

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING

November 11, 2014
Clearwater City Hall – Council Chambers
129 E. Ross Avenue
Clearwater, KS 67026

CALL TO ORDER

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was called to order on Tuesday, November 11, 2014 at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Mike York gave the invocation which was followed by the pledge of allegiance and flag salute.

ROLL CALL

The Clerk called the roll to confirm the presence of a quorum. The following members were present:

Mike York, Mayor; Jim Whitney, Chris Griffin, Laura Papish, Paul Clark, Burt Ussery, Council Members.

The following staff members were present:

Kent Brown, City Administrator; Barbara Salinas, City Clerk and Austin Parker, City Attorney. Others staff members present were: Public Works Director, Ernie Misak; EMS Director, Donald Schauf.

REVIEW OF THE MINUTES

Council Member Griffin made a motion to approve of the minutes of the October 28th Council Meeting as written. Council Member Ussery seconded the motion and passed unanimously. 5-0

PUBLIC FORUM

No one addressed the City Council at this time.

NEW BUSINESS

Consideration of Documents to Authorize Sewer & Drainage Projects

City Administrator Kent Brown referred to the packet materials. The document is an amendment to the current intergovernmental agreement between Sedgwick County and the City of Clearwater. The agreement now states the estimated construction cost of \$221,000 for the work along 4th Ave and \$96,000 for the work at Tracy and Ross. The Additional work at Lee and Ross, estimated at \$34,000, is not specifically addressed. It is simply covered with the following clause: "City will pay for design, construction and construction engineering costs related to any change in the scope of the work as initially proposed." Brown further states the form has been approved as to form by our legal

department.

Council Member Papish asks about the line that states “All other paragraphs contained in the Agreement dated April 3, 2013, will remain in full force and effect.” Council Member Papish also asks about Item F in the agreement stating the city agrees to pay for the cost to relocate utilities. Administrator Brown states that was the date of original agreement and no other changes were made. Brown also states that whatever utility is there is in the right way. It will only be a factor if there would have to be any additional utility lines moved.

Council Member Ussery makes a motion to approve the Agreement Amendment as written. Council Member Clark seconded the motion and passed unanimously. 5-0

City Administrator Brown stated at the last meeting Council had asked for clarification on a few items about the sewer project. Jim Kohman had provided 2 different opinions of probable cost that included additional options. As an additional request from staff, Jim Kohman had provided a 3rd table that provided a total opinion of probable cost of only the items approved by KDHE and the sludge removal from three ponds.

City Attorney Parker and Jim Kohman continued to have discussion regarding the different options presented.

Finance Designating Main Traffic ways

Kevin Cowan with Gilmore and Bell, P.C. stated to the Council that the Ordinance before them will authorize for traffic way maintenance. Cowan further stated the Ordinance number would be 989 would name 4th Avenue and Ross Avenues as main traffic ways.

Council Member Ussery made a motion to approve Ordinance 989 as written. Council Member Whitney seconded the motion and passed unanimously. 5-0

Council Member Griffin asked Cowan if he could explain the “designate” in the Ordinance. Cowan explained that it means to establish by ordinance a main traffic way within the city that its primary function is and shall be the movement of through traffic within the city.

Roll call vote: Papish, yea; Whitney, yea; Clark, yea; Ussery, yea; Griffin, yea.

Resolution Authorizing the Reimprovement of Main Traffic ways within the City of Clearwater and Providing for the Payment of the Costs Thereof

Kevin Cowan with Gilmore and Bell, P.C. stated to the Council that the Resolution provides that the governing body of any city shall have the power to improve or reimprove any main traffic way.

Cowan stated with this Resolution City Council is stating that improvements will be made on 4th Street from 95th to Ross Avenue and improvements will be made on Ross Avenue at the intersection of Ross and Tracy.

City Administrator Brown stated that the City's cost of the two street projects will be \$269,000 and the intersection at Ross and Lee will be \$34,000 is a separate project that is the City's responsibility. The total together is \$303,000.

Council Member Jim Whitney stated on page 1, paragraph C in the agreement it reads "The cost of the City's share of these enhancements is estimated to be two hundred twenty-one thousand dollars (\$221,000) for the drainage channel improvements along North 4th Avenue and ninety six thousand dollars (\$96,000) for the drainage system improvements at the intersection." Council Member Whitney suggested the writing be stated differently because the City of Clearwater is only responsible for one half of the costs. City Administrator Brown stated he would get clarification from Sedgwick County.

Kevin Cowan recommended the bond be high enough so the City will have enough for the entire project. Cowan further stated it is better to have too much and not use it then to go through the bond process again. The maximum cost for the project is \$303,000. Cowan suggested adding something to the \$303,000 for extra costs. Cowan stated the bond could read the cost of the project \$303,000 but not to exceed \$350,000 so there is plenty for any extra costs that may arise once the project begins.

Council Member Ussery made a motion to accept Resolution 7-2014 as stated with the amended numbers not to exceed \$350,000. Council Member Papish seconded the motion and passed unanimously. 5-0

Ordinance Authorizing Improvements to the City's Sewer System; and Providing for the Payment of the Costs Thereof

Kevin Cowan stated that this Ordinance authorizes improvements to the City's sewer system and provides for the payments of the costs. Cowan has reviewed Tables 1 and 2 but has not seen Table 3.

City Administrator Kent Brown stated that this is the authorizing Ordinance. Brown stated that the amount could not exceed \$410,000. Kevin Cowan stated the temporary notes dollar amounts are based on the engineers approximate bid amounts.

Council Member Ussery made a motion to accept Ordinance 990 with a figure not to exceed \$410,000. Council Member Whitney seconded the motion and passed unanimously. 5-0

Roll Call Vote Papish, yea; Whitney, yea; Clark, yea; Ussery, yea; Griffin, yea.

Council Member Ussery asked about the other items that have been discussed for financing. City Administrator Brown stated the same steps would be used for those projects. Kevin Cowan stated the goal would be to have one permanent long term bond issue.

Consideration of an Agreement with Sedgwick County for Senior Center Level 1

City Administrator Kent Brown stated this is an annual agreement with Sedgwick County that outlines scope of services provided at the Senior Center in exchange for \$18,000 funding.

Council Member Ussery questioned the paragraph 1.3 Term. It states “Notwithstanding the foregoing, the term of this Contract may continue on a month to month basis for a reasonable time after December 15, 2015 if both parties mutually agree to continue operating under the terms of this Contract while actively negotiating a contract for 2016.” Council Member Ussery asked if this was on the contract for 2014. City Attorney Austin Parker stated this contract looks different than contracts from other cities. After some discussion Council had no problem with the contract.

Council Member Papish made a motion to accept the contract with Sedgwick County for the Senior Center and authorize City Clerk Salinas to sign the contract. Council Member Ussery seconded the motion and passed unanimously. 5-0

Report from Complete Access Solutions, Inc. and ADA Transition Plan

City Administrator Kent Brown stated this report is the results from the contract with Complete Access Solutions, Inc. Brown further stated he hoped this is what the City Council was looking for when hiring Complete Access Solutions.

Council Member Jim Whitney stated that the total cost was \$62,000 with \$17,000 being of immediate concerns. Council Member Whitney asked if this could be added to the bond and get it done in 2015. City Attorney Parker stated if there was money left over after the bond projects were completed the Resolution could be amended to apply the money to ADA updates. Council Member Whitney would like to get into compliance. There are some simple fixes that would not take long and could plan for future costs. Council Member Ussery stated he would like to lay this plan out over a 3 year term because some of the construction projects could take several months for completion. Council Member Whitney stated he would like to get this project done quickly.

Council Member Ussery would like to have someone own the list and come to the Council on a quarterly basis and state what has been fixed and what is on the schedule to be fixed so everything will be ADA compliant.

Council Member Whitney made a motion that the document from Complete Access Solutions has been received and filed and approves the list as presented and instructed staff to come back with a schedule. Council Member Clark seconded the motion and passed unanimously. 5-0

Application for Cereal Malt Beverage License-900 E. Ross, Wal Mart.

City Administrator Kent Brown stated that we received this application for Cereal Malt Beverage license from Walmart for their location in the City of Clearwater.

Council Member Ussery made a motion to approve the Cereal Malt Beverage license for Walmart. Council Member Whitney seconded the motion.

Motion carried. Council Members Ussery, Clark and Whitney in favor. Council Member Griffin against. Council Member Papish stated she abstained.

EMS Director Donald Schauf

EMS Director Donald Schauf stated he had nothing to report. Council Member Papish asked if Schauf had spoken with Conway Springs Ambulance Director. Schauf stated he had sent a text message and an email and had received no response.

Public Works Director Ernie Misak

Public Works Director Misak stated there was a water leak at Garvey. The overall plan is to redo the contract with Garvey and then to create a benefit district to assess the costs of a project to replace certain water mains at the complex. Every water leak that the City has had at Garvey has been in the same 8" line. Director Misak showed a map to the Council so they could visualize the water line at Garvey. Misak showed Council on the map what current section of line was leaking and then fixed by the Public Works Department.

City Attorney Parker offered an update on benefit district process. Council Member Ussery stated he would like an explanation of benefit district sent to him so he could understand the process.

Director Misak stated his recommendation would be put on a color coded map and presented to the Council at a later date. Some of the lines by Garvey that affect customers could be abandoned and some lines repaired so there would be no more leaks on this set of water mains.

Director Misak stated the Engineer's estimate for the Charles Engineering water main project is \$31,000.

Director Misak stated the Public Works Department inserted a valve on the fire hydrant at 4th and Elaine and replaced the hydrant at Hellar and Tracy. Director Misak stated the hydrant at Ross and Tracy needs to be replaced as well.

Council Member Whitney let Director Misak know there is a huge pothole on Park Street west of Byers. Mayor York asked about patching a hole in the 100 block of North Tracy. Council Member Ussery asked about Park Glen and Streamside intersection that holds water. Council Member Whitney stated the sprinklers are all shut down at the Sports Complex.

Claims & Warrants

City Clerk Barbara Salinas presented the claims and warrants as of November 11, 2014 in the amount of \$85,952.41.

Council Member Papish made a motion to authorize the payment of all Claims and Warrants in the amount of \$85,952.41. Council Member Griffin seconded the motion and passed unanimously. 5-0

Old Business

Council Member Papish stated that the business with the Historical Society could be removed from the list. Papish also stated that she would like the Southern Kansas Telephone building discussion to continue. Papish also asked about continuing the discussions regarding the electronic notebooks and the Mondo board.

Staff Reports

City Clerk Salinas thanked the Council for the opportunity to work for the City of Clearwater.

City Attorney Austin Parker requested an executive session for attorney client privilege.

City Administrator Kent Brown stated in the other information there is an email from USD 264 regarding the easement. It reads “The City agrees that it will bear any expense of moving or disturbing any existing USD 264 private utilities or other infrastructure, including but not limited to irrigation drainage, fiber optics, private communications cabling, sidewalks, parking, landscaping and any similar items in the easement area and should public utilities, such as electric, gas, cable or communications, have any costs or charges due to any disturbance stemming from the construction, maintenance, operation or repair of the drainage improvements, present or future, chargeable to USD 264, then the City will be responsible for same.”

Administrator Brown pointed out the area of Fourth and Ross and further north on 4th Street that is in question.

City Attorney Austin Parker stated the language in the email does not relate to what the city is doing in the easement. It does not allow the City to establish our right and drainage is tricky. The City Council will need to look at the issues with the current property owners and come back to traditional language in an agreement.

Council Member Ussery stated he would like City Administrator Brown to send Council Members information early so there could be more pre-read materials at Council meetings.

City Administrator Brown stated that at the last Planning Commission meeting they looked at the sketch drawing of Park Glen Estates. The Planning Commission liked the second entrance on the north side. The Planning Commission would also like to see more patio homes and closer setbacks on the patio homes that would be in Park Glen Estates. In Park Glen now there are 12 ½ feet side setbacks for single family dwellings and 8’ setbacks for duplexes. Administrator Brown stated there was no action taken at the meeting, just some discussion items. Council Member Whitney expressed some fire safety concerns with shorter setbacks.

City Administrator Brown also stated that the city car lease is up in December. The City could purchase or could have a new lease. The cars the city has had in the past average 7000-8000 miles per year. Council Members Whitney and Ussery advised staff to look at another lease.

Council Reports

Council Member Ussery had nothing to report.

Council Member Papish asked if there had been discussion about Christmas party and if a date had been set. Administrator Brown stated there had been discussion but no

date set yet.

Council Member Clark had nothing to report.

Council Member Whitney had nothing to report.

Council Member Griffin had nothing to report.

Mayor York had nothing to report.

Executive Session for Personnel Issues of Non-Elected Personnel

At 9:25 p.m. Council Member Griffin made a motion to adjourn into executive session for 25 minutes for Attorney Client Privilege. Council Member Clark seconded the motion and passed unanimously. 5-0

At 9:50 p.m. Council Member Griffin made a motion to go extend the executive session for 15 minutes. Council Member Ussery seconded the motion and passed unanimously. 5-0

At 10:05 p.m. Council Member Ussery made a motion to go into executive session for personnel. Council Member Papish seconded the motion and passed unanimously. 5-0

Adjournment

With no further discussion to come before the Council, Council Member Griffin moved for adjournment. The motion was seconded by Council Member Whitney 5-0.

The Meeting adjourned at 10:20 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Barbara Salinas, City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the November 11, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 25th day of November, 2014.

Barbara Salinas, City Clerk