



## COUNCIL MEETING

Council Chambers, City Hall – 131 N Main St

October 14, 2021 at 7:00 PM

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## 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. Staff present were City Administrator/Clerk Danielle Young, City Attorney Austin Parker (arriving late), Police Chief Ken Winter, Maintenance Superintendent/Fire Chief Jerry Peitz and Director of Golf Kevin Fowler (arriving late).

Guests present were Travis Mounts- TSNews, Matt Towne and Garrett Thomes- Ideatek, Kevin, Denise, & Kennedy Eastman.

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### 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 from September 9, 2021 Meeting  
Minutes from October 6, 2021 Special Meeting
- B) Bills List September 2021
- C) **Building Permits**
  - Fence - 314 N Marshall - Mauricio de le Serna
  - Fence - 215 N Wolf St - American Fence
  - Fence - 717 E 2nd Ave - Jarret Hudson
  - Sprinkler - 115 N Lincoln - Grady Laverentz
  - Electrical - 125 E 2nd St - Young Electric
  - Roofing - 128 N Marshall - Dingers Roofing
  - Roofing - 314 N Marshall - Partridge Roofing
  - Building - 324 Shadybrook - JY Construction
  - Siding - 106 E Shadybrook - Kampling Construction
  - Siding - 121 & 123 Ave A - Kampling Construction
  - Shed - 507 N Main - Ivan Pauly
  - Shed - 304 W 2nd Ave - Brad Ewy
  - Shed - 820 N Lincoln - Greg Williams

Motion made by Councilmember Albers, Seconded by Councilmember Williams.

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

**PUBLIC AGENDA** *(Please limit comments to 5 minutes)*

Kennedy Eastman read her DARE Essay that won the Kansas State DARE essay contest. The City awarded her with a certificate.

**OLD BUSINESS****NEW BUSINESS****CONSIDERATION OF TOWER LEASE AGREEMENT WITH IDEATEK**

Ideatek made a request to place an antenna on the City's water tower to provide a wireless internet service. A lease agreement was presented. Representatives from Ideatek discussed their history and their mission to serve the underserved and how they've built out smaller towns with CARES funds. The wireless internet service is Airlight, which needs direct line of site from a receiver deployed on the Water Tower. It will provide a stable and consistent internet connection with speeds up to 100 mbps.

Councilmember Williams asked the range for the wireless service. Matt Towne stated they try to hook up great service, so they're conservative about how far out they go, but it's typically an unobstructed 5-mile range. Councilmember Kampling asked if trees block the connection, Towne said they do a site survey to make sure there's a line of site.

Ideatek said they can deploy their wireless internet easier and then they internally tax their wireless system and that money goes back to building fiber in the community. The 8 antennas they'll use are 12" and weigh 12 lbs and will circle the tower. They use hardware that doesn't create rust streaks. They have deployed the wireless in Inman, Buhler, Highlands, and Derby already.

Ideatek also talked about their VOIP phones, which only require power and internet. Ideatek said that their wireless customers usually switch to their fiber service when it's built out. Pricing tiers for customers were discussed as well as their pricing for the fiber service. Ideatek mentioned that they could work with local developers to build fiber at the same time as the housing development goes in.

Attorney Parker discussed Ideatek's project in Andale and asked if they would look at a quadrant of town to build out fiber first? Councilmember Albers thought the City needed to give citizens options for internet and was in favor of the lease agreement. Ideatek plans to place equipment in November.

Motion: Accept agreement from Ideatek with approval from Attorney.

Motion made by Councilmember Williams, Seconded by Councilmember Albers.

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

**ORDINANCE 938 REGULATING ANIMAL CONTROL WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS BY AMENDING SECTION 2-405 CONSENT OF ADJACENT HOUSEHOLDERS FOR LIVESTOCK LICENSING AND REPEALING ALL CONFLICTING ORDINANCES AND PART OF ORDINANCES OF THE CITY OF CHENEY, KANSAS**

The current livestock code from 1976 requires consent from adjacent householders upon a livestock license being issued and each year when the license is renewed. A request was made to remove the unanimous consent upon the renewal of the license. It was briefly discussed at the September meeting and recommended to change the codes so that unless complaints were received, consent from adjacent householders would not be required for the license renewal.

Motion: Adopt Ordinance 938 amending section 2-405 of the Cheney City Code.

Motion made by Councilmember Graf, Seconded by Councilmember Kampling.

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

**ACCEPTANCE OF PROPOSALS FOR THE COLLECTION OF RESIDENTIAL SOLID WASTE**

A Request for Proposals for trash and recycling collection were sent out since the contract with Waste Connections ends at the end of this year. The City only received one formal bid back and has three different options: 2, 5 or 7 year term. The rates will increase as the City's current contract is \$12.19 for residential trash and the 2-year term is \$16, 5-year term is \$15.50 or 7-year term is \$15. They have stated prices increased due to increased operating costs over the past 12-18

months. Young has had conversations with Waste Connections to see if there are other options to lower these prices and they offered to change the annual clean-up day to offering a transfer station coupon for residents to haul their items, it would save .25/month or roll-off dumpsters could be brought in to the maintenance department facility and residents would have to take to that location and city staff would help unload. This option would also only save .25/month. Young thought residents enjoyed the convenience of setting items out to the curb on clean-up day.

Council's options are to accept the bid from Waste Connections or they can decline the bid and allow staff to go out and negotiate with a trash company. Young stated there were two other companies interested, but did not submit a formal bid. Attorney Parker mentioned that Waste Connections owns the transfer station. Young said that Waste Connections did an early renewal for the City last time and lowered the monthly rates. If you look at the current rates the City has now, they're extremely low due to that early renewal agreement that was completed.

Young has been looking at trash rates for other cities and has found that cities with lower trash rates are in the middle of a 10-year contract, so they still have the cheaper rates the City is currently on because they haven't renewed recently. Valley Center just renewed their trash rates with Waste Connections at \$16.50, so it appears even though the bid is higher than our current rates, it's lower than what they bid another City for. Valley Center also received a bid from Waste Link and their rates were higher than Waste Connections, so if Council wants to reject the bid from Waste Connections there's a possibility that the rates from the other companies will be higher.

Kampling thought the City has had good luck with Waste Connections being the current provider and thought the price would go up again, so the City should look at a lease to keep the price locked in for the longest term. Waste Connections has sent over a contract asking for exclusive rights to commercial poly carts, which they do not have now. Staff thought there was only one business in Cheney that doesn't have city trash for their poly cart service and thought the City could be comparable in price for that business. Dumpster service would not be included on the trash service provided by the City.

Attorney Parker discussed if exclusivity was allowed by the KS legislature and would double check if that is allowed. Young stated that the City adds an upcharge to the trash rate and that price is set in December of each year and the Council could change the current price. Albers thought the term should be 7 years. Young stated the rate for the 7-year term would be locked in for 2 years and then increase by 2% each year after. For the 5-year term, it's locked in for 2 years and increases by 3%. Young said if you compare the terms at the end of 5 years, the 7-year term would be \$1 cheaper than the 5-year term due to the different percentage increase.

Motion: Approve the proposal for waste collection from Waste Connections for 7 years.

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

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

A formal contract will be brought back for final approval.

#### **DISCUSSION AND CONSIDERATION OF PROJECTS AT SOUTH MAIN COMPLEX**

Administrator Young said bids were received to purchase all of the items needed for the irrigation of the multi-use fields. There are 16 items that would be cheaper if purchased from Western Supply compared to The Tap. These 16 items would save \$683.76 if purchased from Western. The items will be reimbursed by the grant at 50%. The layout would not be down the middle, to leave room for the basketball courts. Mize asked if this was for parts only. Young said The Tap has done the lay-out, but we would provide the labor to install the system. The irrigation will be run off of City water and not a well. An insulated well house or vault may be needed for the booster pump.

Motion: Purchase items for irrigation system in the amount of \$11,909.31 from The Tap and \$3,352.50 from Western Supply.

Motion made by Councilmember Kampling, Seconded by Councilmember Williams.

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

Young Construction originally completed the dirt work on the multi-use fields and upon looking at it again, Young Construction did not think any additional dirt work was needed for the basketball court to be installed. Young said she has been talking to different companies on constructing the basketball court, but does not have pricing to submit because each company did not submit comparable bids. Young asked Council if they had a preference on a 5" concrete pad or post-

tension cabled concrete. The benefit to the post-tension cabled concrete is if the concrete cracks, it doesn't spread or have elevate. Young said she can bring back pricing for both types of concrete if Council wants to see price differences.

Councilmember Williams asked if the coloring was different than the concrete they were talking about. Young said that was a separate decision that needs to be made and the contractor could just paint basketball lines on or do a surfacing. The surfacing is an epoxy/latex paint with sand/grit that is painted on. The surfacing lasts 7-10 years and after 10 years it could be replaced. After 10 years it loses the gritiness, so the surfacing will be slick like concrete, but after 10 years it wouldn't be peeling off to where it would need to be removed, the City could just choose to leave it alone and not redo the surfacing.

Councilmember Williams asked if the surfacing was a want or a need. Councilmember Kampling thought a concrete pad would be sufficient without the surfacing so it could be used for other things, such as skateboarding and roller skating. If the rubber coating is put down, it would be limited to basketball only. Mayor Mize thought the painted lines would be nice, but needed wanted more info on the surfacing. Kampling mentioned the City would have to spend another \$10,000 every 10 years to replace the surfacing. Kampling mentioned the surfacing at the elementary school on the old tennis courts and they can't use that concrete without paying someone a fortune to come in and remove the old surfacing. Young showed Council examples of courts with surfacing.

Young stated the court would have 10' fencing and lights. Councilmember Williams pictured hockey, roller blading, and other activities at the court besides basketball and asked if the City would prevent activities other than basketball from being on the court. Young mentioned that the contractors said roller-skating shouldn't be allowed on the surfacing. Kampling thought if surfacing was put down, you'd have to limit the activity. Williams asked who would police to make sure kids weren't doing prohibited activities on the court. Williams asked if spending more on the upgrade concrete and removing the surfacing cost would be worth it? Kampling thought if rebar was put in the concrete, it would do the same as the post-tension cable system. Discussed placing sand or crushed concrete down as a base for the concrete pad.

Concrete pad, fencing, adjustable goals and lighting. Additional cost for electrician. Young will bring the bids back. Mayor Mize asked how the lights would work. Young said they could be put on a timer and discussed having some type of yard light on at all times.

Councilmember Williams asked if there was a possibility for City to pour the concrete. Peitz said the City does not have concrete equipment. Young said she has priced out the items individually to see if the City could save money piecing the project together, and thought the pricing would be comparable, but the City would be dealing with 5 different vendors and trying to line up the timing from everyone may delay the project and take our maintenance crew away from the other projects. Mayor asked if we didn't do the surfacing if we could pour a second pad for the basketball court with the funds we were saving. Young said the bids have increased since the grant was applied for, so didn't think there would be funds left over for another court.

The placement of basketball court was discussed to allow for a future restroom/picnic shelter. Mayor thought it was a good idea to put restroom/picnic shelter next to parking lot with a picnic shelter to the north.

#### **CONSIDERATION OF MAYOR MIZE'S APPOINTMENTS**

Officer Ryan Aden has submitted his letter of resignation. Mayor Mize requested Council's confirmation on the following appointments of officers for a one-year term:

Part-time Police Officer: Carrie Phelps

Full-time Police Officer: Michael Inlow

Motion: Accept Ryan Aden's resignation and confirm the Mayor's appointments.

Motion made by Councilmember Kampling, Seconded by Councilmember Albers.

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

#### **LEASE AGREEMENT FOR PRIVATE OPERATIONS ON CITY PROPERTY**

A lease agreement was presented for the City to rent a portion of the City's lot, 65' x 140', south of 104 N Main to Precision Plumbing.

Motion: Approve the lease agreement with Grady Laverentz.

Motion made by Councilmember Williams, Seconded by Councilmember Graf.

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

**RESOLUTION 308-2021 DETERMINING A NUISANCE EXISTS WITHIN THE CORPORATE LIMITS OF THE CITY OF CHENEY, KANSAS AND ORDERING THE REMOVAL AND ABATEMENT OF SAID NUISANCE**

A notice was served to the property owner at 421 S Main on September 9th, 2021. He was given 10 days to mow his property, in which he did not and the City mowed the property. On September 9th, 2021 he was also served notice and given 30 days to remove and abate the following specific items: Remove brush from front driveway, remove appliances from yard, remove cans and trash from yard, and Remove Vehicles/Utility vehicles that are parking in the grass in front of home. The property owner has moved the Utility Vehicle from the front yard, but has not taken care of the other items. By adopting the Resolution, the City would be able to remove the items violating City Code 8-508, 8-509 and 8-201 that are creating an unsightly appearance that constitutes a blight to the adjoining properties. The removal cost could then be assessed to the property.

Council asked if he could be given a little more time. Young stated staff could try to work with him, but thought Council should go ahead and adopt the Resolution so the City wouldn't have to wait until the next meeting to take action if there's no response by the property owner.

Motion: Adopt Resolution 308-2021.

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

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

**REPORTS**

**Police Report**

Chief Winter noted that they were still trying to hire another full-time officer.

**Fire Report**

Chief Peitz reported they did Fire Safety last week for 2.5 days with all of the kids from the school

**Maintenance Report**

Maintenance Superintendent Jerry Peitz said he had talked to another wastewater operator that may be able to help us with our blue-green algae at the sewer ponds and it won't affect our bugs. Parker said Clearwater put in a circulation pump to move water and aerated and it fixed their issue. Peitz said KDHE told him we could get a floating pump and it could help, but still waiting to hear back from the samples sent to the chemist by KDHE.

**Golf Course Report**

Director of Golf Kevin Fowler had nothing to add to his report. He did note the course had received just over 2.5" of rain over past week.

**Administrator's Report**

Administrator Young reported on October 28<sup>th</sup> there would be a Soup/Chili Feed and Community Pep Rally on Main Street and on November 13<sup>th</sup> there will be a Veteran's Day Parade on Main Street. Young made sure it was okay for Main Street to be blocked off for these events.

Young went over the removal of the railroad siding along the City's Santa Fe Property west of Main Street that was discussed at the meeting last month. Young Construction will be removing part of the siding on the property that was just sold to the City east of Main Street. Young Construction informed her that there would be a charge, plus a cost to dispose of railroad ties, so Administrator Young did not think spending money to remove the siding west of Main was beneficial to the City at this time and perhaps the maintenance department could look at removing it themselves at some time. Kampling thought the City should just look at removing it ourselves.

Engineers are still working on the plat for the newly acquired Santa Fe property east of Main St. Young has talked to the adjacent property owners and made them the offer to purchase the newly platted lots. There are questions regarding

street access and utility lots that can't be answered until the plat is finished, so the contracts on those lots are not complete yet until the plat information is available.

Young went over the quarterly financial statements for 3<sup>rd</sup> quarter. Overall, the financials look pretty good, but alcoholic liquor tax revenue is under budget and interest on idle funds are down because of the City's CDs renewing at a lower rate. The gas fund revenue and expenditures show out of budget due to the loan that was taken out earlier in the year. Golf course revenues have exceeded their budget.

The Sunflower Foundation has come out with a walking trail grant that is due November 9<sup>th</sup>. The master plan for the South Complex shows a walking trail around the park complex. Young showed a map that the walking trail could tie into the other sidewalks being constructed with the KDOT and LWCF sidewalk grants. The walking trail would go further south along Main Street and circle around the baseball fields. Staff believes they could use the sled that was utilized at the golf course to pour the 6' wide concrete paths, but some areas might need to be formed. Young had roughly calculated \$26,000 in concrete costs, plus labor and signage costs, and additional costs for the areas that have to be formed. Young had talked to the school about constructing part of the walking trail on their property. Peitz thought the area around Diamond 3 might need to be formed. The grant pays up to \$55,000. Engineering is not required and a decision on the grant would be made mid-December. Young discussed extending the walking trail to run along the west and north side of the multi-use fields. Young asked for approval to apply for the grant. Council was in favor.

Young discussed the increasing price of natural gas due to exports and the price has doubled since last year due to demand, hurricane Ida, and a low amount of natural in storage and production being flat. KMG does have a new pricing structure to lock in a higher amount of natural gas and purchase less on the daily market. City will push out a flier regarding the increased price.

Developer Ross Scheer asked to put a sign up on the golf course property advertising his development at the Back 9. Young stated the sign Code does not allow signs on government property not erected by City. He could have an on-site development sign facing towards the golf course, advertising the housing development.

Council wanted Young to proceed with a Christmas Party this year for employees and spouses.

#### **ATTORNEY'S ITEMS**

#### **MAYOR'S ITEMS**

Mayor Philip Mize appreciated the police department taking care of code violation. He asked if the police golf cart had a home to park inside. Chief Winter thought the school might let it be parked inside.

#### **COUNCIL ITEMS**

Councilmember Albers had nothing to report.

Councilmember Graf had nothing to report.

Councilmember Kampling asked about the camper at the maintenance shop, left from the Carnival. Young said that it is to be picked up in October by the Carnival's insurance company.

Councilmember Williams had nothing to report.

#### **ADJOURN**

Motion to adjourn at 9:32 pm.

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

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



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

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Philip Mize, Mayor

Attest:

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

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Danielle Young, City Clerk