

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
April 14, 2020
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor Burt Ussery called the meeting to order at 6:30 p.m. followed the invocation and flag salute.

2. Roll Call

The City Clerk called the roll to confirm the presence of a quorum. The following members were present: Mayor Burt Ussery, Councilmembers; Justin Shore, Shirley Palmer-Witt, and Chad Pike were present. (Justin Shore was by phone)

Yvonne Coon and Chris Griffin were absent.

The following staff members were present:

Ron Marsh, City Administrator, Courtney Meyer, City Clerk.

Others Present by phone: Jared Dinwiddie, Kirk Ives, Ernie Misak, Justin Patrick, Chadd Posch, Austin Parker, City Attorney.

3. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh Item 5d. Street Maintenance and 5e Sale of Ambulance were to be added to the business.

Mayor Ussery called for a motion to approve the agenda as modified.

Motion: *Palmer-Witt* moved, ***Pike*** seconded to accept the agenda as modified. Voted and passed unanimously.

Mayor Ussery gave a brief update on the new information that was distributed to the public on the COVID-19 cluster at the Clearwater Nursing and Rehab Center.

Chris Griffin enters at 6:34PM

4. Public Forum

Mayor Ussery opened the public forum for people to come of mute or type their statements in the comments box on GoToMeetings. None

5. Approve Consent Agenda

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve.

Minutes: 03/24/20

Claims and Warrants

Resolution 05-2020 – Appropriation Resolution

Approval to hire seasonal workers

Motion: *Palmer-Witt* moved, ***Justin Shore*** seconded to approve the consent agenda as presented. Voted and passed unanimously.

6. **Staff Reports**

- a. Police Department – Kirk Ives – Councilmember Griffin asked what was being done about the vandalism in the park. Meyer stated we have met with SKT about cameras in the park and staff had planned on bringing it before council during the budget process. Mayor Ussery asked that the information be brought before council at the next meeting. Council had no other questions.
- b. Fire Department –Jared Dinwiddie –Council had no questions
- c. Public Works – Ernie Misak – Council had no questions
- d. Parks & Maintenance – Chadd Posch – Council had no questions.

7. **Public Hearing – Notice of Intent to Issue Industrial Revenue Bonds for Plains Cotton Cooperative.**

Mayor Ussery called for a motion to open the public hearing at 6:40.

Motion: Palmer-Witt moved, **Pike** seconded to open the public hearing on the notice of intent to issue Industrial Revenue Bonds for Plains Cotton Cooperative. Voted and passed unanimously.

Kevin Cowan, Gilmore and Bell on the line. Prior to tonight a notice was published and mailed to other taxing district in the City, County and School. Intent resolution is stating the City has the intent to move forward with Industrial Revenue Bonds for Plains Cotton Cooperative. Cowan went through the different sections of the resolution and explained the Payment in Lieu of taxes would be managed by Sedgwick County once finalized. Council had not other discussion. Mayor Ussery called for a motion to close the public hearing.

Motion: Griffin moved, **Shore** seconded to close the public hearing on the notice of intent to issue Industrial Revenue Bonds for Plains Cotton Cooperative. Voted and passed unanimously.

Motion: Shore moved, **Griffin** seconded to adopt Resolution 06-2020 of Intent to issue Industrial Revenue Bonds.. Voted and passed unanimously.

8. **Business**

a. **Approve Purchase of New Mower**

The Parks department and Public Works currently have mowers that are shared between the 2 departments. In the mowing fleet is a 72” Badboy deck mower, 72” Grasshopper front deck mower, and a 14’ LandPride mower that is used with a Tractor (see Table 1 below). The new Parks and Facilities Superintendent acquired 3 governmental quotes on 3 different mowers to purchase for the Parks department. This would allow the Parks Department to have one mower that is not shared with the Public Works department.

The Superintendent would also like for council to approve the sale of the Grasshopper front deck mower for a minimum of \$3500 with the proceeds to go towards the purchase of a 2nd new mower for the parks department. The font deck mower can only be used on the ball diamonds and the soccer fields. It would benefit the department if there were two mowers that were useful for all mowing purposes.

This would give the Parks Department 2 mowers that wouldn’t be shared with Public Works and allow Public Works to keep the 72” Badboy mower that wouldn’t be shared with the Parks Department. This would leave only the LandPride that would be shared between departments until another solution can be found (see Table 2 below).

CURRENT MOWER USE (Table 1)

MOWER	PARK USE	PW USE
72" BADBOY	X	X
72" GRASSHOPPER	X	
14' LANDPRIDE	X	X

PROPOSED MOWER USE (Table 2)

MOWER	PARK USE	PW USE
72" BADBOY		X
72" GRASSHOPPER (SELL)		
72" NEW MOWER	X	
72" NEW MOWER	X	
14' LANDPRIDE	X	X

There is \$14,300 in equipment reserve for mowers this year. The low government price is the Spartan mower from Kansas Golf & Turf for \$8,724.25 (see Table 3). To purchase two Spartan mowers the Grasshopper would need to sell for a minimum of \$3,200. Staff believes the mower could sell for \$5,000 to \$6,000. If the unit sells for more than is needed to complete the purchase of a 2nd mower the excess funds would go back to the Equipment Reserve Fund for Parks.

Table 3

VENDOR	MOWER MODEL	PRICE
Wichita Tractor	72" Badboy	\$9469.00
Kansas Golf & Turf	72" Hustler	\$8859.39
Kansas Golf & Turf	72" Spartan	\$8724.25

Council asked questions about the sale of the Grasshopper, since it is only a couple of years old, they questioned if it was in the best interest of the City. Posch explained the grasshopper is a front deck mower doesn't do well unless the ground is level, no slope. The mower will bind up on a slope or if the ground is bumpy. The Spartan mower, lowest bid, had the best decking to cut the all grounds in parks and facilities. Council questioned Posch on the warranty differences between the mowers and he stated they were all very similar.

Council deduced the Grasshopper is a problem when it comes to application and not necessarily maintenance. The Grasshopper doesn't meet all the practical needs we need it to. Council also decided that \$3500 was too low of asking price for the Grasshopper and asked to consider a minimum price of \$4500

Motion: *Palmer-Witt* moved, *Pike* seconded to purchase one Spartan mower from Kansas Golf and Turf for \$8,754.25 and approve the purchase of a second Spartan mower contingent upon the sale of the Grasshopper mower for not less than \$4,500 Voted and passed unanimously.

b. Consider Purchase of Replacement Police Vehicle.

In 2018 one of the police vehicles was involved in an accident that our insurance company ultimately determined to be a total loss. The value received for the vehicle was \$14,507.50.

In April 2019 the Governing Body approved the bid from Rusty Eck Ford in the amount of \$33,506.00 with a 5-6-month delivery. Since then due to a myriad of reasons including Ford having to retool their police interceptor production lines, Chevy workers going on strike, the police vehicle we ordered in April 2019 has not been built at the Ford factory. I have given Rusty Eck Ford the requisite 30-day cancellation notice which expired April 3rd. The waiting time for both Ford and Chevy police vehicles is long and unpredictable.

Chief Ives has been able to find the Dodge police vehicle available through Superior Emergency

Response Vehicles in Andover. At the March 10, 2020 City Council meeting the Governing Body approved the purchase of a Dodge Durango Police Vehicle as the scheduled and budgeted replacement for an existing vehicle.

Chief Ives has been in contact with Superior Emergency Response Vehicles and they have another Dodge Durango available to purchase.

Since we have been unable to purchase the Ford vehicle originally approved, Staff is requesting the approval to purchase a second Dodge Durango police vehicle from Superior in the amount of \$43,351.50. This includes all ancillary equipment and installation.

The \$14,507.50 from the insurance company and \$9,587 that was put into equipment reserve last year for this vehicle. will be applied to the price of the vehicle. \$19,257 will be financed

Staff recommends approving the purchase of a Dodge Durango police vehicle from Superior Emergency Response Vehicles in the amount of \$43,351.50 financing \$19,257 for 3 years with an interest rate of 3.33% from Emprise Bank.

Motion: *Pike* moved, *Palmer-Witt* seconded to approve the purchase of the 2020 Dodge Durango from Superior Emergency Response Vehicle for \$43,351.50 and financing \$19,257 from Emprise Bank at a rate of 3.33%. Voted and passed unanimously.

c. Approve Applicants Retroactively for 2020 Housing Incentives

During the February 11th council meeting the Governing Body approved the 2020 Incentive Program. These incentives would apply to those in the 2020 calendar year who either pull a building permit this year or sign a contract to purchase a house this year. This was different from the 2019 incentives where the Certificate of Occupancy or home purchase had to occur in 2019 to qualify.

Currently there are 4 customers that do not qualify for either incentive program. Two of the customers pulled building permits in 2019 but will complete the home in 2020 and two who have contracted to purchase a home in 2019 but will not close until 2020.

These four customers would qualify for the 2020 incentives which include the \$1500 homebuyer cash allowance and the 50% reimbursement on their taxes for 3 years. They must receive their Certificate of Occupancy or Close on their home in 2020. There is \$20,000 in the budget to cover “new” incentives for 2020.

Staff recommends for council to approve the 2020 incentives for customers who contracted to build or purchase a home in 2019.

Council Griffin needed clarification why this needed to be brought before council. Mayor Ussery explained this is a house keeping issue for people who did not come in late. Between 2019 and 2020 we did not have one program or the other with a beginning date or ending date that didn't match up. For auditing purpose, this would legally align these home owners with one incentive program or the other and the only difference between, budgeting wise, 2019 and 2020 is the property taxes in 2019 are on a sliding scale payout and the 2020 property taxes are 50% each year for 3 years. Attorney Parker agreed.

Motion: *Shore* moved, *Pike* seconded to retroactively approve the application for housing incentives for 2020. *Palmer-Witt* abstained, Voted and passed unanimously.

d. Approve Additional Street Maintenance Work

During the 2019 street maintenance work being done, the contractor, Circle C, identified approximately 3200 ft² of additional patch work that needs to be done to help prolong pavement until major repair work can be scheduled. In these cases, the pavement has ‘alligator cracks’ which is caused by surface failure due to traffic loading, inadequate base or subgrade support.

Circle C will be able to repair these areas while in town as part of the street maintenance project. The price from Circle C is \$19,500, or \$55/yd³. The Public Works director called another local contractor to check the price and they quoted \$60-64/yd³.

It is important to get these areas repaired as soon as possible to help reduce additional water penetrating the road surface and causing these cracks to spread.

ProSeal contractors was approved to do pavement preservation as part of the 2019 street maintenance at a cost of \$23,676.30.

The 2019 budget had \$155,000 for street maintenance. The bids for maintenance came in at \$99,580 and the ProSeal bid at \$23,676.30 leaves \$31,743.70 in equipment reserve for street maintenance.

Council questioned if there was more streets than the ones listed that needed repair since there was money left in the budget. Ernie Misak reported that there are other streets but since sealing was being applied to the streets listed that is why the patching needed done. Other repairs will be brought before council at a later date for future projects.

Motion: Palmer-Witt moved, **Pike** seconded to approve Circle C to make the pavement repairs for \$19,500. Voted and passed unanimously.

e. Sale of 2013 Ford Traumahawk Ambulance

A potential buyer for the newer of the City’s two ambulances has emerged. The City of Wellington is has approved buying an ambulance and would like to do it quickly. Based on the condition, year, and relatively low mileage of the ambulance we should be able to sell it in the \$80,000 - \$100,000 range.

Wellington is looking for a quick purchase and I would like Council to approve authorizing the City Administrator to enter negotiations with a buyer for the sale of the 2013 TraumaHawk ambulance at a price of not less than \$80,000.

Marsh stated, Sedgwick County has not shown interest in the vehicle and would recommend council to approve the sale of the vehicle.

Justin Patrick stated that Wellington City Council will be looking at the vehicle and Weins Auction is helping with the sale. Patrick stated he didn’t think there would be a seller’s premium for this just a buyer’s premium.

Motion: Griffin moved, **Palmer-Witt** seconded to approve the sale of the 2013 ambulance for not less than \$80,000. Voted and passed unanimously.

Mayor Ussery asked City Attorney Parker what the procedure was to change a vote. Parker stated he just had to ask for the motion to be restated. Mayor Ussery asked Councilmember Griffin if the item he wanted restated was item 8c, Approve Applicants Retroactively for 2020 Housing Incentives? Griffin stated yes. Mayor Ussery called for the motion to be restated.

Motion: Pike moved, **Shore** seconded to retroactively approve the application for housing incentives for 2020. Palmer-Witt abstained, Voted and passed 2-1. Griffin voted no.

9. **Administrators Report**

- The State “Stay at Home” order continues through April 19, at which time if it’s not extended the County “Stay at Home” will resume in effect through April 25th.
- All closures and staffing remain as they were last meeting with the additional closing of the park playground and basketball courts.
- Midland GIS has completed the on-site water and sewer locating and are in the process of completing the maps for the City.
- Public Works is still looking for one more hire.
- The new Parks & Facilities Superintendent is off to a good start. The transitioning of duties and equipment with Public Works hasn’t been without some hiccups but is progressing well. They are housed in the old Public Works shop at 401 W. Ross. Chadd continues to assist Public Works as needed.
- As we get used to the new way of conducting business, we will be starting the budget process. Departmental budget presentations for Council will begin in May.
- The business owner to the East of the City lot at Tracy and Ross has asked to have the posts removed and Marsh has stated the Council would like to keep them in a safety precaution for the property owners building.

Council asked if Midland GIS was flagging yards when they were doing their work because there are many residences in Park Glen that still have flags in the yards. Misak stated Midland GIS was not flagging yards and it might have been for preliminary mapping for the improvements that will be done at the wet well.

10. **Governing Body Comments**

Griffin had nothing to report

Pike had nothing to report

Palmer-Witt had nothing to report

Shore stated: I'd like to thank the Mayor and City Administrator for their continued leadership during this community crisis. I'd also like to extend my gratitude and support for the Mayor's, county's, and Governor's actions aimed at stopping the spread of this virus. Finally, I'd like to express my condolences for the loss of our community member. My thoughts are with our affected seniors and their families

Ussery had nothing to report

11. **Executive Session K.S.A. 75-4319(B) (1) TO DISCUSS CONFIDENTIAL DATA RELATING TO FINANCIAL AFFAIRS OR TRADE SECRETS OF SECOND PARTIES**

Motion: *Griffin* moved, *Palmer-Witt* seconded to recess into executive session pursuant to the financial affairs or trade secrets of a second party to include the City Administrator and the City Attorney. The open meeting will reconvene in the City Council Chamber at 8:15 p.m.
Voted and passed unanimously.

Mayor Ussery called the meeting back to order and stated there was no action taken in executive session.

Motion: *Palmer-Witt* moved, *Shore* seconded to authorize the Mayor to execute a real estate purchase agreement between City of Clearwater and Plains Cotton Cooperative with the terms in the contract the Council has seen. Voted and passed unanimously.

Motion: Palmer-Witt moved, **Pike** seconded to recess into executive session to discuss personnel matter of nonelected personnel to include the Chief of Police and the City Administrator and the City Attorney. The open meeting will reconvene in the City Council Chamber at 8:22 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order and stated there was no action taken in executive session

Motion: Griffin moved, **Pike** seconded to hire officer Michael Pickins to join our police department with a salary of \$18.50 per hour. Voted and passed unanimously.

12. Adjournment

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

MOTION: Palmer-Witt moved; **Shore** seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:26 PM

CERTIFICATE

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

I, Courtney Meyer, 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 April 14, 2020 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 24th day of April 2020

Courtney Meyer, City Clerk