

CITY OF CHERRYVALE
MEETING OF THE CITY COUNCIL
REGULAR MEETING
MAY 18TH, 2015
7:00 PM

Working for a better tomorrow... today.

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 30th 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 16th DAY OF MAY, 2015.

ATTEST:

Chris Weiner
Chris Weiner, City Clerk

John M. Wright
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 revenues 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 18th DAY OF MAY, 2015.

ATTEST:


Christopher Weiner, City Clerk


John Wright, Mayor

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 18TH 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 \$300; 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 18TH 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 TranSystems, 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.

- | | |
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| 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 th , 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,



Christopher T. Weiner, City Clerk