

COUNCIL MEETING

Council Chambers, City Hall – 131 N Main St

July 15, 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, Kassie Gile, Ryan Graf, Greg Kampling, and Greg Williams were present. Staff present were City Administrator/Clerk Danielle Young, City Attorney Austin Parker, Police Chief Ken Winter, Maintenance Superintendent/Fire Chief Jerry Peitz and Director of Golf Kevin Fowler. Guests present were John McKee, Bret Albers, Rosanne Wolf, Erik Merhoff, Travis Mounts- TSNews

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

DETERMINE AGENDA ADDITIONS

Consideration of Addition to Auto-Read Utility System Discussion of Maintenance Department Pick-up Executive Session to discuss acquisition of property

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) June 10, 2021 Minutes

B) BUILDING PERMITS

Fence - 612 Cherry Oaks Ct - Brian Mason Electric - 524 E Aetna - Linnebur Electric Electric - 314 N Marshall - Central States Electric Curb Cut - 202 N Main - Evans Building Sprinkler - 307 Birch - Ryan Lawn & Tree Sprinkler - 229 Lakeside - Ryan Lawn & Tree Sprinkler - 337 Birch - Ryan Lawn & Tree Sprinkler - 337 Birch - Ryan Lawn & Tree Sprinkler - 427 N Adams - Precision Plumbing Electrical - 307 N Main - Cheney Electric Sign - 115 N Main - Kasi Henning Roofing - 326 W 4th - Design One Contractors Roofing - 104 Filmore - Tommy Hill Roofing - 406 E 6th - Burwell Construction Shed - 602 N Main - Lowe's/Brenda Harbison Bille List June 2021

C) Bills List June 2021

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)

Bret Albers, Sedgwick County Fair, thanked the City of Cheney for support and help that it takes to put the fair on. Albers stated that Chief Winter and his crew had less help than they've had in prior years and they did an excellent job. Albers thanked Jerry and Fire/EMS and carts from the golf course. He stated the help was much appreciated.

John McKee stated he had a couple things and wanted to speak his mind because he doesn't back down to things. He stated in the past he's made sure his image doesn't reflect negatively and has been willing to back off and not make an issue of things, but he said it seems like people aren't stepping up these days. McKee has been told that fireworks aren't a big deal and everyone does it and you should just sit back and enjoy it. McKee stated when year after year you get an increased amount of fireworks and increase in intensity and height/area that they spread to, he doesn't understand why they are allowed inside neighborhoods when there are community areas (ballfields, school area). He thought if it was okay for them to be shot in a cul de sac, then it should be okay to shoot them in public areas. Allowing them in public areas would allow others to come enjoy them, like an open public fireworks display. He mentioned that the code requires groups to register with City and pay a fee to have a group shooting and he thought that was being ignored. He requested information and found that no groups signed up to shoot fireworks, but he personally saw at least 3 groups shooting fireworks. Fireworks are also not allowed to be shot in the streets and McKee had photos of burn spots in the street all over town. He knows the City tries to be lenient and community oriented as much as possible. McKee dumped out a bag of discharged fireworks into a container to show what he picked up in his yard. He stated when he brought the bag in to show City staff he was asked if he gave time for the neighbors to pick the items up. He knows the guidelines state they have so long to pick it up, but he said it's never been done. He's been in Cheney for 5-6 years and no one has ever come in his yard to pick up fireworks. He started picking them up on Saturday and talked to his neighbors on Sunday. He was assured by his neighbor that they wouldn't shoot anymore, but another family in the cul de sac shot fireworks with other people around and to McKee that would be defined as a group. McKee was not sure of the definition of "group shooting" because he could not find it in the ordinance and thought it should be looked at as well as the intensity of fireworks that are allowed. McKee thought the current code allowed for 1.4 and he saw fireworks going at least 100 yards in the sky, but wasn't exactly sure of height. He reinforced that he had brought evidence to show the Council by bringing the discharged fireworks in his yard and thought the City should do a rework on the fireworks ordinance and there should be some areas that are off limits from fireworks that go so high. Attorney Austin Parker advised McKee that he was at 5 minutes and 45 seconds and it would need to be closed up. McKee stated he would come back next time and finish up and appreciated them giving him the opportunity to speak.

Mayor Mize stated they would check on the wording with the attorney and take the aerial and size under advisement. McKee said code 862 talks about aerial illuminations and unmanned and uncontrolled of where they come down and he thought these fireworks should fall under that category.

OLD BUSINESS

NEW BUSINESS

"NATIONAL NIGHT OUT" EVENT ON AUGUST 14, 2021

The annual National Night Out event in Cheney began in 2019. City staff and Elected officials will visit the block parties. Mayor Mize read the proclamation.

Motion: Approve Proclamation designating August 14, 2021 as "National Night Out" and to close the following streets and other streets as designated by City Staff for the registered "Neighborhood Block Parties" on August 14, 2021. Quail Run Ct Aetna (Sunset to Sunnyside)

Motion made by Councilmember Gile, Seconded by Councilmember Albers. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile,

Councilmember Graf

CONSIDERATION OF AGREEMENT WITH AGING PROJECTS

Each year the City enters into a facility agreement with Aging Projects to provide a place for Friendship Meals to be served at the Senior Center Monday-Friday.

Motion: Approve the agreement with Aging Projects. Motion made by Councilmember Kampling, Seconded by Councilmember Graf. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

CONSIDERATION OF INTERIOR RESTORATION ON WATER TOWER

Administrator Young stated the City has been utilizing Cunningham Tank. They have an agreement where they come and inspect the tower every two years. In 2019 they gave the City a bid to come do renovations to the interior of the tower. At that time we did not move forward with the bid, but now that it is 2 years later the City feels it's time to move forward with the work. Young reviewed the two options:

Option 1- \$74,640- normal full blast removing all the interior paint and then applying a new two-coat epoxy liner. *4-year warranty on Interior Coating or repairs performed by the Company

If City keeps the bi-annual service and coating maintenance agreement, the warranty is extended from 4 years to 10-years. Typically the tower has 10 years of protection, but will likely last 15-20 years or more. Councilmember Kampling ask the last time the interior was painted. Peitz stated when it was built about 20 years ago as it's always just been spot touched.

Option 2- \$64,640- interior brush-blast - only removes the lightly adhered paint and heavy corrosion (does not remove all the paint) 2-year warranty (no option for extended warranty) and will give tower 6-8 years of coating protection

Young stated the City has been budgeting for this project and funds are available in the water reserve account. Mayor Mize asked Peitz if he had seen the inside and he stated when he looked last time he could see the areas. Albers thought it was a good use of funds considering what a new tower would cost. Attorney Parker mentioned another community that bypassed maintenance and it cost them about \$300,000 to do repairs. Kampling asked Peitz if Option 1 was best. Peitz mentioned that Option 1 would take the tower down a week, so the City will have to go on bypass.

Council member Albers moved to approve Option 1.

Council member Williams seconded the motion.

Albers asked about modifying motion to clarify it includes continuing the bi-annual maintenance agreement. Motion and modified motion carried unanimously.

CONSIDERATION OF SELECTING AN ENGINEER FOR THE COST SHARE GRANT PROJECT

Administrator Young reminded Council that the City received a Cost Share Grant from KDOT to construct a sidewalk along South Main from Santa Fe to the north edge of the Sports Complex. The 90% grant does not cover the cost for design and construction engineering. A request for Qualifications was sent out to eight engineering firms and 2 proposals were received by the deadline on July 9th. Several different measures were considered. Staff reviewed the submissions and recommended Schwab Eaton. Mayor asked what engineering services it all covered and Young reviewed the items from their RFQ that would be included. Young stated material testing would not be included. Councilmember Williams asked what the cost of the competitive bid was. Young stated that both engineering firms had experience on similar projects and Kirkham Michael's cost was \$20,000 for preliminary and \$30,000 for construction engineering.

Motion: Select and hire Schwab Eaton for a contract amount of \$27,400 to serve as design and construction engineer on the Cost Share Grant Project.

Motion made by Councilmember Kampling, Seconded by Councilmember Graf.

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

AUTHORIZING PAYMENT TO KMGA FOR LEGAL FEES

Young stated KMGA sent a letter explaining that KMGA had to utilize law firms to help fight the battle from the February Winter Storm. Per KMGA's policy, their net equity fund has now fallen below their \$400,000 as they've used it to pay their legal fees. The executive committee, made up of staff from other cities, voted to implement a surcharge to the members to get the net equity fund back up to \$500,000. The City of Cheney has been assessed a fee of \$10,554 based on our usage during the February storm (75%) and our annual gas consumption (25%). Funding is available in our gas reserve fund to cover the legal fees. The legal team was successful in removing the pipeline penalties and helped keep natural gas flowing to our community during the OFO. During the OFO, penalties were assessed at approximately \$118,000. Councilmember Albers asked if those fees were waived and wouldn't come back in 6 months or sometime in the future. A statement in their letter was referenced stating the fees had been waived. KMGA is continuing to work with law firms in the fight to reduce the cost of gas and there is two years to pursue litigation. Councilmember Williams asked about utilizing reserve funds to pay the legal fees. Young mentioned that the City had set aside funds to pay for the penalties, but since they were waived, there are reserve funds available and didn't see that the City would pass these legal fees on to the customers.

Motion: Authorize payment of \$10,554 to KMGA for Legal Fees Motion made by Councilmember Albers, Seconded by Councilmember Gile. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

Mayor Mize mentioned that one of the cities with KMGA are in litigation and were also assessed a fee for legal fees.

DISCUSSION OF PROPOSED 2022 BUDGET

The 2022 Budget was prepared taking into consideration items discussed at the Budget Workshop. The proposed budget shows the mill levy staying level as years past at 60.378. Due to a new state law, a revenue neutral rate has been set at 57.967 and to exceed this rate, as shown on the proposed budget, an additional notice, resolution and public hearing is required. Once the budget is published, the mill levy cannot be increased, but Council can choose to decrease the mill levy before final adoption. Last year the mill levy was set at 60.608.

Young explained a new state law was passed creating a Revenue Neutral Rate, which takes into account the tax dollars from last year and the new assessed valuation. The revenue neutral rate was set at 57.967 mills. The budget can bet set at that mill levy and would go through the typical budget process with a budget hearing next month and then pass and adopt the budget. Young explained that in the past years, the Council has voted to keep the mill levy steady since 2016 right around 60 mills. Young put the budget together for this year keeping the budget around 60 mills. To exceed the Revenue Neutral Rate the City will need to notify the County Clerk's office by July 20th letting them know the City's intent is to exceed the Revenue Neutral Rate and at what mill levy is being proposed. That allows a notice of public hearing and a Revenue Neutral Rate public hearing and also the budget hearing. The new state law states the Revenue Neutral Rate hearing has to be held between August 20-September 20th, so the public hearing would not be held until the September 9th Council meeting. So Council would not be able to take any action at the August meeting. Young is hoping the audit will be completed before then so adjustments can be made. Young stated that tonight they needed to agree on a maximum rate to publish the mill levy.

Young reviewed additional items added into the budget this year. \$15,000 for police station improvements/update as it's been discussed each year for future remodeling or to start setting aside funds for building; \$9,000 for repayment of fire station loan of \$130,000 from the FRA; \$15,000 for additional items in addition to the fire station construction. The outside fire district townships saw a large increase in assessed valuations due to the Bluestem pipeline so the City budgeted an increase of about \$12,000 in Fire Coverage revenues from 2 mills assessed to the townships. \$15,000 for a lean-to on the golf course maintenance shop; \$120,000 for a swimming pool bathhouse update within the parks budget and could be used in combination with other funds in the park budget to cover additional expense for the bathhouse or utilize the funds towards the new pool. The pool committee has discussed updating the existing bathhouse to save money instead of building a new bathhouse. The sewer loan payment will expire, but the construction amount was increased as staff would like to look at relining sewer lines or new construction for a housing development or updates to the lagoon system; gas utility expenditures increased \$152,000 for the low-interest loan payment; overall expenditures for utilities didn't change much other than the items already mentioned.

Young mentioned that General Fund revenues are hard to budget especially for golf course revenues since there are many factors that play a part, including the weather, but a slight increase in revenues were budgeted; decrease in utility franchise revenues and alcoholic liquor tax. General fund expenditures were kept close with the exception of increases for insurance and capital improvement projects already mentioned. The proposed budget shows a mill levy of 60.378. For 2021 Budget, the mill levy was set at 60.608. Young noted that if the Council chooses to go with the Revenue Neutral rate, final assessed valuations can decrease in November due to appeals which would result in lesser dollar amounts since the mill levy can't be adjusted up to keep the dollar amount the same. Young stated there are many items included within the budget, as it stands, that were discussed at the Council's budget workshop. At this meeting, Council needs to determine if they want to exceed the Revenue Neutral Rate and at the future Public Hearing, they can decide to decrease the mill levy from what it was published at. The mill levy just can't be increased after it is published.

Attorney Parker discussed the history of tax regulation and mentioned the legislature did the same thing in the 80s and restricted how cities could spend funds. He thought it seemed that this process was similar and that the City might see more restrictions come up in the next 3-4 years before the pendulum swings for less flexibility.

Mayor asked how the Revenue Neutral rate is affected by increased assessed valuations. Young stated that the City saw the Revenue Neutral rate lower than the prior mill levy because of the increase in assessed valuations and that the new state law does not allow for any type of exemptions, such as tax abatements or increases in public safety expenditures. Young mentioned that the new law requires the County Clerk to send out notifications to all property owners with the Revenue Neutral Rate and the proposed mill levy for more transparency. Young has been told those notices will not go out this year, but they'll go out next year with the State paying the expense for the next two years. Those notices that go out and the public hearing that is held is for transparency, but the Council does still have the final vote on setting the budget as it does not go to a vote by the public.

Councilmember Albers thought the City needed to continue in keeping the mill levy consistent to do additional things within the City. Albers doesn't want to go backwards and wanted to continue improving the City. Gile mentioned that we're not raising the mill levy over last year. Albers reviewed prior mill levies since 2016 and the proposed mill levy is within 1 mill of prior rates. Albers thought they should publish at the budget at Staff's recommendation of 60.378.

Motion: Intent of the City Council to exceed the Revenue Neutral Rate with a proposed mill levy of 60.378 and publish the notice of public hearing set for September 9, 2021 at 7 pm at Cheney City Hall

Motion made by Councilmember Albers, Seconded by Councilmember Graf. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

CONSIDERATION OF ADDITION TO AUTO-READ UTILITY SYSTEM

Young reported that at the time our auto-read system was installed, there were no MIUs available for our large commercial gas meters. They are now available and requested the purchase of 19 MIUs from KGM in the amount of \$4,951.99 so commercial gas meters can be switched to the auto-read system. Staff also requesting an additional collector be added at the wells to receive auto-read from the water well, to compare reads at the Valve Pit each day to check for leaks. This would also allow for the water meter to be read at St Rose Church in Mt Vernon on auto-read. The cost for installation from Zenner is \$8,728.50. Peitz talked that some of the commercial gas meters are aging and can look at replacing those meters. A company can come out and do a check on them and see if they're running equal to a new meter. Albers asked if this would get everyone on auto-read and Peitz stated with the exception of any new construction.

Peitz mentioned that large commercial businesses and meters are higher users and the city needs to make sure those meters are as accurate as possible, plus it gives the city the ability to monitor their meters like the residential meters on a daily basis instead of once a month. Peitz mentioned that the valve pit and water wells are read every morning, but if something goes wrong the auto-read system could help alert the city. It was discussed how many residential water leaks have been found through the city's auto-read system and the city was able to notify the resident.

Motion: Approve the purchase of 19 MIUs KGM in the amount of \$4,951.99 and approve the quote from Zenner in the amount of \$8,728.50.

Motion made by Councilmember Kampling, Seconded by Councilmember Graf. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

DISCUSSION OF MAINTENANCE DEPARTMENT PICK-UP

A 2019 Ford F250 Crew cab pick-up was purchased in October 2019 in the amount of \$35,500 Used pick-ups are in high demand and the trade-in offer from Lubbers is \$40,000. A new 2022 Chevy 2500 gas Double Cab pickup could be purchased for \$34,000. Peitz mentioned that the trade-in value on the pick-up was lower due to the prior light bar installation. They plan to add amber lights to the new pick-up required for utility vehicles.

Motion: Authorize trade-in of 2019 Ford pickup and purchase 2022 Chevy 2500 for \$34,000.

Motion made by Councilmember Kampling, Seconded by Councilmember Albers. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

REPORTS

Police Report

Chief Winter provided a report from the fair. Councilmember Kampling asked why the City provides all the police for a County event. Chief stated that the County is very short on staff with no reserve units. Bret Albers stated it has always been a struggle and they've usually gotten about 4 officers from outside. Councilmember Kampling thought if they can't send units, they should send funds to help cover the costs. Chief stated there is a nation-wide shortage of cops. Chief Winter asked for executive session to discuss non-elected personnel.

Fire Report

Chief Peitz stated at their last fire meeting, they came up with financial figures and offered 0% financing for construction of the fire department expansion. The Department was appreciative of support from City. Staff has been going over the station design and it is currently designed at 75', but there is a water supply line at 75' so the line will either need to be rerouted or extend the station to 80'. The bays will be adjusted to account for single or double doors depending on the final station width.

Councilmember Albers asked if the maintenance department could reroute the water line and Peitz stated that they should be able to. Councilmember Albers thought we should do the project right the first time and doesn't think we should cut 5' off the building because of the additional cost when in the long-term it would be a benefit.

Maintenance Report

Maintenance Superintendent Jerry Peitz stated APAC would possibly start next week on repairing pot holes and street patches. There is a lot more scheduled patch work than normal.

The full-tear out streets are about a month out. There will be 2 blocks on Garfield tore out-3rd to 4th and Santa Fe to 1st Ave.

Kampling asked if they could still do street sealing themselves while they wait and asked if W. 6th Ave would be done before school?

On July 22nd, there will be a KDHE wastewater inspection and we will hopefully learn about algae on the discharge side. They have talked about the liner in the main pond as another town had to pump their main pond down and remove liner. Attorney Parker stated he watched another city have an algae problem and a recirculation solution was inexpensive and solved the problem versus draining the pond and de-sludging.

Golf Course Report

Golf Director Kevin Fowler reported the Friends of Cherry Oaks Tournament netted a little over \$23,000 and it will take care of the balance of the rest room project and should have roughly \$10,000 set aside for the next project. The had 44 teams total at the Tournament

Administrator's Report

Administrator Young reported that the School presented the "Friend of Education" award to the City. They give out the award each year and were appreciative of the city supporting the school throughout COVID and felt like the city did what we could to offer community support.

Last month, the owner from Willowleaf Bakery requested the 15-minute parking stall and Council asked for Staff to monitor the situation. Young reported they have been keeping track of how many cars are parked within the block throughout the day at various times and have not found a time when the stalls are all filled up. Young spoke with the owner and asked if she had had any complaints since re-opening of parking and she had not; however, her Saturday morning breakfast that Council allowed her to sit up tables in the parking stalls has been a huge success. Young said parking issues might still come up with other businesses opening, but staff hasn't seen anything come up to recommend the 15-minute parking stall be added.

The League's Annual Conference will be in Topeka October 9-11th if anyone is interest in registering for the conference.

The city asked PBS to do a community profile on the Fair as part of our partnership with KPTS. The video will be aired various times this Sunday.

The City received our first payment American Rescue Plan funds. There is still a lot of treasury guidance being issued on the 4 items the City can utilize the funds for and Young hopes that the funds can be discussed in August on how to utilize the funds.

Second Quarter financials were reviewed. Golf Course revenues are up 6% compared to last year. There have been a few decreases in Utility Franchise fees, interest on idle funds due to CD interest rates, gas revenues show a large % due to loan proceeds, police department expenditures show an increase due to hiring of the 6th officer which is being reimbursed from the Federal grant and school.

Young asked for guidance for Staff on the RV ordinance that was discussed a few months ago and tabled until the August meeting. Mayor stated he noticed there has been an increase of RVs and boats throughout the community and asked if they were causing any problems that need to be looked at. Chief Winter stated as far as illegal parking on the streets, it's been nothing more than in the past and they've been addressed. Mayor Mize suggested getting through the entire season and looking at it later when boating/camping season is over. Chief Winter mentioned that he has not looked at N. Filmore to see if the camper had been removed.

Mayor asked for the motion to move the RV discussion until October, after the season, and see what we need to do at that time, if anything.

Motion made by Councilmember Williams, Seconded by Councilmember Graf. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf

ATTORNEY'S ITEMS

MAYOR'S ITEMS

Mayor Philip Mize congratulated the fair and thought there was a great turn-out and it had gone well. Councilmember Williams complemented the handicap parking at the Fair.

COUNCIL ITEMS

Councilmember Albers asked that a public notice be made that the RV agenda item will be tabled until October. Kampling mentioned that the issue was not just about RVs and boats, but also trailers and other items. Albers asked for the

information to be published notifying the public. Albers also asked about the pot-hole at 6th and Main and Kampling asked about utilizing a runway patch. Councilmember Gile had nothing to add. Councilmember Graf had nothing to add. Councilmember Kampling had nothing to add.

Councilmember Williams had nothing to add.

EXECUTIVE SESSION

Councilmember Jeff Albers moved that the City Council enter into executive session to discuss personnel matters relating to non-elected personnel KSA 75-4319(b)(1) with Attorney Parker, Police Chief Winter, and Administrator Danielle Young for 15 minutes at 8:47 pm. Councilmember Kassie Gile seconded the motion.

Mayor Mize stated the Council was back from executive session at 9:05 pm with no binding action taken.

A resignation letter from Officer Mason Schell was received and read. His last day on the police department will be July 23rd. Mayor stated the City has enjoyed his time. Mason was grateful for all the time he's had with the city, including his time working at the Golf Course.

Council member Ryan Graf moved that the City Council enter into executive session to discuss preliminary discussions relating to the acquisition of real property KSA 75-4319(b)(6) for 30 minutes at 9:08 pm with City Administrator Danielle Young and Attorney Parker. Maintenance Superintendent Jerry Peitz was also invited in after the executive session began.

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

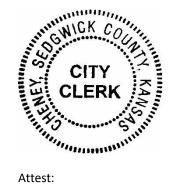
Mayor Mize stated the Council was back from executive session at 9:41pm with no binding action taken. Mayor Mize asked for a motion for execution of the right to purchase Santa Fe property east of Main Street to Garfield.

Councilmember Ryan Graf moved to execute the right to purchase Santa Fe property east of Main Street to Garfield. Councilmember Kassie Gile seconded the motion. Motion carried unanimously.

ADJOURN

Motion to Adjourn at 9:43 pm.

Motion made by Councilmember Albers, Seconded by Councilmember Kampling. Voting Yea: Councilmember Kampling, Councilmember Williams, Councilmember Albers, Councilmember Gile, Councilmember Graf



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Philip Mize, Mayor

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Danielle Young, City Clerk