

# CITY OF CHERRYVALE

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**MEETING OF THE CITY COUNCIL  
REGULAR MEETING  
JUNE 1, 2015  
7:00 PM**

*Working for a better tomorrow... today.*

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**ORDER OF BUSINESS**

**CALL MEETING TO ORDER**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**NEW BUSINESS**

**A. SELLING OF 504**

Presented by Travis Goedken, City Administrator

**RECOMMENDED ACTION:**

**B. CONSENT AGENDA**

Presented by John Wright, Mayor

**RECOMMENDED ACTION:** Approve the consent agenda as presented.

- |  |             |
|--|-------------|
| 1. Appropriations & Payroll Ord. No. 15-0522                     | \$85,459.62 |
| a. Approval of Purchases over \$5,000                            |             |
| i. Blue Cross-Blue Shield  | \$9,824.91  |
| ii. ChemQuest  | \$5,103.50  |
| iii. Republic Services   | \$9,990.33  |
| 2. Consideration of the minutes for May 18, 2015 Regular Meeting |             |

**OLD BUSINESS**

**A. REQUESTED 4 WAY STOPS**

Presented by Travis Goedken, City Administrator

**RECOMMENDED ACTION:** Take no action.

**INFORMATIONAL ITEMS**

1. Department Monthly Reports
  - a. Police
  - b. Fire
  - c. Public Works
  - d. City Clerk
  - e. City Administration
2. Lawn of the Month
3. Water Consumer Confidence Report

**EXECUTIVE SESSION**

1. To Discuss Matters of Non-Elected Personnel

**ADJOURNMENT**

CITY OF CHERRYVALE

Warrant Ordinance Number: 15-0522 Date: Friday, May 22, 2015  
 Detail of Checks Processed On Friday, May 22, 2015

Bk	Chk Num and Date	Vendor Number & Name	Voucher Num and Date	Voucher Amt	Memo
0	20793 5/22/2015	00079 AIRGAS USA, LLC	20150361 05/15/15	148.44	INVOICE #9039012769; #90382145614 & #9926894219
	20794	00240 ARAMARK UNIFORM SERVICES	20150369 05/18/15	296.20	ACCT #792406665
	20795	00375.2 B & B ELECTRIC	20150374 05/20/15	2,529.62	REPAIR LIFT STATION LIGHTNING DAMAGE
	20796	00600 BLUE CROSS-BLUE SHIELD	20150381 05/20/15	342.39	Dental Insurance Premiums for June 2015
			20150382 05/20/15	9,482.52	Health Insurance Premiums for June 2015
			Check Total	9,824.91	
0	20797 5/22/2015	00075 BOUND TREE MEDICAL LLC	20150385 05/21/15	196.60	INVOICE #81786935
	20798	01083 CHEMQUEST	20150329 05/07/15	5,103.50	POOL CHEMICALS
	20799	01370 CHIEF SUPPLY	20150396 05/22/15	266.34	INVOICE #246575 & #246576
	20800	01824.5 COX COMMUNICATIONS	20150356 05/15/15	205.60	APRIL- ACCT #001 1012 070362202
	20801	02256 EMERGENCY MEDICAL PRODUCTS INC	20150384 05/21/15	582.13	INVOICE #1738066
	20802	02260 EMERT, CHUBB & GETTLER, LLC	20150357 05/15/15	826.50	STATEMENT #27894
	20803	02450 FELD FIRE	20150386 05/21/15	35.00	INVOICE #0278721-IN
	20804	02995 HFE PROCESS	20150392 05/21/15	255.79	INVOICE #7259
	20805	03275 HUGO'S INDUSTRIAL SUPPLY, INC.	20150389 05/21/15	173.00	INVOICE #131172
	20806	6779 HUMANA GOLD	20150375 05/20/15	612.35	REFUND FOR OVERPAYMENT ON VERLE RHODES
	20807	03405 INTERSTATE ALL BATTERY CENTER	20150387 05/21/15	71.20	INVOICE #1900202015428
	20808	6781 JERRY'S SPORTS CENTER	20150362 05/15/15	2,075.00	INVOICE #892495 & #904424
	20809	02700 JIM GILL AGENCY, INC.	20150376 05/20/15	377.00	INSURANCE ADJUSTMENT
	20810	07042 JOHN SIMMONS CONTRACTING	20150393 05/21/15	246.00	INVOICE #067
	20811	04300 LEAGUE/KANSAS MUNICIPALITIES	20150358 05/15/15	160.00	INVOICE #15-1357
	20812	05045 MERCY HOSPITAL PHARMACY	20150383 05/21/15	156.65	MEDICATIONS
	20813	05100 MIDWEST MINERALS, INC.	20150390 05/21/15	439.00	INVOICE #0131286-IN
	20814	06176 PITNEY BOWES, INC.	20150354 05/15/15	48.43	INVOICE #825212
	20815	06210 POSTMASTER	20150372 05/19/15	330.00	WATER BILL POSTAGE
	20816	06580 REPUBLIC SERVICES	20150395 05/22/15	9,990.33	INVOICE #0376-000366135
	20817	06588 RICHARD L. HINES, P.A.	20150371 05/19/15	450.00	CONTRACT LABOR
	20818	06850 SHANKS OIL COMPANY	20150391 05/21/15	626.65	INVOICE #233808
	20819	07379 SURENCY LIFE AND HEALTH	20150394 05/21/15	162.33	Vision Insurance Premiums for June 2015
	20820	6778 TLC GROUNDSKEEPING LLC	20150370 05/18/15	2,060.00	INVOICE #5842
	20821	6780 TRICARE SOUTH REGION	20150379 05/20/15	387.34	REFUND FOR OVERPAYMENT FOR JACK ST. ONGE
	20822	07668 UNITED INDUSTRIES INC	20150388 05/21/15	78.10	INVOICE #0064638-IN
	20823	07680 UNITED STATES POSTAL SERVICE	20150373 05/19/15	500.00	POSTAGE FOR POSTAGE MACHINE
	20824	07669 UNUM LIFE INSURANCE COMPANY	20150352 05/14/15	200.63	Life/AD&D/STD Insurance Premiums for June 2015
	20825	07807 WAGWORKS	20150367 05/18/15	56.00	FSA Service Fees for April 2015
	20826	07955 WEINER, CHRISTOPHER	20150377 05/20/15	228.00	MILEAGE

CITY OF CHERRYVALE

Warrant Ordinance Number: 15-0522 Date: Friday, May 22, 2015  
Detail of Checks Processed On Friday, May 22, 2015

Bk	Chk Numb and Date	Vendor Number & Name	Voucher Num and Date	Voucher Amt	Memo
0	20827 5/22/2015	6777 WEST BEND MUTUAL INSURANCE CO	20150355 05/15/15	86.00	ACCT #011055120200
	20828	02590 WEX BANK	20150365 05/18/15	2,470.36	INVOICE #40844874
	20829	08150 WRIGHT, JOHN	20150378 05/20/15	158.46	MILEAGE
	20150380	02100 RETAILERS' SALES TAX DIV	20150380 05/20/15	6.69	Penalty, Fees & Interest due on Feb. 2015 Sales Tax Filing
	20150522	00914 CARD SERVICES	20150353 05/15/15	825.94	W. WEBBER P-CARD
			20150359 05/15/15	436.40	J. REED P-CARD
			20150360 05/15/15	111.30	T. GOEDKEN P-CARD
			20150363 05/15/15	29.60	CITY CLERK P-CARD
			20150364 05/18/15	12.50	FIRE/EMS P-CARD
			20150366 05/18/15	466.71	POLICE DEPT P-CARD
			20150368 05/18/15	93.44	P. LAMBERT P-CARD
			Check Total	1,975.89	

Grand Total 44,396.04

\$ 41,063.58 Payroll  
Total \$85,459.62

Passed this \_\_\_\_\_ day of \_\_\_\_\_.

Signed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ Mayor

Attest:

\_\_\_\_\_ City Clerk

**CITY OF CHERRYVALE  
MEETING OF THE CITY COUNCIL  
REGULAR MEETING  
MAY 18<sup>TH</sup>, 2015  
7:00 PM**

*Working for a better tomorrow... today.*

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**ORDER OF BUSINESS**

**CALL MEETING TO ORDER**

Mayor Wright called the meeting to order at 7:00 P.M.

Present: Mayor Wright, Council President Wickham, Council Member Forman, Council Member Wagoner, Council Member King, City Administrator Travis Goedken, City Clerk/Assistant City Administrator Chris Weiner, Public Works Director Wade Webber, Cherryvale Head Librarian April Read, Donna Celaya (Montgomery County Chronicle), Greg Lower (Independence Reporter), Laura Moore (Southeast Kansas Regional Planning Commission), Jim Hogben, Shirley Ann Hogben, Randy Colberson, and Bethel Rose.

**INVOCATION**

Council Member Wagoner led the invocation.

**PLEDGE OF ALLEGIANCE**

All present participated.

**ROLL CALL**

*City Clerk Chris Weiner took roll:*

**Mayor Wright – present; Council President Wickham – present; Council Member Forman – present; Council Member Wagoner – present; Council Member King – present.**

**A quorum was present.**

**PUBLIC FORUM**

Randy Colberson – *Christian Motorcycles Association*: Requested use of the Logan Park building with fees waived for a memorial motorcycle ride in remembrance of Mary Tice.

**Council Member Wagoner motioned to allow Mr. Colberson and his group usage of the Logan Park Community Building on Saturday, May 23<sup>rd</sup> with the fees waived, Council Member Forman seconded.**

**All votes aye.**

**GOVERNING BODY COMMENTS**

Mayor John Wright – Mentioned that he felt the Governing Body Institute Training which he attended was extremely successful.

Council Member Chad Wickham – None.

Council Member Don King – Apologized for missing the last Council meeting.

Council Member Randy Wagoner – None.

Council Member Lew Forman, Jr. – None.

**PUBLIC HEARING**

## 1. CDBG Special Round Grant Application

**Council President Wickham motioned to open the public hearing at 7:07 P.M., Council Member Forman seconded.**

**All votes aye.**

Discussion occurred with Council, City Administrator Goedken, and SEKRPC representative Laura Moore.

**Council Member Wagoner motioned to return to regular session at 7:15 P.M., Council Member Forman seconded.**

**All votes aye.**

**NEW BUSINESS****A. PROPOSED ORDINANCE 15-4662: CAPITAL IMPROVEMENTS SALES TAX**

Presented by Travis Goedken, City Administrator

**RECOMMENDED ACTION:** Adopt Proposed Ordinance 15-4662 as presented.

**Council President Wickham motioned to adopt proposed ordinance 15-4662 as presented, Council Member Forman seconded.**

*City Clerk Chris Weiner took the roll call vote:*

**Council Member Forman – aye; Council Member Wagoner – aye; Council President Wickham – aye; Council Member King – aye.**

**All votes aye.**

ORDINANCE 15-4662  
CAPITAL IMPROVEMENTS SALES TAX

AN ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL THREE FOURTHS OF ONE PERCENT (0.75%) CITYWIDE RETAILERS' SALES TAX AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of K.S.A. 12-187 et seq, as amended (the "Act"), the City of Cherryvale, Kansas (the "City") is authorized to implement a local retailers' sales tax upon all retail sales within the boundaries of the City, except as specifically exempted by such legislation; and,

WHEREAS, the Governing Body of the City did adopt Resolution 14-17 of the City on November 14, 2014, which resolution submitted to the electors of the City the proposition of imposing a three-fourths of one percent (0.75%) retailers' sales tax (the "Sales Tax") for the purpose of financing capital improvements, collection of such Sales Tax to commence on October 1, 2015 and shall expire four years after its commencement; and

WHEREAS, the proposition was submitted to the electors of the City at a general election on April 7, 2015, and at such election, a majority of qualified electors of the City voting on that proposition voted in favor thereof; and

WHEREAS, pursuant to the provisions of the Act and such election, the Governing Body deems it necessary and advisable to authorize the levy of the Sales Tax for the purposes aforementioned.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE, KANSAS, THAT:


SECTION ONE: The levy of the Sales Tax and the application of the revenue received therefrom for the purposes aforementioned, is hereby authorized, with collection of sales tax to commence in accordance with K.S.A. 12-191, on October 1, 2015.

SECTION TWO: The City Clerk, upon passage of this Ordinance, shall provide a duly certified copy of this ordinance to the State Director of Taxation pursuant to K.S.A. 12-189 and request the implementation thereof effective on October 1, 2015, or the first day thereafter acceptable to the State Director of Taxation per K.S.A. 12-191.

SECTION THREE: This Ordinance shall be in full force and effect upon its publication in the official city newspaper.

PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF MAY, 2015.

ATTEST:

  
Christopher Weiner, City Clerk

  
John Wright, Mayor

**B. PROPOSED ORDINANCE 15-4663: RECREATIONAL AMENITIES SALES TAX**

Presented by Travis Goedken, City Administrator

**RECOMMENDED ACTION:** Adopt Proposed Ordinance 15-4663 as presented.

**Council Member Wagoner motioned to adopt proposed ordinance 15-4663 as presented, Council President Wickham seconded.**

*City Clerk Chris Weiner took the roll call vote:*

**Council Member Wagoner – aye; Council President Wickham – aye; Council Member King – aye; Council Member Forman – aye.**

**All votes aye.**

ORDINANCE 15-4663  
RECREATIONAL AMENITIES SALES TAX

AN ORDINANCE AUTHORIZING THE LEVY OF A SPECIAL ONE FOURTH OF ONE PERCENT (0.25%) CITYWIDE RETAILERS' SALES TAX AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of K.S.A. 12-187 et seq, as amended (the "Act"), the City of Cherryvale, Kansas (the "City") is authorized to implement a local retailers' sales tax upon all retail sales within the boundaries of the City, except as specifically exempted by such legislation; and,

WHEREAS, the Governing Body of the City did adopt Resolution 14-18 of the City on November 14, 2014, which resolution submitted to the electors of the City the proposition of imposing a one-fourth of one percent (0.25%) retailers' sales tax (the "Sales Tax") for the purpose of financing recreational amenities, collection of such Sales Tax to commence on October 1, 2015 and shall expire four years after its commencement; and

WHEREAS, the proposition was submitted to the electors of the City at a general election on April 7, 2015, and at such election, a majority of qualified electors of the City voting on that proposition voted in favor thereof; and

WHEREAS, pursuant to the provisions of the Act and such election, the Governing Body deems it necessary and advisable to authorize the levy of the Sales Tax for the purposes aforementioned.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE, KANSAS, THAT:

SECTION ONE: The levy of the Sales Tax and the application of the revenue received therefrom for the purposes aforementioned, is hereby authorized, with collection of sales tax to commence in accordance with K.S.A. 12-191, on October 1, 2015.


SECTION TWO: The City Clerk, upon passage of this Ordinance, shall provide a duly certified copy of this ordinance to the State Director of Taxation pursuant to K.S.A. 12-189 and request the implementation thereof effective on October 1, 2015, or the first day thereafter acceptable to the State Director of Taxation per K.S.A. 12-191.

SECTION THREE: This Ordinance shall be in full force and effect upon its publication in the official city newspaper.

PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF MAY, 2015.

ATTEST:

  
John Wright, Mayor

  
Christopher Weiner, City Clerk

**C. PROPOSED RESOLUTION 15-7: CDBG APPLICATION**

Presented by Travis Goedken, City Administrator

Guest: Laura Moore, Southeast Kansas Regional Planning Commission

**RECOMMENDED ACTION:** Adopt Proposed Resolution 15-7 as presented.

**Council Member Wagoner motioned to adopt resolution 15-7 as presented with a \$50,000 cash match, Council Member Forman seconded.**

**All votes aye.**

RESOLUTION 15-7  
CDBG APPLICATION

A RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE 2015 KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM THE KANSAS DEPARTMENT OF COMMERCE AND AUTHORIZING THE MAYOR TO SIGN AND SUBMIT SUCH AN APPLICATION.

WHEREAS, the City of Cherryvale, Kansas, is a legal governmental entity as provided by the laws of the State of Kansas; and

WHEREAS, the City of Cherryvale, Kansas, intends to submit an application for assistance from the 2015 Community Development Block Grant Program.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Cherryvale, Kansas:

The applicant hereby certifies that the City of Cherryvale, Kansas, is a legal governmental entity under the status of the laws of the State of Kansas and thereby has the authority to apply for assistance from the 2015 Kansas Small Cities Community Development Block Grant Program.

The applicant hereby authorizes the Mayor of Cherryvale, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the 2015 Community Development Block Grant Program.

The applicant hereby dedicates \$ \_\_\_\_\_ in cash funds toward this project and \$ \_\_\_\_\_ in force account labor for same.

APPROVED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE, KANSAS ON THE 18<sup>TH</sup> DAY OF MAY, 2015.

ATTEST:



John Wright, Mayor



Christopher Weiner, City Clerk

**D. PROPOSED RESOLUTION 15-8: CDBG FUNDS**

Presented by Travis Goedken, City Administrator

Guest: Laura Moore, Southeast Kansas Regional Planning Commission

**RECOMMENDED ACTION:** Adopt Proposed Resolution 15-8 as presented.

**Council Member Wagoner motioned to adopt proposed resolution 15-8 as presented with \$500 annually committed for maintenance, Council President Wickham seconded.**

All votes aye.

RESOLUTION 15-8  
CDBG FUNDS

A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO THE SYSTEM TO BE FINANCE WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

WHEREAS, the City of Cherryvale is applying for Small Cities Community Development Block Grant funds under the Community Improvement Category, as administered by the Kansas Department of Commerce; and

WHEREAS, the City of Cherryvale wishes to utilize this funding for the purpose of constructing improvements to the city's sidewalk system, as described in the Community Development Block Grant application submitted to the Kansas Department of Commerce; and

WHEREAS, the City of Cherryvale has determined that the annual operation costs of the sidewalk system improvements are anticipated to be approximately \$500; and,

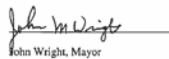
WHEREAS, the annual General Operating budget has been determined to be adequate to fund the operation and maintenance of the sidewalk system.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Cherryvale, Kansas:

Hereby assures the Kansas Department of Commerce that sufficient funds will be provided for the continued operation and maintenance of the above described improvement; that these operation and maintenance costs will be reviewed annually; and that the budget will be adjusted, when necessary, to reflect and cover any increase in costs.

APPROVED BY THE GOVERNING BODY OF THE CITY OF CHERRYVALE, KANSAS ON THE 18<sup>TH</sup> DAY OF MAY, 2015.

ATTEST:



John Wright, Mayor



Christopher Weiner, City Clerk



## **E. ADMINISTRATIVE AGREEMENT WITH SOUTHEAST KANSAS REGIONAL PLANNING COMMISSION**

Presented by Travis Goedken, City Administrator

Guest: Laura Moore, Southeast Kansas Regional Planning Commission

**RECOMMENDED ACTION:** Authorize Mayor to enter into the agreement.

**Council Member Wagoner motioned to authorize the Mayor to enter into the agreement with SEKRPC, Council Member Forman seconded.**

*All votes aye.*

## **F. PROFESSIONAL SERVICES AGREEMENT WITH TRANSYSTEMS**

Presented by Travis Goedken, City Administrator

**RECOMMENDED ACTION:** Authorize city staff to enter into the agreement.

**Council Member Wagoner motioned to authorize city staff to enter into the agreement with TranSytems, Council Member Forman seconded.**

*All votes aye.*

## **G. LABETTE HEALTH LETTER OF SUPPORT**

Presented by Travis Goedken, City Administrator

**RECOMMENDED ACTION:** Take appropriate action.

**Council Member Wagoner motioned to approve the letter of support for Labette Health, Council Member Forman seconded.**

*All votes aye.*

## **H. CONSENT AGENDA**

Presented by John Wright, Mayor

**RECOMMENDED ACTION:** Approve the consent agenda as presented.

- |  |              |
|--|--------------|
| 1. Appropriations and Payroll Ord. No. 15-0508:                                | \$114,921.39 |
| a. Approval of Purchases over \$5,000  |              |
| i. Blue Cross-Blue Shield  | \$13,164.48  |
| ii. Chief Supply   | \$8,711.01   |
| iii. Public Wholesale Water  | \$24,333.33  |
| iv. Westar Energy  | \$6,049.67   |
| 2. Consideration of the minutes for May 4 <sup>th</sup> , 2015 Regular Meeting |              |
| 3. Appointment of Bethel Rose to the Library Board of Directors                |              |

**Council Member Wagoner motioned to approve the consent agenda as presented, Council President Wickham seconded.**

*All votes aye.*

## **INFORMATIONAL ITEMS**

1. Hydrant Flushing
2. Fairview Cemetery Memorial Day Decorations

**WORKSHOP**

1. 2016 Budget – Public Works Projects

**Council Member Forman motioned to enter into workshop at 7:30 P.M., Council President Wickham seconded.**

**All votes aye.**

**Council Member Forman motioned to return to regular session at 7:44 P.M., Council Member Wagoner seconded.**

**All votes aye.**

**ADJOURNMENT**

**Council President Wickham motioned to adjourn at 7:44 P.M., Council Member Wagoner seconded.**

**All votes aye.**

Respectfully submitted,

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Christopher T. Weiner, City Clerk