



COUNCIL MEETING

Council Chambers, City Hall – 131 N Main St
November 11, 2021 at 7:00 PM

MINUTES

HONORABLE MAYOR MIZE AND MEMBERS OF THE COUNCIL

CALL REGULAR MEETING TO ORDER

MEMBERS PRESENT

Mayor Philip Mize called the meeting to order at 7:00 pm. Council members Jeff Albers, Ryan Graf, Greg Kampling and Greg Williams were present. Councilmember Kassie Gile arrived late. Staff present were City Administrator/Clerk Danielle Young, City Attorney Austin Parker (arrived late), Police Chief Ken Winter, Maintenance Superintendent/Fire Chief Jerry Peitz and Director of Golf Kevin Fowler.

Guests present were Michelle Franklin- TSNews, Dixie Riedel, Paul Mahlberg and Rod Willies- KMGA, Brad & Carla Ewy, Pastor Peters, Ed Laverentz, Marc Bennett

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

PRAYER- led by Pastor Keith Peters

DETERMINE AGENDA ADDITIONS- none

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) Minutes of the October 14, 2021 Council Meeting

B) BILLS LIST OCTOBER 2021

C) BUILDING PERMITS

Electrical - 636 Wolf St. - Cheney Electric

Electrical - 210 E South Ave - Twietmeyer Electric

Building - 102 N Jefferson - Otto Contracting

Roofing - 228 N Harrison - Eaton Roofing

Siding - 401 N Marshall - First Quality Home

Curb Cut - 324 Shadybrook - Michael Luehrs

Motion made by Councilmember Kampling, Seconded by Councilmember Graf.

Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Graf, Councilmember Gile

PUBLIC AGENDA- no comments**OLD BUSINESS****NEW BUSINESS****PRESENTATION OF AWARD BY KMG**

Dixie Riedel, KMG, reported to the Council that they give out awards to member communities, typically during their annual conference. Rod Willis, from Osage City and with the nominating committee, read the nomination award. Brad Ewy was in attendance to receive the award, given to someone who has made contributions to KMG and local municipal utilities.

Paul Mahlberg, KMG, gave an update that they're still tracking the FERC investigation into the natural gas pricing in February 2021. They've implemented a new purchasing policy, to limit the amount purchased from the daily market and to try and stabilize prices.

DISCUSSION OF SANTA FE CROSSING DEVELOPMENT

Ed Laverentz presented to the County. He and his wife own Santa Fe Crossing at Lake Road and Santa Fe. It is platted for two lots (a north and south lot) with a common driveway off of 391st. Laverentz asked about splitting the north lot into two lots with access off of Heather Lane and would go through the platting process for the south lot to make 4 to 5 lots with access off of Santa Fe Street. Laverentz understood there had been discussion at previous meetings regarding development along streets without curb/gutter. Laverentz asked for direction on what might be allowed before going through the platting process. Laverentz would like to develop it for single family residential to match the existing neighborhood along Heather Lane.

There is some reservation about the future of Santa Fe Street. Currently, the city owns Santa Fe Street, which is only 30' wide along the south side of Laverentz's lots and is not wide enough for the standard 60' road right-of-way. Laverentz asked what would be allowed to happen along Santa Fe, without knowing the future of the railroad. Administrator Young read the City Code that states with the Governing Body's approval could go away from standard street requirements. With a plat, adequate public facilities have to be available, which means the road has to be adequate to handle traffic generated by the development. Young has discussed different options with the city engineer. There is an additional 25' railroad right-of-way between the tracks and the City's Santa Fe property that could possibly be utilized in the future for a road right of way if the railroad is ever abandoned. This would give 55' for the Road Right-of-way, which is still short of the required 60' the engineer wants to see. Young stated the Council could state they don't want access off of Santa Fe and require access to the development off of Lake Road. Or require a cul de sac or private road in between the current two lots. They could allow entrance off of Santa Fe with the understanding that the road right-of-way is only 30' and require future setbacks be put in place so if enough right of way is required, an actual road could be built later on or some type of road improvements could be required along Santa Fe, without the full curb/gutter. The city code also states it should be 3" thick asphalt.

Laverentz will have to go through the platting process with the Planning Commission; however, the code states the Governing Body has the ability to waive the street requirements; therefore, that is why he's present at this meeting. Councilmember Albers asked about discussing different areas of town with dirt roads that haven't been developed at a previous Council meeting. Albers thought it needs addressed, as it's been done in other areas of town. Mayor identified several problems, including the road narrowing, the house that is built on the property to the east of Laverentz's lots does not allow for the City to utilize part of Laverentz's lot as future right of way, and a cost to curb/gutter the road was outrageous a few years ago. Albers asked if the lot sizes would compare to the rest of the neighborhood. Laverentz said the

lots would be larger than the other lots along Heather Lane. Laverentz stated if he split the north lot into two lots, it is just a lot split process and doesn't have to go through the platting process. Laverentz asked what was going to happen with Santa Fe Street in the future since the City only owns a 30' wide section south of his lots and what will be allowed to happen?

Albers thought the City was in need of buildable lots. Laverentz stated he had plenty of depth, going north to south and was willing to give up some of his lot to accommodate for future road right of way for if the railroad is ever abandoned. But the property to the east (Diskin) doesn't have real estate available to make the adequate road right of way for Santa Fe. Laverentz thought the decision made should be done that is fair and would be done for others in the future, if other requests are made.

Councilmember Kampling thought that acquiring a little more easement to the north, could allow for a future street to be built from Lake Road, but not necessarily east since Diskin's property would block the full 60' ROW. Santa Fe east of Diskin's then widens out again. Mayor Mize asked about a smaller easement that in the future the road could be moved and built? Laverentz mentioned that there is currently a 20' drainage and utility easement that runs along Santa Fe, so nothing can be built within that easement. Lot would be approximately 90' wide. Laverentz stated the lots would be desirable and plenty deep at 199'. Councilmember Gile stated she hated to stunt growth since so many people are looking for an area to build.

Marc Bennett, lives on Heather Lane to the north of Laverentz's property. He remembered when Greg Kampling and John Hillman owned the lots there was conversation about paving Heather Lane, which would assess specials to his property. It was discussed then that if an access road was built off of Heather Lane, then Heather Lane would have to be paved. He also remembered that Santa Fe was an easement, and not a road at that time. Bennett was curious if specials were going to be assessed and where the access for the lots would be and how the houses would face Heather Lane. Bennett thought at one time it was discussed to have 3 lots off of Lake Road because access from Heather Lane and Santa Fe. It seems the development has been complicated and discussed several times. Albers asked if driveways were allowed off of Heather Lane and not requiring curb/gutter at this time. Albers asked Bennett if he saw issues with that. Bennett said if they were just single-family houses of 1500+ sq ft, like his, with a single driveway going to each lot to the south, he didn't think that would be a problem. Bennett asked Kampling if he remembered why that wasn't an option. Kampling stated there wasn't an option off of Santa Fe at all when he owned it. Bennett stated he just wanted to know what was going in as he isn't keen on duplexes or apartments being built there. He understood allowing single family homes like his that is across the street on Heather Lane. Also, he wanted to know if Heather Lane would be required to be paved and if so, who is going to pay for the road? Bennett also brought up the need for a sewer and has been discussed in the past.

Councilmember Albers asked about the requirement of 50% of the homeowners requesting the road be paved and it was determined from the current number of owners, that the number of residents that own lots along Heather Lane, it would be difficult to move forward with paving the road. Councilmember wants to continue growing the community, but doesn't want to cause hardship on the people that have been living in that area for a long time. Albers thought that allowing Laverentz's north lot to be split into two with access off of Heather Lane would be okay, but access for the south lot was a bigger item to discuss.

Councilmember Kampling mentioned taking an additional easement off of Laverentz's south property to be able to make the 60' Road ROW when the railroad abandons. Attorney Austin Parker mentioned that the north lot could be split with access off of Heather as a dirt road because the road was already over 50% build-out, so getting the existing property owners to agree to specials to pave the road would be hard. Parker stated Laverentz could ask for a variance from the Planning Commission. He thought the planning commission would be interested in knowing Laverentz is willing to give some land for the right-of-way. Parker mentioned filing a plat with a variance.

Councilmember Albers mentioned Laverentz might not want to go down that route of doing the plat and variance together. The Planning Commission can help give input on the growth of the community. Councilmember Kampling mentioned if Rails

to Trails comes through town, then the City may not get the full 25' ROW. It was mentioned that the Rails to Trails last requested the City to maintain several miles of the trail outside the City and the Governing Body was not favorable to the maintenance request and needed to be looked at from a legal standpoint.

Laverentz does not plan to do anything with the north lot until a decision is made on the south lot. There is a water line that runs in between his two current lots and if he were to put a cul de sac down the middle, the backs of the houses would face towards Bennett's house on Heather Lane. Gile didn't think Heather Lane would want to look at the back sides of the houses from the cul de sac. Attorney Parker suggested a developer's agreement for guidance on moving forward. Councilmember Albers thought if Council was all good with splitting the north lot and taking the additional 5' of the south side of the south lot for future road right of way, and forego the requirement of curb/gutter, then a developer's agreement wouldn't be required. Albers thought the property was unique and special circumstances have been done to get land developed. The reason there isn't a street on the south side is because there is not enough right of way. Parker stated this qualified the land for a variance since it is a unique circumstance and was inherited by the property owner due to the Railroad and Santa Fe. Albers wanted to make it known that the next new development starting from a blank slate may not get the same allowance of no curb/gutter, but due to the existing circumstance that is why the Council is willing to allow this development to happen. Kampling thought it was important to have a full 60' road right-of-way from the alley to Lake Road. Laverentz stated the homes would be similar to existing homes in the neighborhood.

Parker said Laverentz's next step should be to go to the Planning Commission to get the variance and then once the variance is acquired, he can do the plat. Albers asked what the timeline would be. Young stated there would be a Planning Commission meeting the first week of December and Laverentz could come talk to them then. The variance is about a 2-month process because a public hearing a notice must be served. The variance is approved by the Planning Commission and does not come back to the Council. Parker discussed doing the variance and plat all at the same time. The Plat is approved by the Planning Commission and then comes to the City Council for final approval. Albers was concerned that if Laverentz did it all at the same time and the variance wasn't approved, he would be out the cost of the Plat.

It was discussed that Laverentz could go to the next Planning Commission meeting and discuss his plan with them and then he could apply for a variance first and then a Plat from the Planning Commission. Minutes from the Council meeting would be provided to the Planning Commission for them to review the discussion and see that the Council is in favor of Laverentz moving forward with the proposed development.

Young asked Council if they wanted any additional improvements to the current condition of Santa Fe. Council thought the current seal on that section of road of Santa Fe was the nicest section of Santa Fe Street. Laverentz didn't think the residential traffic along that section of Santa Fe would tear up Santa Fe, since there are already semis utilizing Santa Fe.

Bennett asked about the requirement for sewer on those lots and thought the city's sewer didn't have enough lift in that area. Storm drainage was also discussed for that area. Parker mentioned that part of the plat would address drainage of stormwater. Mayor questioned if the surface water would drain to Santa Fe? Young mentioned that a smaller type of lift station or individual sewer lift pumps had been discussed with Laverentz. Laverentz stated he preferred individual sewer lifts, like the houses on Lake Road. An engineer will look into the sewer requirements.

DISCUSSION AND CONSIDERATION OF PROJECTS AT SOUTH MAIN COMPLEX

Young stated pricing had been received on constructing a basketball court, electrical contractor and adding irrigation to Field 4.

Pricing was also obtained for irrigation on Field 4 and is not covered by the LWCF grant. City Maintenance staff will install.

Motion: Approve purchasing items to irrigate ballfield 4 in the amount up to \$3,873.25 from Western Supply and \$1,344.32 from The Tap.

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

Funding: Park Budget

Bids from 4 different companies were received to construct a basketball court as part of the LWCF grant at the South Main Complex. Different options for the type of concrete and surfacing of the court were discussed at the meeting last month.

Councilmember Kampling didn't see a need for surfacing the basketball court because it would need to be redone in 10 years and no one would be able to use the court for anything besides basketball. Kampling thought post-tension concrete might be better in the long run because if you have to tear out the regular concrete and redo it in 10 years, it's going to cost a lot more. Kampling thought the City could save money from not doing the surfacing and put it into the additional expense for the post-tension concrete. Young mentioned that the bid from VersaSport for the normal concrete was 5" thick with reinforced 6 gauge mesh wire.

Mayor Mize mentioned that there would be a fence around the court, so no one would be able to drive on it, so he thought the normal concrete would be sufficient. Councilmember Graf mentioned that sheds built with 5" thick concrete don't crack when skid steers and equipment drive on it. Building two additional courts were also discussed for the future.

Quotes were received for 54' x 94' court with fencing set on the inside of the concrete. One company was adamant about having the court be 56' x 96' to allow for extra room between the fence and court out of bounds line. Council liked the idea of the slightly larger court. Young thought the additional cost, based on concrete square footage cost, would be around \$2000 extra from VersaSport.

Motion: Approve Versa Sport to construct basketball court with regular concrete with painted lines at \$72,120 plus additional cost to increase court size to 56' x 96'. (\$2000)

Motion made by Councilmember Albers, Seconded by Councilmember Gile.

Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

Funding: 50% LWCF Grant 50% Park Budget.

Two quotes were received to provide electrical conduit and wiring installation for the basketball court lights.

Motion: Accept bid in the amount of \$7,000 and hire Twietmeyer Electric as the electrical contractor.

Motion made by Councilmember Kampling. Seconded by Councilmember Williams.

Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

Funding: 50% LWCF Grant 50% Park Budget.

CONSIDERATION TO ACCEPT SOLID WASTE CONTRACT FROM WASTE CONNECTIONS

Last month Council agreed to move forward with Waste Connection's solid waste bid. Young stated that the agreement was still being reviewed by legal and some changes may be made to the inclement weather terms so the final agreement was not available for review. Council could approve pending final legal review or could wait until next month to approve.

Motion: Table Waste Connections contract until December.

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

CONSIDERATION OF MAYOR MIZE'S APPOINTMENT

Cheney Fire Department has requested the appointment of Firefighter Grant Coon

Motion: Confirm the Mayor's appointment.

Motion made by Councilmember Williams, Seconded by Councilmember Gile.

Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

REVIEW SIDEWALK PLANS ALONG SOUTH MAIN FOR KDOT COST-SHARE PROJECT

Schwab-Eaton prepared the design for the sidewalk to be constructed along the west side of South Main. The sidewalk will be funded by KDOT. Young stated the City would remove the railroad siding on City property and is working with WATCO Railroad to cross the main set of tracks. Young stated the design had been set so utilities should not have to be located or trees removed. The City will have to trim back some trees along the Street easement in a tree row that have grown up, but City maintenance staff should be able to handle the work. Council asked about the entrance to the Co-op and along the Tire Shop. They thought TBA might need to be educated on the sidewalk safety and if their trucks would be able to block the sidewalk. It was stated that a stop sign from the co-op entrance would be added along with pedestrian signage to alert pedestrians and trucks. Councilmember Albers asked why the sidewalk was being placed on the west side of the road. Young stated a traffic study had been completed and recommended the sidewalk be on the west side so pedestrians didn't have to cross Main Street traffic to get to the Sports Complex.

REPORTS

Police Report

Chief Winter reported there had been multiple car burglaries. They interviewed a potential police officer candidate and asked for an executive session for non-elected personnel to discuss the candidate.

Fire Report

Chief Jerry Peitz reported he had attended the Sedgwick County Fire Chief's meeting. The engine and pumper tanker will have pump certifying done on Monday.

Maintenance Report

Maintenance Superintendent Jerry Peitz reported the new hire, Mason Smith, started on November 1st.

Peitz discussed the difference between a slurry seal versus chat seal. The City purchased a slurry seal truck from Circle C Paving a few years ago and they now have a newer truck for sale. Circle C only did 2 jobs with the truck and said a majority of cities are going away from slurry seal to chat seal. Circle C wants to sell the truck and hydraulic sled for \$150,000 to the City.

Peitz talked to Circle C about doing street work for the City. The City does not have a chat spreader anymore, so City would have to get equipment or hire Circle C to switch back to chat seal instead of current slurry seal.

Administrator Young asked why the City went away from chat sealing. Peitz said they use a smaller type of chat now.

Councilmember Albers asked how much a block cost for a slurry seal compared to a block of chat seal. It was believed that

you could get 4 more years out of a chat seal compared to a slurry seal. Council asked for the pros and cons of chat and slurry seal and what the cost is for the City to do a block of street work. Councilmember Kampling mentioned putting street work out to bids for cost comparisons.

Golf Course Report

Director of Golf Kevin Fowler had nothing to add to his report.

Administrator's Report

The City's employee Christmas party will be December 5th at Hank's.

Young stated the Library requested permission for a mural to be painted on the front of the Library. Council expressed concern about it having a cost to the city later on if the entire building would have to be painted to cover it up, since the coloring of the building is in the stucco. They asked who would maintain the mural in the long-term? It was asked if the design could be put on a banner or piece of metal and attached to the building, so it could be removed at a later time. Council also asked if they could see colors and placement of it on the building. They were not against the art, just wanted more information.

Young stated the Sunflower Foundation grant was submitted for the walking trail. The City's cost would be \$43,102, if approved.

Due to how the holidays fall, City employees will observe Friday, Dec 24th, Monday, December 27th and Friday, December 31st as the Holidays.

ATTORNEY'S ITEMS

MAYOR'S ITEMS

Mayor Philip Mize had nothing to report.

COUNCIL ITEMS

Councilmember Albers had nothing to report.

Councilmember Gile had nothing to report.

Councilmember Graf had nothing to report.

Councilmember Kampling had nothing to report.

Councilmember Williams had nothing to report.

EXECUTIVE SESSION

Motion: City Council enter into executive session to discuss non-elected personnel matters related to hiring a police officer pursuant to KSA 75-4319(b)(1) with Police Chief Ken Winter, City Administrator Danielle Young, City Attorney Austin Parker
Executive session for 10 minutes at 9:43 pm.

Motion made by Councilmember Gile, Seconded by Councilmember Albers.

Voting Yea: Councilmember Gile, Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Graf

Mayor Mize stated the Council was back in regular session at 9:55 pm with no binding action taken.

Mayor Mize submitted an appointment of Kady Kratzberg for police office subject to passing qualifications.

Motion to approve the appointment made by Councilmember Albers. Seconded by Councilmember Williams.
Voting Yea: Councilmember Gile, Councilmember Kampling, Councilmember Williams, Councilmember Albers,
Councilmember Graf

ADJOURN

Motion to adjourn at 9:56 pm.

Motion made by Councilmember Gile, Seconded by Councilmember Kampling.

Voting Yea: Councilmember Gile, Councilmember Kampling, Councilmember Williams, Councilmember Albers,
Councilmember Graf



A handwritten signature in blue ink that reads "Philip Mize".

Philip Mize, Mayor

Attest:

A handwritten signature in black ink that reads "Danielle Young".

Danielle Young, City Clerk