow with the golf course and create a natural barrier, but would need to be well kept.

Albers stated that his preference is for a well-manicured lawn, but everyone has a different preference and if it's regarding native grasses on our city properties, but say that private residences can't do it, then Albers had a problem with that.

Kampling stated he wasn't against native grass clumps for landscaping, but when the whole area grows up 4-5' tall then he doesn't think that should be allowed.

Kampling thought wording about native grasses in landscaping should be allowed.

Council member Philip Mize didn't think native grasses should be allowed over 12".

Kampling and Albers believed the golf course should also abide by the 12" rule. It was stated there are a lot of rough areas on the golf course and some Council members believed those areas also needed to be mowed.

Council member Mize also thought a fence should be discussed for the area along West Oaks. Oliver stated that a fence along the northeast side would also need to be discussed. Albers stated that if a fence is going to be put along West Oaks, then the entire course should have a fence constructed.

Council member Philip Mize moved to comply with present rulings as far as the grass to include the golf course.

Council member Albers asked if the City Ordinance would need to be changed to reflect the ruling. Oliver stated the Ordinance specifies residences, so it would need to specify height in inches for business districts.

Councilmember Carl seconded the motion.

Attorney Parker stated the change can be done by simple motion. If it is only addressing the golf course, then it can be done with a motion. It was decided to amend the original motion.

Councilmember Mize agreed to an amendment to his motion. Albers stated the amendment should include "all city properties follow the same grass code". Council then discussed if all properties inside the city limits should be included, but it was determined that the sewer ponds would also have to abide by the height requirements, so the amendment was changed to only include "the golf course".

Motion amendment:

Council member Jeff Albers moved to add the following amendment and include it to the original motion to "include the golf course".

Council member Carl Koster seconded the motion for the amendment.

Motion carried unanimously to approve the amendment.

The Council then voted on the motion as amended.

Motion carried unanimously to approve the motion as amended.

NEW BUSINESS

PUBLIC HEARING TO CONSIDER PROPOSED VACATION OF THE DESCRIBED EASEMENT

Administrator Oliver stated there is nothing running through the easement centered on the Lot Line Common to Lots 54 and 55, Block 3, The Greens at Cherry Oaks and he did not see a future need for the easement.

Council member Carl Koster moved to close the public hearing considering the vacation of a public easement at 7:50 pm.

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

CONSIDERATION OF AN ORDINANCE MAKING DETERMINATIONS AND FINDING CONCERNING THE VACATION OF A PLATTED EASEMENT IN THE CITY OF CHENEY, KANSAS AND ORDERING VACATION OF THE SAME

Council member Greg Kampling moved to adopt Ordinance 903.

Council member Jeff Albers seconded the motion.

Call the Vote, Albers- yes Kampling-yes Koster-yes Lehner-yes Mize-yes

CONSIDERATION OF AN AGREEMENT WITH WICHITA METROPOLITAN AREA PLANNING ORGANIZATION FOR THE PLANNING WALKABLE PLACES PROGRAM- COMMUNITY PEDESTRIAN & BICYCLE TRANSPORTATION PLAN

Council member Jeff Albers moved to approve the agreement.

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

CONSIDERATION OF PURCHASING A SKID STEER/TRACK LOADER FOR THE MAINTENANCE DEPARTMENT

The City's current skid loader was purchased in 2000. The trade-in value is \$15,500, but Ewy believed the used skid steer could bring \$20,000 on Purple Wave Auction. Ewy presented bids to purchase a skid steer with tracks. Ewy felt like the Bobcat was the best machine. Ewy stated he would like to bring the skid steers out to test them.

Council member Carl Koster moved to purchase a Skid Steer up to \$50,700.

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

Council member Carl Koster moved to declare the skidloader surplus and sell it.

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

POLICE REPORT

Chief Winter reported that the new carpet was installed in the police station. The new Explorer has arrived with the new decal design. Two office computers crashed and will be replaced.

FIRE REPORT

Ewy gave an update that the radios, received from the K-State Forestry Grant, will be in next week.

MAINTENANCE REPORT

Ewy reported that the City needs to consider earthquakes casing damage to the water mains. Ewy stated that the water line from Mt Vernon Rd to 391st needs replaced and bedded in sand. The current line is sitting on keel and has experienced several breaks. Oliver thought the line should be upgraded from an 8" to 10".

Ewy reported that he had been researching speed limit signs and would like to see an electronic speed limit sign near the crosswalk at Shadybrook to slow cars down. Council member Koster stated he would like to see a picture of the recommendation.

A painted crosswalk at Adams and 6th was discussed, but it was stated that a study recommended that there not be a crosswalk there.

Ewy reported that Jeff Young had an 11' finish mower for sale. Ewy would like to purchase the mower to use at the South Main Complex. Young is asking \$9,000 and the City's current tractor will be able to pull the mower.

Council member Philip Mize moved to purchase a 11' finish mower for \$9,000 from Jeff Young.

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

GOLF COURSE REPORT

Director of Golf Kevin Fowler was absent, but a report was given that the new mower is running good and the old mower hasn't been sold yet. The front nine has been aerated and the back nine will be aerated next week.

ADMINISTRATOR'S REPORT

Administrator Oliver stated that next month there will be a Resolution to spread the Specials on East 2nd Ave and Albers Finishing.

The city purchased concrete light poles in Oklahoma for the South Main Activity Complex parking lot. USD 268 will pay for half of the project.

The Tap is working on the design layout for the sprinkler system at the new ballfields.

Oliver will be attending the ICMA Conference next week in San Antonio.

Oliver stated that the City's sewer discharge permit was approved for another 5 years. There are changes to the ammonia and E.coli regulations. Oliver thought eventually the City would need to do aeration or add another sewer pond. Oliver thought the City might be able to ask for a waiver, when the time came.

ATTORNEY'S ITEMS

Attorney Austin Parker requested Executive Session for 10 minutes to discuss personnel matters.

CLERK'S ITEMS

Young had nothing to add to her report.

MAYOR'S ITEMS

Mayor Ball had nothing to report.

COUNCIL ITEMS

Council member Carl Koster reported on the recharge rate of pumping water back into the aquifer.

Wichita now have enough water to last 60 years.

Koster asked for executive session to discuss personnel.

Koster also reported on the Broadband Conference and stated there may be some USDA programs available.

Council member Jeff Albers reported that a citizen who lives in the Back Nine asked about building a park in the commons/reserve area. It was believed that the Homeowners Association or Developer would be in charge of putting a park on the reserve/commons area. It was noted there are only five buildable lots left in the Back Nine without opening up an additional area.

Albers asked about future expansion of Rails to Trails. City staff stated that they had recently checked with the Railroad and there are no plans of the railroad being abandoned.

Council member Judy Lehner had nothing to report.

Council member Greg Kampling congratulated Chief Winter on his Crime Prevention of the Year Award.

Council member Jeff Albers moved that the City Council enter into executive session to discuss an employee's performance pursuant to matters related to non-elected personnel KSA 75-4319(b)(1) for 10 minutes at 8:35 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 8:45 pm.

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

Council member Jeff Albers moved that the City Council enter into executive session to discuss an employee's performance pursuant to matters related to non-elected personnel KSA 75-4319(b)(1) for 10 minutes at 8:45 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 8:55 pm.

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

Council member Jeff Albers moved that the City Council enter into executive session to discuss an employee's performance pursuant to matters related to non-elected personnel KSA 75-4319(b)(1) for 10 minutes at 8:57 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 9:07 pm.

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

Mayor Ball stated Council was back in session at 9:08 pm with no binding action taken.

ADJOURN

Council member Philip Mize moved to adjourn at 9:10 pm.

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

(seal)

Attest:

Danielle Young, Director of Administration/City Clerk

Mayor Linda Ball