

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
September 13, 2016
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

Mayor Burt Ussery called the meeting to order at 6:30 p.m.

2. Invocation and Flag Salute

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

3. Roll Call

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

Mayor Burt Ussery, Councilmembers Ron Marsh, Laura Papish, and Paul Clark were present.

Chris Griffin was absent.

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief of Police; Ernie Misak, Public Works Director; Don Schauf, EMS Director.

Others present: Alicia Lange, Lily Mercer, Haley Hull, Paige Dull, Cody Hanna, Sierra Bills, Paige van Deest, Paul Wise, Tyler Donley, Sara Zogleman, Olivia Worden.

4. Approval of the Agenda

Administrator Givens stated that City Attorney, Austin Parker, was not able to attend tonight's meeting and he was to be bringing and ordinance for items number 13. There can still be discussion but there will not be an ordinance to adopt.

Mayor Ussery called for a motion to approve the September 13th agenda with the modification.

Motion: *Papish* moved, *Marsh* seconded to accept the September 13, 2016 agenda with the modifications. Voted and passed unanimously.

5. Public Forum

Donald Schauf approached the podium and stated he was building a house out at Chisholm Ridge. With all the rain there has been flooding issues in the new basement. Klausmeyer Construction did some grading after the first rain storm but it did not prevent water from entering the basement in the 2nd rain storm. Schauf stated that Klausmeyer is building a view-out basement and is not sure if this is a constructions issue or a lot issue. He is asking the city to review the lot and see if this is something the city can address or if this is just a construction issue.

Mayor Ussery asked if staff could contact the City Engineer to review the lots and see if there is anything that needs to be looked at by the City. Ussery asked that this be brought forward at the next meeting in September.

6. Consent Agenda

Mayor Ussery called for a motion to approve the consent agenda. On the consent agenda there is the minutes from August 23rd, Klausmeyer Dairy Farm Bleacher Rental agreement, and Treecycle agreement with Sedgwick County.

Motion: Marsh moved, Papish seconded to approve the consent agenda as presented. Voted and passed unanimously.

7. Consider a Request for a Temporary Extension of Consumption Area – First and Last Bar

Givens stated the First and Last Bar will be hosting a benefit poker run on Saturday, October 8th. They will also be a stop on a separate run earlier in the afternoon. The owners are requesting that they be granted a temporary extension of their drinking area for these events.

Mayor Ussery asked if there was something that could be done that would keep the owner from having to come before the City Council each time a temporary extension was requested. Alicia Lange, owner of the First and Last Bar responded that based on her approved application from the state that they would need to resubmit the application to include the area requested for extension and that they would lose the area as it is used for parking other than for special events.

Motion: Clark moved, Papish seconded to approve the temporary extension of the consumption area for the poker runs on October 8th. Voted and passed unanimously.

Ms. Lange then requested if Council would be willing to block off the North side of Ross Ave between Lee and Tracy so just the poker run people could park there.

Council discussed that there will be more people come into town for the poker run than there are parking places and they would not be willing to block that area off since they would need to find other places to park.

8. Authorize the Renewal of the State Employee Health Care Plan

Givens stated approximately 6 years ago, the City of Clearwater elected to join the State Employee Health Care Plan as the provider of health insurance for eligible employees. Currently, 16 employees of 17 eligible employees are enrolled in one of the six plans that is offered by the city thru the State Employee Health Care Plan. The city last signed a contract with the SEHP in October 2013. That plan will expire December 31, 2016.

Staff solicited bids and received calls from several alternative insurance providers and brokers prior to the release of the new plan. At that time, many companies felt like they would have plans that could meet or better the rumored SEHCP increases. Staff provided health care questionnaires to multiple vendors. In August, the city received the updated costs from the plan. After the release of the plan, all companies that had previously been in contact failed to provide any further information about the products that they had marketed.

Based on the new rate structure, the City portion of shared health care costs will increase for an Employee only \$50.13 and the employee portion will increase \$10.26 per month. For an Employee/Spouse the increase will be \$121.73 for the City and \$45.64 for the employee. For Employee/Child the increase will be \$87.75 for the City portion and \$17.84 for the Employee. With an Employee/Spouse/Child plan the City portions will increase to \$156.75 per month with the employee share increasing \$74.30.

The 2017 Budget allocated \$289,300 for health insurance across all departments. This figure was based on the anticipated maximum amount possible for eligible employees electing full coverage for

employee, spouse and child. In 2016, the city budgeted \$225,500 and expended only \$190,000. Based on the plan contract, the anticipated maximum expenditure for the city in 2017 would be \$319,634 with actual anticipated costs of \$215,000.

Motion: *Marsh* moved, *Clark* seconded authorize the renew of the State Employee Health Care Plan. Voted and passed unanimously.

9. Approve a Position Description for Emergency Services Director & Authorize the Posting of a Vacancy Announcement

Givens stated he updated the position description to a joint position and updated the residency requirements to state the candidate must reside within 5 minutes of the City according to the requests made at the last council meeting.

Don Schauf, EMS Director, stated he believes the candidate should have the certificates prior to hire instead of within a year of hire and he believe that this candidate needs to be a training officer. He also believes the last sentence in the experience paragraph needs to be eliminated (The employee in this position is expected to have acquired the necessary information and skills to perform the job reasonably well within one year of employment) because this individual should already have these skills prior to hire.

Council discussed and agreed the candidate should have the certifications prior to hire or the equivalent if out of state. They also agree the last sentence in the experience should be eliminated.

Motion: *Papish* moved, *Marsh* seconded to approve the position description with the 2 changes. Voted and passed unanimously.

Mayor Ussery asked who will be on the search committee and what is the timeline for the job posting? Givens stated he plans to post the job for approximately 3 weeks and thought the search committee would be similar to the Chief of Police that would include a couple council members, himself, and another staff member.

Ussery stated he would like to see a search committee comprised of someone from and EMS department, Fire department, the Chief of Police, Councilmember, and someone from the community at large. Ussery would like the search committee presented at the following meeting.

Ron Marsh volunteered to be part of the search committee.

10. Authorize the Purchase of Self Contained Breathing Apparatus for the Clearwater Fire Department

Givens explained Clearwater Fire is requesting the replacement of its SCBA units. The department has a total of 12 SCBAs. Ten of those have been in service for ten years and two more are only three years old. It is recommended that SCBAs be replaced approximately every 7 to 10 years.

While the tanks are functional, the masks and hoses are becoming brittle and do not seal properly. Unfortunately, the units must be replaced as a whole as they are not compatible between units or brands. The cost for one SCBA unit with two bottles, mask, hoses and other accessories if \$5,440. Reports from Chief Schauf state that the MSA G1 SCBA is comparable to top of the line SCBAs at a lesser cost. The two newest additions to the companies SCBAs are MSA G1 units.

The cost for an MSA G1 air pack plus two bottles and all mask, hoses and accessories is \$5,440. Staff is requesting the purchase of three units this year and has programed in for 2017 the replacement of four more units. Staff has identified approximately \$20,400 in Equipment Reserve funds that were programed for Fire Truck and Radio Replacements. Any new purchase of a Fire Engine would most likely be a bonded projected or done via special financing as those range from \$350,000 and up. The radio

replacement program was completed but that money was not removed from the equipment reserve fund.

Ussery stated he would not like to see funds removed from the equipment reserve fund because something better came along. If these need to be purchased, he would like to see the funds pulled from somewhere else instead of our equipment reserve fund. Council agreed that if it can come out somewhere else they would prefer that instead of the equipment reserve.

Motion: *Marsh* moved, *Clark* seconded to approve the purchase of 3 SCBA's but to try and find other funds than the equipment reserve. Voted and passed unanimously.

11. Accept a Consent for Annexation – 13811 Prairie Grass St

Givens stated when a new house is being built in Prairie Meadows they come to a point where they would like to connect to City water. This requires a petition for annexation into the City. The process is; the governing body accept the annexation request, adopts a resolution, sends the resolution to Sedgwick County, the County approves the annexation and sends it back to the Clearwater, Clearwater adopts and ordinance.

Council did not have any discussion on this matter.

MOTION: *Papish* moved, *Marsh* seconded to accept the consent for annexation. Voted and passed unanimously.

12. Adopt a Resolution for Annexation – 13811 Prairie Grass St

Mayor Ussery called for a motion to adopt the resolution for annexing 13811 Prairie Grass St into Clearwater.

MOTION: *Papish* moved, *Marsh* seconded to adopt resolution 7-2016. Voted and passed unanimously.

13. Consider an Amendment to the Standard Traffic Ordinance Section 175.1 Regulating the Use of Compression Engine Release Braking Systems

Givens stated the City Attorney was not able to bring the Ordinance for adoption tonight but will be at the next meeting. He explained that Compression Engine Release Braking System is the new term for "jake braking" or the use of exhaust systems to reduce speeds in large trucks. As trucks enter the city at a higher rate of speed than the posted speed limit or in an effort to reduce their speed to the posted speed this type of braking is used. This system of braking creates long, loud and sustained noise mostly in areas that abut residential areas.

As it currently stands within the City's STO, Section 175.1 does not outlaw the use of such Compression Engine Release Braking Systems, it merely limits their use to vehicles equipped with mufflers in accordance with the provisions of K.S.A. 8-1761. A separate ordinance would be required to effectively deal with the issue of "jake braking" within the city limits. If approved, once the ordinance becomes effective staff will place signs on the edge of town informing motorists that the practice is against the law within the City Limits.

There is a small fee for the publication of the ordinance and a cost, estimated to be less than \$500 for the purchase and placement of signs on the entrances to the city.

Council did not have anything against the amendment to the code.

14. ADA Fishing Dock for Chisholm Ridge Community Fishing Ponds

In 2016, the city received a donation in the amount of \$3,000 for an ADA Fishing Dock for the Chisholm

Ridge Fishing Ponds. The donation was made to allow access to the ponds for those in wheel chairs or citizens who might have a difficult time accessing the ponds due to the steep banks and grass areas.

Staff has worked with a local contractor to develop a plan that would be cost effective for the city as well as provide the desired fishing area as well as a setting area for those who would like to partake in closer access that is ADA accessible.

The plan as designed would see the construction of an approximately 12' x 24' curved concrete patio area that would include a sitting wall at the rear. The structure would be raised approximately two feet from the normal pool water height. Additionally, a concrete walkway would be installed from the existing walk path to the new area.

Staff is also recommending an aluminum fencing/railing be installed at the edge of the structure to ensure ADA compliance. Based on the height of the structure it would not require fall protection but due to the nature of the structure being near the water and for the purpose of encouraging vulnerable populations to use the structure the added safety feature would seem appropriate.

The estimated cost for the structure itself would be approximately \$9,700 with an additional \$500 being necessary for the railing. As this was an unbudgeted item staff would recommend combining the donation funds with funds that have been allocated for ADA improvements. To date, approximately \$450 has been spent of the \$13,000 allocated for ADA improvements. Staff would also propose a 10% contingency for the project and request authorization for a budget of \$11,220. There would be a remaining \$4,330 for ADA improvements in facilities for 2016.

The dock will be placed at the East pond on the SW corner.

Marsh stated that Sedgwick County park has an example of this type of dock.

Ussery asked if there is a grant that would be able to help us with this installation.

Givens stated yes, but the next grant application is not until 2017.

Council discussed and would like to get someone who is familiar with the ADA laws to review the plans to make sure the plans are ADA compliant prior to building and to get further information on the grant dates for 2017. If we can get 50% funding for this project we should try.

Council did instruct staff to move forward and release the RFP for to see who will be able to build this structure.

15. Backstop Repair and Replacement Options

In 2016, the backstop at the baseball field of the Chisholm Trail Sports Complex was damaged. Insurance granted approximately \$20,000 in repairs based on submitted bids from various fence contractors. Initially, the repairs were slated to have occurred prior to the 2016 baseball season. Manufacturing delays caused the repairs to be postponed until after the season. During that time an alternative repair was proposed by a local contractor.

The original work included the use of slugs that would be placed in the existing pipes approximately 3 feet below and 3 feet above grade. New poles would be placed over the slugs and joined to create a solid piece. The existing backstop would be removed and replaced. The concern was that the pipe diameter may not be fully compatible with the original proposal.

An alternative was suggested that the existing poles be removed and replaced with new poles that would be epoxied in place as an anchoring system. The epoxy would provide a stronger bond than just anchor bolts. This new system would remove the top rail and use a cable as the top tensioner. It also included a new net. The costs for the alternative breakdown as follows:

Net: 5-piece net - \$3,200

Rental Equipment: - \$3,000

Materials & Poles: - \$12,000

Miscellaneous - \$2,500

Labor - \$16,200

Approximately \$4,000 has been spent on temporary repairs. In speaking with EMC those repairs would be a reimbursable expense above the original quote. Staff would need to find additional funds to cover the \$16,900 for the alternative plan.

Ussery questioned does the council gauge spending \$36,000 for this new plan versus \$20,000 that insurance originally quoted? Is there something that says the original plan of \$20,000 is inadequate?

Givens stated it is just an opinion that the original plan may not work and based on what happened last year to cause the issue the alternate may do the same thing.

Council discussed and decided they would like to see drawings of each plan to compare, what would be the cost to install a removable net, and ask the school board and recreation commission to assist in the repairs. Ussery asked that staff draft a letter to the Recreation Commission for shared costs and he would sign it.

16. Sunflower Grant Walking Trail Update

In 2016, city staff submitted a grant application to the Sunflower Foundation for a walking trail that would run thru the Chisholm Trail Sports Complex. The plan had three alternates for path lengths to maximize the chances for funding of the request. In July, staff was notified by the foundation that it had been granted up to \$40,000 in matching funds to complete the project. This amount of funding would allow for the trail in its entirety to be completed. The trail as designed would join sidewalks on 4th Street just north of Park Glen to the existing sidewalk on Ross west of the east entrance road.

As part of the application process staff requested bids for a 3360 foot, 6 foot-wide, 4000 psi concrete mix that would be submitted to the foundation as part of the application. The bids received were as follows.

Company	Price	Notes
J. Martin Co.	\$89,510.40	Included costs for two culverts
APAC	\$79,985	
Cornejo	\$118,420	
Triple B	\$66,326	

In August, staff had a series of conference calls with Foundation staff to discuss the project and the bid discrepancies. Staff had been informed by Triple B that their bid included a community discount of the total price that was provided. Based on discussions with Foundation staff it was suggested that a separate bid be generated from Triple B that would show the total price without a discount to maximize the matching grant portion. Staff also allowed J. Martin Co to re-submit as their bid include work not specified in the original request. Those bids were as follows:

Company	Price
J. Martin Co	\$78,624
Triple B	\$79,632

Staff submitted the updated information to the Sunflower Foundation and is awaiting further information from them to proceed with the project, which would include a funding agreement and contract.

The city allocated \$20,000 to the project with a match from the Recreation Commission for \$20,000. Those two numbers would allow for the total matching contribution from the foundation of \$40,000. Based on the bids received and during discussions with the foundation it was highlighted that the community discount received by Triple B be shown as a match and not included as the bid price. This would allow for \$40,000 in contributions from the Foundation and reduce the total investment of the city and Recreation Commission from \$16,581 to \$13,316.

The next step in the process is Sunflower will send us a contract and then the City will award the bid.

17. Road Improvement Plan

In 2016, the city approved approximately \$150,00 in street maintenance projects. This figure includes annual narrow and wide crack filling as well as other road maintenance.

Staff estimates the following work for 2016:

10 Large Patches at \$4,000 per: \$40,000

Tracy & Nancy

Tracy & Park

Southeast Drive & 4th

1st & Janet

N Tracy at Cemetery (x 6)

Wide Crack Sealing: \$200 per crack: \$10,000

50 wide cracks

Narrow Crack Sealing: .55 per foot: \$12,000

22,000 feet of narrow crack

Slurry Sealing: \$675 per block: \$35,000

50 Blocks

These funds have been approved for expenditure in 2016. Staff will also begin to work on pot holing filling thru ought town that will reduce the available funds.

Council asked who is repairing the intersection at 4th and Ross. Staff stated it is a county intersection but the city staff has been filling it.

Council asked for staff to speak with the county and see what can be done for the intersection to fill in the holes.

18. Claims and Warrants

Meyer presented the claims and warrants in the amount of \$62,993.83.

Motion: *Papish* moved, *Marsh* seconded to pay the claims and warrants in the amount of \$62,993.83. Voted and passed unanimously.

19. City Administrator Report

- **Public Works**
 - Staff is preparing for Fall Festival this week
 - The carnival has been moved to the street due to the rain.
 - Staff worked approximately 35 hours' overtime on flood related issues from Friday at 4:30 to Sunday.
 - Repaired a water leak at Garvey last week.
 - Continued to mow and spent multiple hours at the baseball and softball fields at CTSC.
- **Parks and Recreation**
 - Board Meeting Tomorrow Night
 - Was informed about the carnival change but due to road closures may have to use an alternate location for flag football.
 - Staff met with the school to discuss whose responsible for ball diamond upkeep through the school year.
- **Library**
 - The board will be reviewing resumes (approximately 20) and conducting interviews at the end of the month.
- **Community Center**
 - No Biscuits and Gravy based on Fall Festival this weekend
 - Was to be hosting a speaker on animal replenishment in Europe Post World War II but has been rescheduled.
- **Police**
 - Assisted with Road Closure and monitoring during the flood
 - Gearing up for Fall Festival
- **Administration**
 - Renovations are almost complete. Used excess funds to purchase new carpet for City Hall
 - Safety Meeting on the 20th – Blood Borne Pathogens
 - Fall Clean Up is October 14th and 15th
 - Based on the usage at the Spring Clean Up it is estimated that the Fall Clean Up will cost the city between \$2,000 and \$4,500.
- **Flooding Update** – staff will be sending a more detailed report out later this week.
 - We assisted Sed. Co with road closures and rescues.
 - Approximately 35 extra man hours for public works
 - Residents with damage should call United Way at 2-1-1 to report damage – will be putting out information on social media to encourage the reporting

Givens also mentioned he has spoken with Sedgwick County Emergency and they are available in October for a Saturday morning to do a round table discussion on the City's emergency plans. Givens asked council to give him two dates in October that would work for them.

20. Council Reports

Marsh had nothing to report.

Papish has nothing to report.

Clark had nothing to report.

Ussery requested that when there are intersections and streets being discussed that there be maps to refer to when discussing them. At the next meeting he would like to see the update for the backstop, the mowing bids, fishing dock, and a written process of how RFP are put together and distributed.

21. Adjournment

With no further discussion Ussery called for a motion to adjourn.

MOTION: *Papish* moved, *Marsh* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:25 p.m.

CERTIFICATE

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

I, Carol Reitberger, Deputy 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 September 13, 2016 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of September 2016.



Courtney Meyer, City Clerk

