



REGULAR CITY COUNCIL

Council Chambers, City Hall – 131 N Main St

March 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 7:02 pm. Council members Jeff Albers, Kassie Gile (phone), Ryan Graf, Greg Williams, and Greg Kampling were present. Staff present were City Administrator/Clerk Danielle Young, City Attorney Austin Parker, Police Chief Ken Winter, Director of Golf Kevin Fowler, and Maintenance Superintendent Brad Ewy. Guests present were Bret Albers, Don Albers, and Bill Johnson (Evans Building).

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) Building Permits
 - Mechanical - 204 E 1st Ave - Dan's Heating & Cooling
 - Roofing - 212 E 3rd - Eaton Roofing
 - Roofing - 109 Washington - Eaton Roofing
 - Commercial - 914 N Main St - Evans Building
 - Building - 612 Cherry Oaks - Oasis by Design
 - Building - 825 N Sunset Ave - JY Construction
 - Building - 546 Jayhawk - Clint Reed
 - City - 626 Wolf - Better Built Storage Sheds
 - City - 131 Crestview - Charles Payne
 - Fence - 600 S Main - Melissa Humphrey
 - City - 308 S Main - Sedgwick Co. Fair
- B) BILLS LIST FEB 25 2021
- C) Minutes of the February 11, 2021 Meeting

Motion to approve the consent agenda as listed.

Motion made by Councilmember Kampling, Seconded by Councilmember Graf.

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

Motion for approval of the minutes of the Special Council Meeting February 25, 2021

Motion made by Councilmember Williams, Seconded by Councilmember Albers.

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

PUBLIC AGENDA *No one spoke during the public agenda.*

NEW BUSINESS

DISCUSSION OF PLANNED UNIT DEVELOPMENT (PUD) FOR 202 N MAIN ST

Evans Building submitted a PUD for a new building to be built at 202 N Main Street. Councilmember Jeff Albers abstained from any decision-making, but stood for questions.

Bill Johnson, Evans Building, put the PUD plans together. Young brought up items that needed to be addressed on the PUD, such as landscaping, parking, and exterior lighting. Johnson stated there was room to move the building to the north a little. Once they had the parking all laid out, he would be happy to re-submit drawings on anything Council wanted to see.

The exterior was discussed and Johnson stated they would be running a gray metal decking material horizontal on the south and west side. There would be stucco around the windows. The entrance to the building will be at an angle on the corner and there was flexibility to move the building back to the east away from Main Street. It was asked if the handicap parking stall could be along Main Street.

Young asked Council about the Zoning Code's parking requirement requiring office space to have 3.8 parking spaces per 1,000 sq feet, which would require 18 parking stalls and the PUD only showed 11 parking stalls. Attorney thought Council could allow staff to work with them to get items finalized on the PUD.

Motion to approve Preliminary PUD with staff approval for Final PUD and accommodating parking.

Motion made by Councilmember Graf, Seconded by Councilmember Williams.

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

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

An Ordinance has been briefly discussed at the last two meetings to address Recreational Vehicle and Equipment being stored in yards as well as parking in front yards. Councilmember Greg Williams asked about Section J of the Ordinance stating recreational equipment cannot be parking in a driveway and exceed a period of more than 7 days within any 30-day period. Williams thought in the months of

March-October, this could be problematic. He explained that he goes to the Lake 2-3 days a week, and if he lets his boat dry for a couple days, he's already exceeding the 7-day timeframe.

Councilmember Williams asked for clarification on section 14-221 as he read that section as RV's couldn't be parked in driveways either. Attorney Parker stated that that section was intended to read as all other vehicles can be parked in the areas listed, but recreational vehicles and the wording could be changed to read differently.

Councilmember Williams asked why the City needed this code. Councilmember Kampling thought it was needed because people are parking their boats and campers all over. Williams agreed that the items needed to get out of the grass, but thought the code was treating the City more like a HOA. Mayor asked if items were parked in a driveway alongside of building.

Councilmember Kampling wanted to get it away from being a storage unit in front yards. Albers thought during the "season" there should be some type of leniency to keep them in their yards. Young asked about other types of trailers that are used year-round. Williams stated they have an issue telling someone they can't park an item on their property when they have a specific spot for the item to be parked. Albers stated he had a problem with the items parked in the grass in the front yard. He wanted people to be able to use their property, but understands the eye sore. Williams mentioned that the owners of boats, jetskis, etc pay property taxes on those items that helps our city's mill levy.

Mayor Mize didn't know how far to go without creating more of a problem and understood someone owning a boat would want it in their driveway to go to the lake.

Albers mentioned allowing 7 consecutive days instead of just 7 days, but didn't know how to handle it during the time people are using it. Discussion was held regarding allowing the 7 days a month. Young explained that the 7 days a month would allow someone to have their boat at their property on the weekends, but would deter them from storing it on their property longer.

Williams asked about policing the Ordinance and asked if the police were only going to enforce it if someone complained about it? Williams thought it would be worth looking at other cities closer to lakes, such as El Dorado or Marion. Kampling didn't think the items should be stored in the grass and front yards where it's an eye sore. Kampling thought they should be allowed at a house from May-September with no restrictions, but the rest of time they would need to be stored elsewhere, or have it in a backyard or sideyard during winter months. Mayor mentioned that some people use their whole front yard as a parking area. Chief Winter stated a lot of times people call the police department about parking complaints.

Councilmember Williams also brought up the requirement for covers on open parts of the boat. He mentioned that fishing boats may or may not have covers and didn't think covers should be required.

Councilmember Kampling doesn't want something parked in a front yard all year long and thought all trailers should be addressed. Councilmember Albers didn't want items to go past the front of house, but thought allowing items to be parked along the side or rear yard would be okay. Councilmember Gile had an issue with 7 days during the month. Attorney Austin Parker reviewed the updated Ordinance wording he drafted during the meeting. Allowing parking in a side yard that is also a front

yard setback was also discussed as it would limit certain properties from parking items in existing concrete driveways.

Motion: Table the item with discussed changes to be made by Staff

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 EXTENDING THE LOCAL EMERGENCY DISASTER PROCLAMATION

A Proclamation for COVID-19 was adopted for 180 days on March 18th, 2020, extended on September 10th and is now set to expire.

Motion: Adopt the Local Emergency Proclamation for 180 days.

Motion made by Councilmember Albers, Seconded by Councilmember Williams.

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

A RESOLUTION AUTHORIZING THE CITY OF CHENEY, KANSAS TO APPLY FOR THE CITY UTILITY LOW-INTEREST LOAN PROGRAM FOR THE PURPOSE OF OBTAINING A LOAN FROM THE STATE OF KANSAS TO FINANCE EXTRAORDINARY NATURAL GAS COSTS INCURRED DURING THE EXTREME WINTER WEATHER EVENT OF FEBRUARY 2021

The City estimates an obligation to pay a total of \$1,639,777 in natural gas costs as a result of the unprecedented prices charged during the extreme winter weather conditions in February 2021. The City requested borrowing an amount not to exceed \$1,472,116 from the State of Kansas to pay the extraordinary natural gas costs incurred during the extreme weather event of February 2021. The interest rate will be .25% and recalculated the first business day of January each year. The City requested the term of the loan to be the maximum 10 years.

Councilmember Albers didn't agree with having to finance this amount and asked if KMGA was still fighting for the cities to get something else done. Councilmember Kampling didn't want the cost drug out over 10 years. It was discussed that there was a need to continue fighting to cap the price of natural gas so this couldn't happen again. It was mentioned that the City would have 5 days to sign the loan agreement, once the amount was approved. Young explained that it was possible the \$100 million set aside by the State may not be enough to cover all of the loan requests. Albers asked if there was any admission of acceptance of these rates by taking out loan document. Attorney Parker stated it would be okay to accept the loan and the City could still look at different legal options to pursue. Albers thought KMGA should have taken on the financial responsibility instead of cities taking on the extra debt.

Motion to Adopt Resolution 306-2021

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

Clerk Young Called the Vote: Councilmember Kampling- yes, Councilmember Williams-yes, Councilmember Albers-yes, Councilmember Gile-yes, Councilmember Graf-yes

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF CHENEY, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS STATE TREASURER, FOR THE PURPOSE OF OBTAINING A LOAN PURSUANT TO THE CITY UTILITY LOW-INTEREST LOAN PROGRAM TO FINANCE EXTRAORDINARY ELECTRIC AND/OR NATURAL GAS COSTS INCURRED DURINGT HE EXTREME WINTER WEATHER EVENT OF FEBRUARY 2021; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

The Ordinance authorizes the City to accept the Loan and to enter into a Loan Agreement with the State of Kansas to finance the extraordinary natural gas costs. The loan amount will not exceed \$1,472,116. The term is for 10 years with semi-annual repayment dates. The agreement states the City will establish a dedicated source of revenue for repayment of the loan. Young reviewed the options for revenue, but told Council they did not need to decide tonight on the exact way to bill the amount out to residents as there were still too many questions unanswered. Young reviewed numbers showing how increases in consumption amounts and flat fees would affect customers differently and costs that would be incurred by customers for the next 10 years.

Motion: Approve Ordinance 935

Motion made by Councilmember Albers, Seconded by Councilmember Graf.

Clerk Young called the Vote: Councilmember Kampling- yes, Councilmember Williams-yes, Councilmember Albers-yes, Councilmember Gile-yes, Councilmember Graf-yes

CONSIDERATION OF PURCHASING 2021 CHEVY TAHOE

The Police Department requested the purchase of a 2021 Chevy Tahoe from Lubbers in the amount of \$38,982. Chief received the upfitting cost from SERV of Andover, KS for an additional \$7,817.48 cost. In 2020, a Chevy Tahoe was purchased from SERV for a total of \$44,848.05, including vehicle and upfit costs. This 2021 Tahoe will replace the 2018 Ford Explorer that was purchased in 2018 for \$30,908.80 + \$5,244 upfit cost. It was stated there was not an interested party in the 2018 Ford Explorer yet.

Budget: 2021 Police Machinery & Equipment- \$48,000

Motion: Approve purchase of 2021 Chevy Tahoe in the amount of \$38,982 from Lubbers with upfitting charges of \$7,817.48 from SERV.

Motion made by Councilmember Graf, Seconded by Councilmember Williams.

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

Motion: Declare the 2018 Ford Explorer as surplus and sell.

Motion made by Greg Williams, Seconded by Councilmember Ryan Graf

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

DISCUSSION OF KDOT COST SHARE GRANT PROGRAM

Young discussed applying for the Cost-Share grant program from the Kansas Department of Transportation. Utilizing the City's Pedestrian and Bicycle Master Plan, Young identified four construction projects to apply for, including constructing sidewalk on 6th Ave, South Main Street, 49

Curb ramps and a sidewalk from 6th Ave to Shadybrook along Sunset Ave. The grant usually requires a 20% match, but they have lowered that match this year to 10% match for the construction expense and the City must pay the engineering fees. Applications are due April 9th, 2021.

Councilmember Kampling thought the engineering fees of \$97,295 were outrageous. Young explained the 10% match of total construction costs estimated at \$389,180 would be \$38,918 plus \$97,295 for an estimated cost to the City of \$136,213. The grant would cover \$350,262. Kampling did not think the City should be spending this money. Young explained that the City had transferred \$80,000 for sidewalks and \$80,000 for street improvements into the Capital Improvement Fund over the past few years, so the money had already been set aside for this type of project because it had originally been discussed that the City maintenance crew would pour the sidewalk on South Main estimated at \$60,000. Kampling thought it would be cheaper for the maintenance department to do the projects instead of paying for an engineer. Albers asked how much it would cost for the maintenance crew to do all of the projects. Young did not have concrete estimates for the other projects identified, but mentioned there were approximately 11 blocks and 4 blocks estimated at \$60,000.

Kampling thought the City should wait on spending any money. Young stated the grant would be approved in May and the City could go out to bid in July or wait until Spring. Council asked if they could turn the grant down if they were approved. Young stated if they planned to turn the grant down there was no point in her taking the time to apply for it. Mayor Mize thought the most important sidewalk was the one on South Main.

Motion to apply for the grant for the sidewalk project for South Main.

Motion made by Councilmember Greg Kampling. Seconded by Graf.

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

REPORTS

Police Report

Chief Winter had nothing to add to his report.

Fire Report

Chief Ewy had nothing to add to his report.

Maintenance Report

Ewy had nothing to add to his report.

Golf Course Report

Director of Golf Kevin Fowler had nothing additional to report.

Administrator's Report

Administrator Young had nothing additional to report.

ATTORNEY'S ITEMS

Attorney Parker had nothing addition to report.

MAYOR'S ITEMS

Mayor Mize brought up the Rehab and Paint Program Grant and was concerned about what didn't make the grant work because a roof grant was denied. Mayor asked what identified a house as blighted. Ewy stated that when you drive by that house, he didn't think someone would automatically notice that the roof was something that needed to be addressed. Young shows some photos of other roofs in town with tarps and missing shingles that were what she considered blight. Young had also spoke to Kingman who also operates a Rehab grant and they identify blighted roofs as having holes, missing shingles, or tar paper showing. Attorney Parker read the definition of blight from KSA 12-1750. It was mentioned the property owner could still apply for other projects at her property since this grant had been denied.

COUNCIL ITEMS

Councilmember Kassie Gile had nothing to report.
Councilmember Jeff Albers had nothing to report.
Councilmember Greg Kampling had nothing to report.
Councilmember Ryan Graf had nothing to report.
Councilmember Greg Williams had nothing to report.

ADJOURN

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