



## REGULAR CITY COUNCIL

Council Chambers, City Hall – 131 N Main St

May 13, 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, Kassie Gile, Ryan Graf, Greg Kampling, and Greg Williams were present. Staff present were City Administrator/Clerk Danielle Young, City Attorney Tricia Parker, Police Chief Ken Winter, Director of Golf Kevin Fowler, and Maintenance Superintendent Brad Ewy and Assistant Superintendent Jerry Peitz.

Guests present were Jeanette and Tom Nixon, Dianna Mitchell, Eldon Holt, Ken Solo, Rosanne Woolf, Curtis Osborne, John McKee, Tricia Heck, John Jackson, Kenneth Terrell, and Karlous Molyneux.

#### PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

#### DETERMINE AGENDA ADDITIONS

#### 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) Approval of April 8, 2021 Council minutes  
Approval of April 22, 2021 Council minutes
  
- B) 521 Aetna Dr - Burwell Construction - Roofing  
104 N Main - Precision Plumbing - Sign  
915 Filmore Lot 25 - Cheney MHP - Electrical  
602 Allison - Ashley Little - Fence  
914 N Main - Brand Plumbing - Plumbing  
202 N Main - Cox-Kent & Associates - Electrical  
107 N Washington - Eaton Roofing - Roofing  
2508 S 383rd St W - Eaton Roofing - Roofing  
212 E 3rd St - Eck Services - Plumbing  
1306 N Lake Rd - Bob Downey - Shed  
214 Taylor St - Christopher Harris - Shed  
202 N Main - Brand Plumbing - Plumbing  
915 N Filmore Lot 1 - Cheney MHP - Electrical

428 E 1st Ave - Landwehr Roofing & Construction - Roofing  
313 N Harrison - Devon Electric - Electrical  
111 E 4th - Kampling Construction - Siding  
111 E 4th - Kampling Construction - Building-Deck  
425 E 1st - Cheney Door - Fence  
304 E 4th - RedBird Service Co - Mechanical  
522 E 2nd Ave - Brad McCormick - Fence  
229 Lakeside Dr - Chase Drilling - Well

C) **BILLS LIST**

Motion to adopt the consent agenda as listed. Motion made by Councilmember Williams, Seconded by Councilmember Kampling.

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

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

Eldon Holt, asked the Council why this ordinance was being planned? He asked if this was for Quality of Life and how an RV has affected Quality of Life? Holt stated he lives at 2nd and Marshall, next to an ugly building. He mentioned another building behind Albers is falling down. He discussed noise pollution in town, such as screaming mufflers, that are worse than eye sores, such as the 3 families that have 8 barking dogs near his garden. Holt delivers Meals on Wheels and sees junk tables near a building, a recliner in front of a garage door, a house on N. Garfield in disrepair, unpainted buildings, 7-10 cars parked on properties, and it seems like the sky's a limit on the size of buildings that are being built. The City has even allowed a business to open in a residential area. Holt felt like he could show a dozen properties where the front yard is a disaster area with no RVs and thought the City should be concerned about those properties instead of a new RV ordinance. The ordinance reminded Holt of an HOA. The Ordinance wouldn't allow Holt's RV to be parked on the lot on Main Street. Mayor said the City has tried to address several of these issues, but ordinances can't always allow them to address some situations.

Dianna Mitchell, lives at 2nd and Washington, stated she doesn't have a back yard and lives on the corner. She was told earlier that she couldn't leave their camper parked in the street. Then they parked their RV on a gravel surface and then paid to have it concreted to have an area for the RV to be parked on. Mitchell stated that the Ordinance would make some people have to pay for storage and those people might not have bought one if they knew they'd have to pay for storage. Dianna has lived in Cheney for 30 years and would like Council to reconsider passing The Ordinance since they've already tried to comply with the City's request of not parking it on the street.

John McKee, moved to Cheney 5 years ago with his wife. They were looking for a place to keep their RVs and trailers at home because they can get broken into. The City ordinances seemed good so they moved here. McKee state's he's on a fixed income and if can't keep RVs at home he will have to spend additional money. He stated he has already improved his property to help the community grow. He explained the way their house is set on the lot; they can't place RVs in the required setback. If the ordinance is approved, he thought the property owners should be grandfathered in or given monetary funds to meet requirements. He mentioned a money grab by the City. McKee said he had been speaking to others about the direction of how the City was going. McKee stated he and his wife moved here to get away from large city regulations. He thought the City should enforce current city ordinances and not create new ones that cost homeowners a lot of money. He asked how long it would be before cars can't be parked in the street? McKee asked why notices are being posted after decisions are made?

Councilmember Kampling asked how many RVs he had and he said he has two RVs that he uses for different things.

Councilmember Albers said he was there to make the community better. Albers wanted to comment about the "money grab" comment McKee made and wanted to clear some things up that no one on the Council owns a storage facility. Albers thought that the Community has always been very progressive and there is a lot of activity on Main Street. Albers addressed the question of "what made this an issue"? Albers thought it started similar to what Holt stated at the end of his speech about things being parked in front yards.

McKee referenced Oklahoma City redlining to increase values of property and forcing property owners to make improvements to increase property value. Councilmember Williams stated all Councilmembers were born and raised here and are not looking to make Cheney into a big City.

Councilmember Williams asked about proper steps when the City adopted an Ordinance and if publications were being done wrong like McKee stated? Attorney Parker discussed the City's obligation under certain ordinances and that he might be confused about notice of hearing's that must be published in advanced. Clerk Young stated that Ordinances were sent to the paper in accordance with State Statute and called on TS News, who was in attendance at the meeting, that the City was doing proper publications.

Councilmember Albers encouraged people to get involved.

Jeanette Nixon, stated she has lived in Cheney in the same house for 33 years. She admitted her yard has not always been perfect, but it's also her property. She has a problem when people say they can't have their property on their property. They have a boat in their yard because her husband likes boats. They don't have the funds to pour a concrete driveway. They have a huge front yard, little side yard, and no back yard.

Ken Terrell, has lived in Cheney for 36 years, and believed someone complained to the City about him. His son has a couple projects started in his driveway at 804 Filmore. When the camper project is finished, he hopes it is removed. He has a small two-wheeled utility trailer and asked if there's any way to keep it on his property without having concrete pavement. His house faces Lincoln and his garage faces 7th, so he asked if the Ordinance would require a driveway leading to his trailer spot? He apologized if his son's camper caused the problem in town. He also asked if a trailer doesn't have a tag or paperwork, how someone would be able to show they owned it, in accordance of the Ordinance?

Tricia Heck, owns a boat and camper, and understands not being able to park it on grass. Where she lives, she cannot put it in her backyard because she doesn't have an alley. She pays for storage during the winter, but likes to have it out during the summer. She keeps the camper in a driveway and parks a boat at her friend's house. She didn't think the Ordinance was fair for people that can't park it on their property. She understands there are eye sores and thinks she should be able to park it in her neighbor's driveway.

Councilmember Kampling stated Council had discussed allowing campers during the timeframe from Memorial Day to Labor Day. Heck stated she loves the community and what the City and police do for the community. During the busy months, she said it would be nice to be able to park her camper at her neighbor's driveway. There are properties that have concrete under their boats/campers and they should be able to do so.

Councilmember Williams agreed that the convenience of having a camper at your property is handy. Heck thought that from Memorial Day-Labor Day people should be able to park their camper on a driveway and has no problem storing her boat elsewhere. She agreed that campers should not be parked in the grass.

Councilmember Albers said unfortunately there are a few people who do not take care of their properties that have led to this discussion. Holt asked if no one complained, if he would get a \$100 fine?

Ken Solo, lives on Lincoln, and has lived in a number of different communities. He had concern about the Ordinance and paying attention to the wording that might long-term propagate gentrification on fixed income. Pay attention to the wording and what kind of affect it has. He felt fortunate for his situation, but wording in the Ordinance is something that should be redone to be clearer and more decisive and the City should pay attention to what kind of affect it has.

Councilmember Greg Williams read a letter from Jackson Chance, Firefighter/EMT/Police Officer for Cheney and spoke against the Ordinance. Chance stated in the letter that he had experience serving the City and thought it would be a disservice if he didn't speak on the Ordinance since he has experience in enforcing the codes. Chance felt that the Ordinance would damage the relationship between city/residents/police officers since residents are not happy to see a police officer on their property. Chance had concerns for those who cannot afford to store their equipment off-site or pay for the new required paving. He thought it should be the right of citizens to store items on their property. Chance also thought the Ordinance would further hurt relationships with the City if items were only addressed if reported because someone could drive around the entire City and report everyone. Chance didn't think it was right to only allow items to be stored during certain seasons or a certain number of days. The Ordinance may affect the growth of the City, since we're lakeside, and people are more likely to own boats and campers. Chanced expressed his belief that the ordinance violates the rights of taxpayers and causes undo stress between residents, the Council, and police officers. He wants to see the City prosper, and the City shouldn't assert government control and the Ordinance crosses the line to a HOA.

Dianna Mitchell mentioned that April -October is the time frame a lot of people utilize their campers, not necessarily Memorial Day- Labor Day.

McKee asked why Councilmember Kampling was asking about how many RVs he had. Young addressed that current Zoning Code allows for not more than two recreational vehicles on a single-family or duplex lot. Councilmember Williams said he has a boat and is trying not to let his personal boat sway his decision. McKee thinks there needs to be more fair and equitable decisions made.

## **OLD BUSINESS**

### **CONSIDERATION OF ORDINANCE 933; REGULATING OUTDOOR PARKING/STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT AND PARKING OF VEHICLES UPON PRIVATE PROPERTY WITHIN THE CITY OF CHENEY, KANSAS**

Councilmember Albers thought the Ordinance needed to be discussed more before adoption. He thought it was Council's job to keep the City clean and a place where people want to move into. Councilmember Williams asked about revising the proposed Ordinance and Mize thought Attorney Austin Parker could help with that. Williams thought that reviewing the city ordinances from 18 other communities showed there is a wide range of differences on what is allowed. Albers wanted to make sure that we got feedback from the public before it was adopted. Councilmember Gile followed up by saying that there was a reason the Ordinance wasn't adopted in one meeting because they wanted to see how it would affect others in the community.

Mayor Mize wanted to table the item for a future date. He told those present that if they signed in for the meeting, the City would make sure they were notified of the meeting when there's a vote on the Ordinance. Young asked for guidance on how staff is to proceed.

Motion to table agenda item until August meeting.

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

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

**NEW BUSINESS**

**CONSIDERATION OF MAYOR MIZE’S APPOINTMENTS FOR 2021-2022**

Mayor Mize requests Council’s confirmation on the following appointments of officers for a one-year term:

- City Administrator: Danielle Young
- City Clerk : Danielle Young
- Police Chief: Kenneth Winter
- Fire Chief: Brad Ewy
- City Attorney: Austin Parker
- Municipal Judge: Harold Flaigle
- City Prosecutor: Brandon Ritcha
- City Treasurer: Roger Brown
- Police Sergeants: Kyle Threadgill and Mario Martinez
- Police Officers: Mason Schell, Ryan Aden, and Grant Cook
- Part-time Police Officers: Jeff Cole, Martin Bell, Mike Satterlee, Christopher Becker, David Ohlde

Motion: Confirm the Mayor’s appointments.

Motion made by Councilmember Williams, Seconded by Councilmember Gile.

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

**CONSIDERATION OF MAYOR MIZE’S APPOINTMENTS FOR THE PLANNING COMMISSION**

Mayor Mize requests Council’s confirmation on the following appointments:

- |                     |                 |             |
|---------------------|-----------------|-------------|
| Planning Commission | David Woodard   | 3 year term |
| Planning Commission | Melissa Olthoff | 3 year term |
| Planning Commission | Ryan Scott      | 3 year term |
| Planning Commission | Zach Henson     | 3 year term |

Motion: Confirm the Mayor's appointments to the Planning Commission.

Motion made by Councilmember Graf, Seconded by Councilmember Gile.

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

**CONSIDERATION OF CRUSHING CONCRETE RUBBLE**

Maintenance Superintendent Ewy asked for approval to have the concrete rubble behind the City Shop crushed. Ewy said they would use the crushed concrete for road base and thought it would be double the cost to purchase the material to put under roads and fill holes, if they didn't crush the pile of concrete.

Motion: Approved concrete crushing in the amount of \$32,100 from Heartstone.

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

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

**REPORTS**

**Police Report**

Chief Winter reported that the 2018 Ford Explorer had not had any bids from individual departments on purchasing it. Staff looked into listing it on Purple Wave, but after looking at what some cars are being sold for

on Purple Wave, Chief didn't want to give it away at a low bid. Personally, Chief thought the car was worth \$18,000-\$20,000. It has 57,000 miles on it. It has been listed on the Kansas Chief of Police website. Chief thought part of the problem in getting rid of it was KHP had just sold a lot of their used vehicles. Councilmember Albers was not in favor of Purple Wave. Councilmember Gile was not in favor of giving it away and thought we should sit in limbo on it. Doesn't have radios in it, but has other upfit. Albers thought the City should hang on to it to make the right deal.

Albers asked how Kyle Threadgill's schedule would work during the summer when Kyle's out of school. Chief said he would cover their shift when someone's gone or work during the night as an additional officer.

### **Maintenance Report**

Maintenance Superintendent Ewy said they'd gotten crack seal material and will get it started after the new gas line down south main is installed.

### **Fire Report**

Chief Ewy reported that he had received a call from Wichita to say that the EMS Rapid Response Vehicle may get pulled out of Cheney because they're down 7 EMS units county-wide. There is reportedly a lot of turmoil going on with Sedgwick County EMS with paramedics leaving the County.

### **Golf Course Report**

Director of Golf Kevin Fowler said things are great at the golf course. Councilmembers thought the course looked great. Fowler said numbers have dwindled over the past week before of the weather, but they're averaging 60 members for men's club. The perimeter fence is complete. The high school community service kids painted the north side and he'll utilize part-time help to paint the rest of it this summer.

### **Administrator's Report**

Young stated the vaccine clinic would be on May 17<sup>th</sup> at the Fire Station and city-wide garage sales are May 20-22<sup>nd</sup>.

Young requested funding for wayfinding signage to be placed throughout the community. She met with the Chamber's Main Street committee and they discussed placing 5-6 signs. The frames would be made by Downey Consulting in Cheney and painted by Albers, and Broadstroke's in Wichita would make the sign portion. It was expected the signs would be around \$630 each. The Bank and Chamber would help pay for two of the signs Young would ask the Fair, School, and Rec to also help pay towards the cost.

Albers abstained from motion because Albers is painting the signs and abstained.

Motion: Approve funding for up to 3 signs.

Motion made by Councilmember Graf, Seconded by Councilmember Gile.

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

Voting Abstaining: Councilmember Albers

### **ATTORNEY'S ITEMS**

Attorney Austin Parker was out of town and Attorney Patricia Parker stated she would report to Austin the comments from the RV Ordinance and that it would be tabled until August.

### **MAYOR'S ITEMS**

Mayor Philip Mize had nothing to report.

### **COUNCIL ITEMS**

Councilmember Albers had nothing to report.

Councilmember Gile mentioned the man hole cover on 6th Ave has a large hole missing from the lid.  
Councilmember Graf had nothing to report.  
Councilmember Kampling had nothing to report.  
Councilmember Williams had nothing to report.

**EXECUTIVE SESSION**

Motion to enter into executive session to discuss preliminary discussions relating to the acquisition of property KSA 75-4319 (b)(6) for 20 minutes at 9:01 pm with Administrator Young, Attorney Parker, and Maintenance Superintendent Brad Ewy.

Motion made by Councilmember Jeff Albers. Councilmember Ryan Graf seconded the motion. Voting Yea: Councilmember Kampling, Councilmember Albers, Councilmember Gile, Councilmember Graf, Councilmember Williams

Mayor Mize stated the Council was back from executive session and no binding action was taken.

Councilmember Jeff Albers made a motion to negotiate a 120-day option on Santa Fe, east of Main, to give time to figure out drainage and allow up to \$100,000 to negotiate purchase.

Motion to enter into executive session to discuss hiring matters related to non-elected personnel KSA 75-4319 (b)(1) for 15 minutes at 9:22 pm with Administrator Young and Attorney Parker. Motion made by Councilmember Gile. Councilmember Graf seconded the motion.

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

Mayor Mize stated the Council was back from executive session with no binding action taken.

**ADJOURN**

Motion made by Councilmember Kampling, Seconded by Councilmember Graf.

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



Philip Mize, Mayor

Attest:

Danielle Young, City Clerk