

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
June 13, 2023
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. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda. There were none.

Motion: *Shore* moved; *Pike* seconded to approve the agenda as submitted. Voted and passed unanimously.

3. Public Forum

None.

4. Consent Agenda

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

Minutes

Claims and Warrants

Mayoral Appointments

Approve Hire

Motion: *Walter* moved; *Robben* seconded to approve the consent agenda as submitted. Voted and passed unanimously.

5. Appoint City Council Member

Mayor Ussery expressed his gratitude for the service from Tex Titterington. The City will work on a formal dedication in remembrance and service to the City of Tex Titterington and invite his family. The Mayor, by and with the advice of the remaining council members, shall appoint some suitable elector to fill the vacancy until the next election for that office in accordance with Sec. 2-21 (b): K.S.A. Every appointment to office, and the date thereof, shall be entered on the journal of proceeding of the council in accordance to K.S.A. 15-209. In the past, the Mayor has brought previously elected council members. Mayor Ussery has spoken to three different individuals regarding the council vacancy. There was interest in filling the open spot by Sherry Thomas, Ken Watson and Shirley Palmer-Witt. It was decided to present Shirley for council appointment since she has been elected in the past by the community (2018-2022).

Motion: *Shore* moved; *Pike* seconded to Authorize Shirley Palmer-Witt to be appointed to member of City Council. Voted and passed unanimously.

6. Roll Call

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

Mayor Burt Ussery, Councilmembers; Crystal Walter, Justin Shore, Chad Pike, Shirley Palmer-Witt and Tim Robben.

The following staff members were present:

Courtney Zollinger, City Administrator, Jaye Poe, City Clerk, Amber Ives, Kirk Ives, Cole Hollis, Justin Patrick, Tricia Nichols and the City Attorney. Jared Dinwiddie was present via go to meetings.

7. Staff Reports:

- Administration Office – Courtney Zollinger – City staff will reach out to KDOT for the denial of the Cost Share Grant that was applied for on the road project. Wichita Rec has not reached out to the City for use of the pool this year. Robben was glad to receive information on the railroad derailments.
- Fire Department – Jared Dinwiddie – None.
- Police Department – Kirk Ives – None.

- Public Works/Parks– Cole Hollis – The leak on Prospect was on the City side. Before digging, public works normally knows if it is on the City side or customer side. If they must dig and it is on the customer side and it is a simple fix, they will try to fix it then. The Flock camera pole was installed, and it is up and running. The HomeServe is a third-party warranty company, the City does not keep track of how many warranties have been purchased through them.
- Senior Center –Amber Ives – There will be a pill drop off on Wednesday and produce box pick up after 2pm.

8. Business

a. One Source Technology Agreement

On May 9, 2023, the governing body approved the managed IT services proposal from One Source Technologies at \$3200 per month. Managed IT Services through Imagine IT will expire on December 31, 2023. The contract for One Source Technologies starts December 1, 2023. There will be a one month overlap allotting time for the transition from one company to the next. Because of this One Source Technology will waive the \$2500 onboarding fee they originally quoted. The agreement automatically renews for a subsequent one-year term beginning on the day immediately following the end of the Initial Term unless either party gives the other fifteen (15) days' prior written notice of its intent not to renew this agreement.

Motion: *Walter* moved; *Shore* seconded to authorize the mayor to sign the One Source Technology service contract. Voted and passed unanimously.

b. American Tower Amendment Proposal

On May 23, 2023, American Tower sent over a second proposal, which in addition to the original Option 2, included a New Option consisting of the new option of: A one-time signing bonus of \$5,000, \$900 per month commencing on amendment completion, 7.5% Term escalation commencing upon amendment completion, providing 4 terms of 5 years each; final expiration date will be March 18, 2074. After discussion at the City Council Meeting on May 9, 2023, the Council made clear that they did not wish to accept Option 2. Additionally, the Council requested clarification of Option 1's proposed terms. Upon discussion with Tenant's representative, the proposed terms were clarified as follows:

Option 1

1. Once accepted, there would be a 90-day due diligence period, after which time the rent would reset to \$775 through March 18, 2024. (Estimated to reset to \$775 in September 2023, if an agreement is reached end beginning of June of 2023) 2. On March 19, 2024, the rent would escalate by 10% to \$852.50/month (\$10,230/yr) 3. Every 5 years through the end of the final term (March 18, 2074), rent would continue to escalate by 10% per term. If agreed to, this proposal would net approximately \$815,000 to the City between March 19, 2024, through March 18, 2074.

For the New Option proposed on May 23, 2023, Tenant clarified the proposed terms as follows:

New Option

1. Once accepted, would be a 90-day due diligence period, after which time the rent would be set at \$900 through March 18, 2024. (Estimated to be set to \$900 in September 2023, if an agreement is reached beginning of June of 2023) 2. On March 19, 2024, there would be a final annual 3% escalation to \$927/month based on the current Amendment terms. 3. On March 19, 2029, the first 7.5% term escalation would occur, increasing rent to \$996.52.

4. Every 5 years through the end of the final term (March 18, 2074), rent would continue to escalate by 7.5% per term. This proposal would net approximately \$787,000 between March 19, 2024, through March 18, 2074. However, the City currently receives approximately \$953.16/month from Tenant, so this option would allow the City to maintain a higher rate in the earlier stages of the amendment if agreed to. The Non-Compete clause was also addressed with Tenant's representative who advised that because the prior agreements already include a Right of First Refusal, Tenant would likely be agreeable to removing the non-Compete clause if it would facilitate reaching an agreement. Once term limits and rates are agreed to, Tenant will send over an official draft Amendment which the City would have a chance to review and redline. With the City's prior rejection of Option 2 in mind, the City has the remaining option:

1. Accept Option 1 but reject the inclusion of a non-Compete clause.
2. Accept Option 1, with the inclusion of the non-Compete clause
3. Accept the New Option, but reject the inclusion of a non-Compete clause
4. Accept the New Option, with the inclusion of the non-Compete clause
5. Deny the proposal and extend a counteroffer.

Once either option is accepted and the non-Compete is rejected, an official Amendment to the Lease will be drafted in which the Council will have further opportunity to address and redline if there are any deviations from the accepted

terms before the agreement is signed. Council discussed all options, and the consensus was to proceed with the new option with \$5,000 signing bonus and reject the non-compete clause.

Motion: *Palmer-Witt* moved; *Walter* seconded to move forward with the May 23 New option with \$5,000 signing bonus and reject the non-compete clause. Voted and passed unanimously.

9. Governing Body

Walter – The Parks and Pool look good with all the work that has been happening.

Shore – WAMPO sent a request for letters of support, the Mayor will get that taken care of.

Robben – Fundraising for the Fourth of July fireworks show was discussed. It was decided in the council meeting when the contract was signed with Vitory Pyrotechnics, that the council would raise funds to come up with the remaining \$5,000 since only \$5,000 was budgeted for 2023. Reaching out to the Clearwater Community foundation and Lyons club are options as well as passing around a “hat” at the show for donations.

Ussery –

Executive Session

None.

10. Adjournment

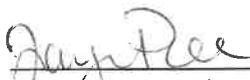
Motion: *Robben* moved; *Shore* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:14 PM

CERTIFICATE

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

I, Jaye Poe, 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 June 13th, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of June 2023.


Jaye Poe, City Clerk

