

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
June 11, 2024
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; Crystal Walter, Justin Shore, Samantha Warkins, Shirley Palmer-Witt and Tim Robben.

The following staff members were present:

City Administrator Zollinger, City Clerk Poe, Amber Ives, Kirk Ives, Cole Hollis, Jared Dinwiddie and City Attorney Scott Ufford.

Others Present:

Andy Jacobs and Logan Mills.

3. Approval of Agenda

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

Motion: *Warkins* moved; *Palmer-Witt* seconded to approve the agenda as submitted. Voted and passed unanimously.

4. Public Forum

Andy Jacobs from Safety Tec wanted to discuss the City Brush Dump site. He would like to see hours and usage expanded and he would manage it. Council asked him to put together a presentation for the City Administrator to review and present to Council.

5. Consent Agenda

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

Previous Council Meeting Minutes

Claims and Warrants

Approve Hire Seasonal Mower – Kade Matthews

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – The Brush Dump will be open from sun-up to sun-down for the remainder of the week, possibly longer if needed. Public Works will be removing the limbs from the roadside first, then parks then alleys as they have time to pick them up. The normal operating hours are Tuesdays and Thursdays from 4p-7p and is for City residents only. Since the damage seemed to be City wide, the City decided to have Public Works help with the clean-up, the debris must be left at curbside. The City may have to work with some property owners for the bigger trees.
- Fire Department – Jared Dinwiddie – The training on Saturday was a “train the trainer” with all but about 2 members participating. The open house will be on July 20th.

- Police Department – Kirk Ives – Council asked if vehicle #5 was a total loss. Insurance is in touch with Davis Moore to see what they can do if anything to fix it since Police vehicles are hard to come by. The estimate for repair has been received. There were no injuries and full coverage is held on the vehicles.
- Public Works/Parks – Cole Hollis – Walter asked if Public Works noticed the Porta Potties at the Sports Complex were tipped over, Hollis is aware and has it on his list to do. Council expressed their appreciation for Public Works picking up the limbs from the storm. Council discussed the trees on the road by the Cemetery. Zollinger stated the trees in the right of way on the East side is the Cemetery’s responsibility. Hollis stated the trees on the West side of the street are to be maintained by the City and is on their radar.
- Senior Center –Amber Ives – Council noticed and is happy with the growing number of attendees. Ives said there was a full house for the Lunch and Learn today. There were about 49 new members in 2023 with about 230 people attending different events. The capacity for the Senior Center is around 200 people without chairs and tables and 100 with table and chairs they believe. Council discussed referring people with questions regarding the Senior Center to Ives. Commodities will come in tomorrow with an additional day for picking up apples and milk. Ives has secured 15 Windsurge tickets and believes that 14 have sold.

7. Business

a. Clearwater Booster Club Temporary Alcohol Permit

Clearwater Booster will be hosting their annual BBQ at the City Park shelter on Saturday August 17th from 6:30 PM to 9:30 PM. August 24th will be the date in the event of bad weather. They are requesting the council to consider the temporary alcohol permit for Reflection Mobile Bar Service to cater the event. They will essentially have the same set up as the past 2 years, with double fencing around shelter 3 to use as their designated “beer garden” area. Reflection Mobile Bar Service is licensed with ABC. Their privileges allow the licensee to sell and serve alcoholic liquor for consumption on unlicensed premises and other activities as authorized by K.S.A. 41-2643. The Clearwater City Code 4-1 (b) states council can grant a temporary permit to allow alcoholic liquor on city property if an alcoholic liquor license has been obtained from the state. With the Booster Club being a 501c3 that solely operates to raise funds for student activities at the High School, they are also requesting the fees for the Shelter reservations to be waived. Council discussed waiving the fees would set a precedent on future events. Robben is not in favor of waiving the fees since it is a revenue for the City. Shore stated it could be made up with the sales tax collected from the Mobile Bar services.

Motion: *Warkins* moved; *Shore* seconded to approve the temporary permit for the Clearwater Booster Club. Voted and passed unanimously with *Palmer-Witt* abstaining from the vote.

Motion: *Warkins* moved; *Palmer-Witt* seconded to approve waiving the \$90 reservation fee for the shelters for the Clearwater Booster Club. Voted and passed unanimously with *Robben* abstaining from the vote.

b. Twin Valley Sign Approval in Right of Way

Twin Valley has requested to place an informational sign near 4th street next to their driveway. Since the location is not private property it must be approved by the governing body. If approved, the City’s permit fee for this sign would be \$43.00. Placement of this sign would not impede sight. Council discussed the sign being permanent and having their address on it. Zollinger stated if the sign was to be replaced, it would still have to come to Council for approval and the dimensions must meet certain requirements per City Code. The sign will be about 30 feet from the road.

Motion: *Shore* moved; *Warkins* seconded to approve the request by Twin Valley. Voted and passed unanimously.

c. Award Bid – 2024 Road Reconstruction Project

An invitation to bid on the 2024 Reconstruction project for proposed full depth concrete/asphalt, proposed spot repair with mill and overlay, mill and overlay, crack seal, curb and sidewalks went out on April 25. Four companies bid on the project:

the project. That temporary note would come due after three years, where the city would then finance it as a 20-year General Obligation Bond. In the three years the temporary note is active the City will be able to save the sales tax revenue each year plus any other annual contributions to make a down payment on the project so the full \$5,000,000 does not have to be amortized with interest. This would reduce the annual payment to \$310,000 or lower (depending on the down payment) instead of \$375,000. That is nearly a 3-mill difference in the City's budget. Staff recommends awarding the bid in its entirety and not breaking it up into segments. This would increase the price per section, and we can anticipate that pricing will not go down in the future. Because S Prospect between Ross and Kansas has school buses and heavy trucks from Garretson Equipment it is recommended to go in with concrete on this section and asphalt on the other reconstruction segments.

Prospect – Ross to Kansas	Asphalt for Segment	Concrete for Segment	Price Difference
PPJ	\$239,510.90	\$290,221.90	\$50,711
Pearson	\$216,745.40	\$257,015.90	\$40,270.50

Staff also recommend going with the full-road closure vs half road closure. This would help ensure the road crown and drainage meet the needs of the area. Full road closure will still allow local access just not through traffic. Logistics for this process can be talked through after a contractor is selected. While the price is not significant with PPJ, we are more concerned with the end product. Staff believe the two lowest bid contractors will do a good job. We are leaning towards Pearson Construction since we are recommending more asphalt than concrete work for the project.

	Total Bid No Alternatives	Total Bid + Add-Alt A (concrete)	Total Bid + Add-Alt B (half closure)	Total Bid + Add Alt A & B
PPJ Construction	\$4,527,995.10	\$4,940,904.10	\$4,539,995.10	\$4,952,904.10
Pearson Construction	\$4,613,702.10	\$4,953,968.10	\$4,734,202.10	\$5,074,468.10

Logan Mills was present and stated that PPJ is a small company with about 40-50 employees compared to Pearson (previously Cornejo) which is a much larger company. He reiterated that Pearson usually subcontracts with PPJ for jobs like curb and guttering, and any concrete work. Council asked how many days this job is projected to take, Mills stated both companies has submitted 250 working days which does not include weekends, holidays or bad weather days. CED will do all the inspections for the project. Council discussed material testing, drainage at intersections being concrete and the references for PPJ which was the City of Wichita. Council then discussed the sidewalk portion of the project. Palmer-Witt does not think the sidewalks should be done since it is an added maintenance to the homeowner and the current sidewalks are in bad shape. Council then discussed the walkability policy that Council adopted in 2017 that was included in the Comprehension plan. Mayor Ussery asked Council who would like to keep sidewalks in the project, Robben, Palmer-Witt, Warkins and Walter all stated no, Shore said yes. Whoever is awarded the project has stated that they would be willing to come to a meeting for further discussion. Council discussed zoning on Prospect, Zollinger stated she still has a list to review, and Garretson is on the list. The School and Garretson are on Prospect and use more heavy traffic on that road which is why concrete is being proposed for this portion. The project will come with a 2-year warranty per Mills. Council discussed half vs full closure and the crown of the road as well as closures being around 28 days. If this project is awarded, they would be ready to start in July.

Motion: **Walter** moved; **Warkins** seconded to award the bid to Pearson Construction with no alternative except for add alt-a for Prospect Ave between Ross and Kansas not to exceed 4,653,972.60 with full road closure. Voted and passed unanimously.

Governing Body

Walter – The Hammers Prairie Park and Nature Center Ceremony was lovely and a neat experience.

Shore – Seconded Walter.

Warkins – Agreed that the Hammers Ceremony was nice.

Palmer-Witt – Agreed about Hammers. She asked about AYSO paying anything for the use of the fields.

Zollinger stated AYSO only pays for the rental of the Porta Johns currently.

Robben – Agreed with the rest of the Council regarding Hammers Prairie Park and Nature Center. He also expressed his appreciation for the response to clean up after the storm.

Ussery – Mayor expressed his deepest gratitude to Chief Ives and Officer Jacks for all their participation

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APAC Shears	\$4,861,589.02	\$5,562,206.02	\$4,903,589.02	\$5,604,206.02
Kansas Paving	\$7,565,464.82	\$8,261,568.82	\$7,637,464.42	\$8,833,568.82

PPJ Construction was the lowest bidder for the project. CED is confident their finished product will be good based on their references. However, PPJ has not been a general contractor for a project of this nature. PPJ stated that they would be sub-contracting Pearson for the asphalt work. Pearson Construction also has a good, finished product and has worked on large projects of this nature as a general contractor. Because PPJ and Pearson could potentially be working on this city project, Logan Mills, Harlan Foraker and Zollinger met with both contractors to see, if awarded, how the project would be managed. During the discussion the subject of full road closure vs half road closure was discussed. APAC was not included in the meeting since the City was leaning more towards using the lower bidder and since PPJ and Pearson subcontract together, this is why they were included. Each contractor said full road closure will leave the city with a better finished product. When you demolition half the road at a time, trying to create a good crown becomes very difficult. Pearson stated on projects where full road closure is necessary, they work with residents to allow local access only to their driveways and not through traffic. They would install rock "ramps" so people can come and go as needed. There would be minimal "no access" times when asphalt or concrete is being poured over the course of the project. Those who don't have drives in the front would have to park on a side street or through alley access. This would be the case even if half road closure is chosen. The difference for half vs full road closure with PPJ was \$12,000 and for Pearson was \$120,496. When comparing asphalt to concrete on fully reconstructed roads, CED had several things to consider. Asphalt is cheaper to install initially than concrete. For the same 5" pavement section, concrete costs about 60% more than the pricing we received. Concrete will hold heavier loads than asphalt, but since we are using 6" of reinforced crushed rock base underneath the pavement, this helps the asphalt handle more loading. Asphalt does require more long-term maintenance than concrete, but patches in the road due to water main breaks cost less than concrete patches. They said asphalt has a typical life span of 25 years with proper maintenance, while concrete can last up to 40 years. We could assume a treatment of 'rejuvenating seal' and 'mill & overlay' for the asphalt pavement to extend its service life by 15 years so we can compare pavement costs at 40 years. We are proposing 23,266 SY of reconstructed asphalt pavement with this project, meaning we can assume \$302,458 of maintenance costs (based on \$13/SY) for the asphalt lifespan. Comparatively based on the lowest bidder, the concrete add-alternate amounted to \$412,909. It was mentioned to PPJ that it is possible Council will vote to continue with asphalt roads since a maintenance schedule is established for the city streets. PPJ said if the city chooses to go with asphalt, they should hire Pearson Construction. PPJ bid on the project hoping that there would be more concrete, which is their specialty. If asphalt were the product, the asphalt would already come from Pearson. The subject of "breaking up the project" was introduced. Each contractor was aware that the project was separated into blocks so Council had the option to break this project up into smaller segments. Both contractors would like to re-price their items if the project gets broken up. It was asked how much of an increase it would be and each explained that it really depends on what roads are selected because there are different material needs for different areas. They couldn't pin down a percentage increase, but it could be anywhere from 5% - 30% increase.

	Section 1	Section 2	Section 3	Sidewalks Only	Crack seal	Total
PPJ	\$1,460,797	\$2,263,783	\$549,676	\$247,488	\$6,250	\$4,527,995
Pearson	\$1,495,407	\$2,307,679	\$505,352	\$297,763	\$7,500	\$4,613,702

CED and Zollinger discussed and weighed the advantages of each contractor. Both would turn out a good product. PPJ was the lower bidder, but Pearson has more experience and may be better at communicating with residents when it comes to road closures. In January 2024 a 1% sales tax was put in place to assist with the City's infrastructure costs. The Kansas Department of Revenue estimated based on sales they saw in Clearwater that a 1% sales tax would generate \$220,000 annually. An annual payment for a \$5,000,000 project over 20 years is approximately \$378,500. A sales tax was needed to help offset the cost to property owners. Since the 1% has been implemented the city estimates to receive around \$275,000 annually which will reduce the need to raise property taxes for this project's purpose. If approved, it is recommended for the City take out a temporary note to pay for

for the Hammers Prairie Park and Nature Center Dedication and Memorial. Hammers wanted to let Officer Jacks know that they would be willing to pay for him to go to DC for the Memorial they hold. Mayor Ussery also wanted to express his appreciation towards Public Works for all the signage installed and mowing in preparation for the Dedication. He would like to put an emergency sign up for the emergency entrance at the park. There has been a volunteer group willing to work on removing the trees in the park. According to the MOU there are not allowed to be any trees in the park. The remaining fence installation has been funded by Hammers Prairie Park and Nature Center Foundation.

1. **Executive Session**

None.

2. **Adjournment**

Motion: *Warkins* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:12 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 11th, 2024, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 25th day of June 2024.



Jaye Poe, City Clerk

