

# CITY OF CHENEY

## MINUTES OF THE REGULAR CITY COUNCIL

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131 N MAIN ST  
COUNCIL CHAMBERS, CITY HALL  
December 13, 2012; 7:00 P.M.  
HONORABLE MAYOR BALL AND MEMBERS OF THE COUNCIL

### CALL MEETING TO ORDER

### MEMBERS PRESENT

President Philip Mize declared a quorum present at 7:00 PM and called the regular meeting of the Cheney City Council to order on Thursday, December 13, 2012. Council members present were Jeff Albers, Carl Koster, and Philip Mize. Staff present were City Administrator Randall Oliver, City Clerk Danielle Young, Police Chief Howard Bishop, Cherry Oaks Maintenance Superintendent Kevin Fowler, Cherry Oaks Pro Shop Manager James Richmond, Fire Chief and Maintenance Superintendent Brad Ewy, and Attorney Lee Parker. Guests present were Attorney Austin Parker, Bill Pfaff- Pfaff Signs, Vicki and Laszlo Gaspar, Bret Albers, Mike- Times Sentinel Newspaper, Dan Ralstin, Sr.

Members Absent- Mayor Linda Ball and Council member Angie Gregory

### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

### DETERMINE AGENDA ADDITIONS

City Administrator Randall Oliver added Item 10- Donation of Swimming Pool Roof.

### 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 November 08, 2012 City Council meeting
- c) CMB License- Cherry Oaks Golf Course
- d) CMB License- Lakeside Grocery Corp
- e) CMB License- KAPS
- f) Building Permit- Henry Stoll- 128 Washington
- g) Building Permit- Hank is Wisser Brewery- 213 N Main
- h) Building Permit- Dan Thimesch Construction- 229 N Main
- i) Mechanical Permit- KAPS- 1110 N Main
- j) Mechanical Permit- Ron Ball- 208 N Main
- k) Mechanical Permit- Jim Kitchen- 406 Filmore
- l) Roofing Permit- Quality Construction- 805 N Garfield
- m) Roofing Permit- Dwayne Haukup Construction- 301 Lincoln
- n) Roofing Permit- Joe Shellhammer- 321 W. 2nd

Council member Carl Koster moved to adopt the Consent Agenda as listed.  
Council member Greg Kampling seconded the motion. Motion carried unanimously.

## **PUBLIC AGENDA**

City Administrator Randall Oliver announced that Council member Jeff Albers bowled 12 strikes on 12-12-12 for a perfect 300.

## **OLD BUSINESS**

## **NEW BUSINESS**

### **CONSIDERATION OF QUOTES TO REPLACE THE CHERRY OAKS AND CITY OF CHENEY SIGN**

Quotes were received from Pfaff Signs and TPS Promotions.

Bill Pfaff of Pfaff Signs stated he could use a picture of our golf course as the background for the Cherry Oaks sign. Pfaff's first option would be printed on vinyl, laminated and installed on aluminum. Sign built 2 inches deep and painted with automotive paint and then vinyl put over the top- so it would be easily replaced.

Option 2, Pfaff would use the existing signs and attach a 3 mm poly metal to the existing wood sign. These signs would be like the signs on the back of the scoreboard at Cherry Oaks. Pfaff stated he could also go out for another bid on the sign case that would be 2 inches thick.

Council also reviewed TPS Promotions quote.

Council member Carl Koster asked about signs that are infused in aluminum? Pfaff thought there would be someone around that could do that process.

Council decided to wait and decide what kind of sign they would like before making a decision.

Council asked for future items to be put out in a spreadsheet.

Council member Jeff Albers moved to table this item to a future date.

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

### **CONSIDERATION OF AN ORDINANCE CREATING THE OFFICE AND APPOINTING AN ENFORCING OFFICER FOR UNSAFE OR DANGEROUS STRUCTURES AND ABANDONED PROPERTY FOR THE CITY OF CHENEY, KANSAS IN COMPLIANCE WITH AND FULFILLMENT OF THE PROVISIONS OF K.S.A. 12-1750 AND PURSUANT TO THE AUTHORITY PROVIDED IN K.S.A. 15-204.**

Attorney Lee Parker stated that in order to comply with state law the City must have an enforcing person when there's a dangerous structure. Parker noted that Council could appoint Schwab-Eaton or a City engineer as the enforcing officer. This person would come out and inspect the property and then turn a report into the City.

Council member Greg Kampling asked if could use County inspector. Parker stated it should be city engineer because the Inspector looks at it for compliance, not as an unsafe structure.

Council member Carl Koster moved to adopt Ordinance No. 858 designating the city engineer as Enforcing Officer for Unsafe or Dangerous Structures and Abandoned Property.

Council member Jeff Albers seconded the motion.

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

### **CONSIDERATION OF A RESOLUTION NUMBER 235-2012 ESTABLISHING CHANGES TO THE FEE SCHEDULE**

Oliver noted that every year changes are made to the fee schedule. Proposed fee changes included the Cherry Oaks pavilion rental, fireworks permit, and lowering residential trash service to \$15.00 from \$17.00. Council member Jeff Albers asked Golf Pro Manager Jim Richmond if he was okay with the proposed golf course fee changes. Richmond said he and Randy discussed the fees and the tournament fees were raised \$5, but this year they will require tournaments to purchase merchandise for gift prizes.

Council member Jeff Albers moved to adopt Resolution 235-2012 Fee Schedule.  
Council member Greg Kampling seconded the motion. Motion carried unanimously.

### **CONSIDERATION OF A RESOLUTION NUMBER 236-2012 ESTABLISHING THE SALARY SCHEDULE FOR CITY OF CHENEY EMPLOYEES FOR 2013**

Administrator Oliver noted that there were no changes to the salary schedule in 2012. Oliver proposed a 4% adjustment.

Council member Carl Koster made the motion to adopt resolution 236-2012 for the 2013 salary schedule.

Council member Jeff Albers seconded the motion.

### **CONSIDERATION OF THE PLANNING COMMISSION RECOMMENDATION TO DECLINE A VARIANCE.**

Laszlo Gaspar of 426 N Lincoln addressed the Council. Gaspar sent a letter to the Council members and City staff prior to the meeting.

Council member Greg Kampling asked if we were discussing the 6 x 8 shed that backs up to the fence. It was stated that was the shed in question.

Administrator Oliver stated there were 5 items that the Planning Commission looked at in accepting the variance. Planning Commission voted 8-1 to decline the variance. The setbacks are 12.5' for side yard and 25 feet in the front. The property owners fence is on property line. Council member Kampling stated that if someone didn't see the shed being unloaded then no one would have noticed the shed. Laszlo would have been notified shortly after putting the shed up it would have been seen.

Council member Philip Mize asked who noticed the shed. Administrator Oliver stated he noticed the shed and sent a letter after seeing the violation.

Vicki Gaspar noted that the Planning Commission talked about precedence and that was not one of the 5 criteria.

Administrator Oliver reported that Kansas State Statute reads "and is not created by an action of the property owner."

Attorney Lee Parker read the 5 criteria.

Council member Koster noted that the City has ordinances and requirements and if we don't enforce them then what's the purpose of having them. No one wants to create a problem for Laszlo.

Mr. Gaspar asked what the process of the variance was. Parker stated a variance goes to the planning commission and they have a public hearing. Based upon the public hearing, they make a determination.

Council member Greg Kampling noted that usually a variance is done prior to the fact. Attorney Parker said usually when something comes up a variance is requested because of the uniqueness in the property. Attorney Lee Parker said he was not sure what was unique to this property (#1 criteria) A variance is not generally from the creating of the property owners themselves.

Council member Carl Koster moved to accept the Planning Commission's recommendation to decline the variance.

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

**CONSIDERATION OF AN ORDINANCE RELATING TO THE SOLID WASTE SOLID WASTE COLLECTION SYSTEM AND CURBSIDE RECYCLING SYSTEM WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS BY AMENDING SECTIONS 1 AND 6 OF ORDINANCE NO. 806**

Administrator Oliver asked about the wording "The property owner is responsible for the solid waste fees not paid by the occupant." in Section 6 page 2.

Attorney Parker noted that state statute has changed and it could be enforced. The City currently sends in unpaid accounts to state setoff.

The new ordinance would also state anyone receiving a city bill within the city limits would be required to have trash service.

Clerk Young asked about sending the unpaid amount to the county tax rolls.

Parker stated that amount would be put on Landowner's tax rolls, not the tenant's.

Parker stated if a problem is found, then City can go in and make the change. The verbiage is there for an option.

Council member Greg Kampling would like to see ordinance that requires landlords take better care of their properties.

Council member Greg Kampling asked if the deposit amounts needed to be increased to cover unpaid bills.

Council member Carl Koster moved to adopt Ordinance No. 859 as presented.

Council member Jeff Albers seconded the motion.

Call the Vote, Albers- yes, Gregory-absent, Kampling- yes, Koster-yes, Mize-yes

Council discussed having a Landlord Code. Attorney Lee Parker stated that the City went to an occupancy permit and if city finds a property has fallen below the standards then they can pull the permit.

**CONSIDERATION OF RESOLUTION NUMBER 237-2012 DECLARING THE BOUNDARIES OF THE CITY OF CHENEY, KANSAS**

Council member Jeff Albers moved the motion to adopt Resolution #237-2012.

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

**CONSIDERATION OF 2013 HEALTH INSURANCE COVERAGE FOR EMPLOYEES**

Health insurance last year decreased, but this year the cost increased 17.7%. Employees currently pay 10% of their plan.

Council member Greg Kampling moved to approve the Blue Cross/Blue Shield Blue Choice Comprehensive Plan for 2013.

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

**APPROVAL OF INTERNAL LOAN FOR LIBRARY EXPANSION**

The Library Board recently met regarding their remodeling process. The Library President and Vice President signed the Internal Loan Application. Oliver had the City Auditor and banker approve the form used. The loan is a 5 year adjustable mortgage. Council member Carl Koster

felt this option was better than bonding and a good deal for the city and citizens.

Council member Carl Koster moved to approve the internal loan application between the City of Cheney and Cheney Public Library authorizing Mayor Ball to sign.

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

### **CONSTRUCTION OF NEW POOL ROOF DONATED BY LARRY BOOZE ROOFING**

Larry Booze submitted a proposal to donate the cost to tear off the old pool roof and put on new roof. Booze plans to put a board on top of the existing flat roof, repair any wood and install 60 mill JM product.

Attorney Lee Parker stated he would draft a written agreement for Larry Booze and the City to sign regarding the donation. Attorney Lee Parker noted that he was previous counsel for a Larry Booze.

Council member Jeff Albers moved to approve the bid from Larry Booze Roofing to replace the Swimming Pool Roof and authorize mayor to sign the contract drafted.

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

Council wished to recognize Larry for his donation in some way.

### **POLICE REPORT**

Police Chief Howard Bishop had heard that an individual took a noise ordinance violation to the supreme court and was told it was individual's right to play music loud. Attorney Lee Parker stated he would look it up.

Bishop discussed the arrest of a registered sex offender library patron. Council asked about filters on the library computers and checking log-ins to see what users are looking at.

Chief Bishop believed City should look into doing something about patrolling the cat population. Chief Bishop received a quote on a 2013 Police Interceptor with trade-in on the 2008 Crown Vic. Lubbers would give \$5800 for the trade-in. Bishop asked for approval to purchase the new vehicle after the first of the year.

Council member Carl Koster moved to purchase the 2013 Utility Police Interceptor for \$26,962.72 to be purchased in 2013.

Council member Greg Kampling seconded the motion.

Council member Carl Koster attended the REAP Summit and heard the State would start charging \$150 per radio for use of the state radio system. Bishop said we don't have to have it so we could opt out. Ewy heard it would be \$300 per radio.

### **FIRE REPORT**

Fire Chief Brad Ewy reported that the radios would be narrow-banded. The City is already licensed and it must be done by 2013.

### **MAINTENANCE REPORT**

Maintenance Superintendent Brad Ewy asked Council about purchasing a new pick-up a few months ago. Ewy received a second bid on the pick-up.

Lubbers bid showed they would give \$18,000 for the trade-in and Newberry would give \$15,000 for the trade-in. On the Lubbers bid the trade difference was \$9,336.36

Council member Carl Koster moved to pay up to \$9,336.36 for purchase of a new pickup from Lubbers.

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

## **GOLF COURSE REPORT**

Cherry Oaks Golf Pro Jim Richmond stated rounds and revenue were both up and numbers were looking good for December. Richmond noted that he was still trying to get numbers on some newer golf carts. Council member Jeff Albers asked for numbers showing expenses paid on current golf carts. Richmond noted that 100 batteries were purchased last year and the current carts are worth \$1500-\$1600, but if they are kept much longer they will lose quite a bit of value.

Cherry Oaks Maintenance Superintendent Kevin Fowler had nothing to add to his report. Council congratulated Fowler on being named President of the Kansas Golf Course Superintendents Association.

## **ADMINISTRATOR'S REPORT**

City Administrator Randall Oliver showed the proposed transfers for the end of the year. Oliver reported that the 2012 budget numbers looked good and noted that the City collected \$25000 over projected revenues in sales tax collections. There will be no special meeting required before the end of 2012.

Council member Carl moved to make the scheduled and budgeted transfers prior to the end of the year.

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

## **ATTORNEY'S ITEMS**

Attorney Lee Parker received a letter from SBA regarding the cell tower. The letter asked for City to agree to sign off on a security interest. Parker stated that administratively, Randall Oliver could sign off on the document because it was already approved in the original document by the Council.

Attorney Parker requested to enter into executive session for non-elected personnel and attorney-client privilege for 45 minutes.

## **CLERK'S ITEMS**

Clerk Danielle Young reminded everyone of the City Christmas Party at Hangar One on December 16<sup>th</sup> at 5:30.

Young stated that Jeff Albers, Carl Koster, Angie Gregory and Mayor Linda Ball would be up for re-election on April 2<sup>nd</sup>. The filing deadline for anyone wishing to file is January 22<sup>nd</sup>.

## **MAYOR'S ITEMS**

Mayor Linda Ball was absent.

## **COUNCIL ITEMS**

Council member Greg Kampling had nothing to report.

Council member Jeff Albers on behalf of the Chamber thanked the City and Fire for helping with Come Home for Christmas.

Council member Carl Koster noted that the City of Sedgwick has a program where they sell citizens weather radios for \$5 through a FEMA program. Koster asked about doing this in Cheney.

Council member Phil Mize asked about completing a Streetscape project and noted that there was Streetscape grants mentioned in the Kansas Government Journal.

## **EXECUTIVE SESSION**

Council member Jeff Albers requested that the City Council recess into executive session pursuant to the attorney-client privilege, K.S.A. 75-4319(b)(2) and non-elected personnel K.S.A. 75-4319 (b)(1) for 45 minutes at 9:18 pm, the open meeting to resume in the City Council Chamber at 10:03 pm.

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

President Philip Mize stated Council was back in session at 10:04 pm with no binding action taken.

Council member Jeff Albers requested that the city council recess into executive session pursuant to the attorney-client privilege, K.S.A. 75-4319(b)(2) and non-elected personnel K.S.A. 75-4319(b)(1) for 15 minutes at 10:05 pm, the open meeting to resume in the City Council Chamber at 10:20 pm.

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

President Philip Mize stated Council was back in session at 10:20 pm with no binding action taken.

Council member Carl Koster requested that the city council recess into executive session pursuant to the non-elected personnel K.S.A. 75-4319(b)(1) for 10 minutes at 10:20 pm, the open meeting to resume in the City Council Chamber at 10:30 pm.

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

Council member Jeff Albers requested that the city council recess into executive session pursuant to the non-elected personnel K.S.A. 75-4319(b)(1) for 10 minutes at 10:30 pm, the open meeting to resume in the City Council Chamber at 10:40 pm.

President Philip Mize stated Council was back in session at 10:41 pm with no binding action taken.

## **ADJOURN**

Council member Greg Kampling moved to adjourn at 10:42 pm.

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

(seal)

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Mayor Linda Ball

Attest:

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Danielle Young