

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - MINUTES
September 25, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor 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 and Councilmembers; Yvonne Coon, Laura Papish, Shirley Palmer-Witt, Tex Titterington, and Chris Griffin were present.

The following staff members were present:

Courtney Meyer, City Clerk; Bill Hisle, Chief; Scott Cooper, Director of Emergency Services; Ernie Mlsak, Director of Public Works; Austin Parker, City Attorney.

Others present: Sidra Hurt, Faith Sovenson, Logan Mills, Audry Jones, Brandy Keesling, Jay and Earl Lauer, Jessi Cooper, Cameron Cooper

3. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Meyer stated no.

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

Motion: *Papish* moved, *Coon* seconded to accept the September 25, 2018 agenda as presented. Voted and passed unanimously.

4. Public Forum

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 09/11/18 Council Meeting
Library Memorandum of Understanding
Mayoral Appointment to Fire Service
Mandy Guy - Firefighter

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

6. Claims and Warrants

Meyer stated that the claims and warrants were \$27,217.63.

Griffin asked if the lift station that was being paid is an annual item. Mlsak reported that the backup pump had to be repaired and checked on other backup pumps. The other backup pumps were too costly to repair so the administrator authorized to replace them.

Motion: *Papish* moved, *Coon* seconded to pay the claims and warrants as presented. Voted and passed unanimously.

7. Staff Reports

- a. Scott Cooper, Emergency Service Director - Stated council had his report and additionally he reported there was a structure fire on Sunday in which Sedgwick County assisted on. Cooper also reported a KU fire training exercise done last Saturday.
- b. Lieutenant Jason Gearhardt – had nothing to add to Chief Hisle’s report.
- c. Ernie Misak, Public Works Director – In addition to the report the council had, Misak explained the air stripper on well #2 was installed in 2007 when Misak was hired because he wanted to utilize the well and the air stripper would clean the water from the contaminations from the 70’s and 80’s. In August the bacteriological sample pulled from well #2 was positive for coliform. With the positive reading public works had to collect more samples and the second samples were positive on well #2 which led to a level 1 assessment. A level one assessment requires multiple samples and forms and questions to be answered and reported to the state for assessment. All other testing for this passed and no more assessment is needed for well #2. Misak has asked the state if we can remove the air stripper from well #2 since the well does not seem to be an issue since the positive reads were not coming from the section where the air stripper is located. Waiting to hear from the state.

Titterington asked when we were going to discharge the ponds again. Misak said due to the rain we will probably discharge in November.

Misak also reported that the required progress report has been submitted to the state for the sewer lagoon. The next report will be due in December.

8. Business

a. Approve Notice of Award to APAC Construction for Chisholm Ridge Phase 3

At the April 10, 2018 meeting the Governing Body Approved Resolution 9-2018 authorizing street, water, sewer and drainage improvements for Chisholm Ridge Phase 3.

Street and drainage improvement bids were opened Thursday, September 6, 2018 at 1:30 pm. Three responses were received with APAC Construction being the low bid at \$277,773.55. Logan Mills, P.E. with Certified Engineering Design, P.A. will be present to answer any questions.

The engineers estimate for the street and drainage improvements was \$362,091.00, saving the City \$84,317.45 in costs.

Council asked Logan Mills if there was anything that stuck out that if APAC was awarded would all requirements be met by the specifications made? Mills answered yes.

Motion: *Coon* moved, *Papish* seconded to authorize the mayor to sign the “Notice of Award” for APAC Construction in the amount of \$277,773.55. Voted and passed unanimously.

b. Authorize Mayor to Sign Construction Documents

If Council approves authorizing the Mayor to sign the “Notice of Award” for APAC Construction, they will have 10 days to submit their construction documents for approval.

Construction documents include performance bond, maintenance bond, statutory bond, certificates of insurance, etc. APAC Construction submits them to Certified Engineering Design, P.A. (CED) for review, then they would come back to council at the next meeting for approval. To eliminate this step, the Governing Body can authorize the Mayor to sign the documents when they are submitted. This allows the preconstruction conference to be scheduled and notice to proceed issued.

Motion: *Titterington* moved, *Palmer-Witt* seconded to authorize the Mayor to sign the construction documents from APAC Construction when they are submitted. Voted and passed

unanimously.

c. Considering an Appropriation Resolution

As was discussed last Council meeting, the City of Clearwater currently runs accounts payable to coincide with Council meetings. Because we only run accounts payable twice a month, staff processes invoice up to the day of the Council meeting to try and reduce the number of late charges. By doing this, the Governing Body approves the checks prior to them being mailed. It should be noted that Council has already authorized these expenditures through the budget process or approval in prior Council meetings.

As the City frequently incurs late fees due to the inconsistency of the payment process, staff would like to have the Governing Body consider a resolution that would prevent the accrual of late charges and allow the City to take advantage of discounts for early payment, if applicable. This process is authorized by K.S.A. 12-105(b), the Uniform Processing Claims Act, and recommended by the city auditor. With this change, staff would revise accounts payable procedures and the claims and warrants list would be included with the agenda packet for review and any questions could be addressed prior to the Council meeting.

If approved all payments must still be presented to the governing body for review. Any payments that are of an extraordinary nature will continue to require authorization of the governing body.

This process is already being utilized by the City as the Uniform Processing Claims Act allows for the biweekly payroll processing.

Any financial impact to the City would be savings associated with the elimination of late fees and the potential early payment discounts.

Griffin questioned the sentence in section 1 that said "the City Administrator shall be authorized to adjust all salaries, including exempt positions" would actually give the Administrator authority to adjust salaries? Parker stated yes.

Mayor Ussery clarified that Clearwater has an Administrator and not a Manager and the Administrator does not have that power.

Council discussed and asked that to find out what other cities of the 3rd class do and to reword the resolution that would not include the administrator having authority to adjust salaries.

This item was tabled until the next meeting.

9. Administrators Report

Meyer stated the administrator report was in the agenda packet. Were there any questions?

It was asked if the administrator was going to continue to report for the Recreation Commission and the Park Advisory Board. Meyer stated yes for the Park Advisory Board since he is over that board right now and stated that Marsh still working out for when the City appointed Recreation Commission members come before council and report.

Mayor Ussery reminded staff that it was discussed that 1 of the 2 appointed people would come quarterly to report.

10. Governing Body Comments

Griffin had nothing to report

Titterington had nothing to report

Palmer-Witt asked who was responsible for the maintenance of the railroad tracks because they are rough going out of town. Misak reported it was the railroads responsibility and they need to be contacted.

Papish stated she was thanked for the No Parking signs at Park Glen Estates.

Coon said the city staff was doing well since she had not heard any complaints.

Mayor Ussery asked if there were any concerns with the Fall Festival? Staff report no. He then stated that he would still like the City to compile a list of requirements or needs for the fall festival so as the board turns over the City has a packet of information to hand over each year to help the process.

11. Executive Session: To Discuss Data Related to financial Affairs of Trade Secrets of the Corporations, Partnerships, Trusts and Individual Proprietorships.

Motion: *Papish* moved, *Coon* seconded to recess into executive session pursuant to the financial affairs or trade secrets of a second party to include the City Attorney and the City Administrator. The open meeting will reconvene in the City Council Chamber at 7:40 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 7:40 and stated there was no action taken during executive session.

Motion: *Coon* moved, *Titterington* seconded to authorize the Mayor to sign the Letter of Intent to sell West Half of Lot 1, Block 4 of the Clearwater Business Park Addition to the City of Clearwater, Sedgwick County, Kansas. Voted and passed unanimously

12. Adjournment

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

MOTION: *Papish* moved, *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:41 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 September 25, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of October 2018

Courtney Meyer

Courtney Meyer, City Clerk

