

**MINUTES OF THE GOVERNING BODY OF
THE CITY OF PARK CITY, KANSAS
COUNCIL CHAMBERS – 1941 E. 61st STREET NORTH
March 23, 2021**

ROLL CALL

The following were present: Council Members, John Lehnerr, George Glover, Ben Saucedo, Tom Jones, George Capps, Brandi Baily, and Jim Schroeder. Council Member Melvin Kerr was absent.

Also present: Mayor Ray Mann, City Clerk Marlo Rugg, City Administrator Sean Fox, Assistant City Administrator/Human Resources Manager Dana Walden, Police Chief Phil Bostian, City Attorney Doug Moshier, Finance Director Dee Anne Grunder, Public Works Director Simon Wiley, and Assistant Public Works Director Zach Day.

VISITORS

Ark Valley News
Terry Ford
Harold Bowser
Karen Spurlock

Theron Carmicheal
Lisa Wise
Austin Kinzle

MEETING CALLED TO ORDER

The meeting was called to order by Mayor Ray Mann at 7:00 pm. Council Member George Glover gave the invocation and Council Member George Capps led the Pledge of Allegiance.

APPROVAL OF AGENDA

Council Member George Glover moved to approve the agenda as presented.

Council Member Jim Schroeder seconded the motion. Motion carried 7-0.

AWARDS AND/OR PRESENTATIONS

PUBLIC FORUM

Harold Bowser at 4681 Briargate Ct. came before Council to address some flooding issues in his neighborhood. He stated every time it rains there are about ten homes that get flooded. He stated he would like the City to acknowledge the flooding and that it is a problem. Mr. Bowser requested the City dig a fifty-yard ditch. He stated if the City does not want to dig the ditch, he requested a signed letter of approval from the City for himself to dig the ditch. Mayor Ray Mann stated he would call Mr. Bowser by the end of the week to discuss a resolution.

Theron Carmichael at 5832 Fairview Avenue came before Council to address an issue at the end of his driveway. He stated water is collecting in his front lawn. Mr. Carmichael stated there was a mixture of concrete at the end of his driveway. He stated his frustrations with the water not properly draining when it rains, and he has a large puddle to deal with.



STAFF REPORTS

None.

CONSENT AGENDA:

1. Minutes of the February 23, 2021 Special Meeting.
2. Minutes of March 9, 2021 Regular Meeting.
3. Appropriations 957-2021 with Addendums.
4. Approve Authorizing 250 Coupons for Trash Disposal in lieu of 2021 City-Wide Clean-up Day, City Obligation Not to Exceed \$6,270.
5. Approve Bingocize Evidence Base Program License Agreement for \$780 to be paid out of the General Fund Senior Center Department.

Council Member Ben Saucedo moved that the Consent Agenda, as Presented, be Approved.

Council Member Jim Schroeder seconded the motion. Motion carried 7-0.

NEW BUSINESS

6. DISCUSS AND CONSIDER APPOINTMENT TO THE CONVENTION AND TOURISM BOARD

Mayor Ray Mann stated he wanted someone with some hotel representation on the Convention and Tourism Board. He stated a representative from the Sleep Inn, Glen Lang, has applied to be on the Convention and Tourism Board.

Council Member Tom Jones moved to approve the appointment of Glen Lang to the Convention and Tourism Board.

Council Member George Glover seconded the motion. Motion carried 7-0.

7. DOWNTOWN VISION UPDATE

Terry Berkbuegleer with Confluence updated the Council on the Downtown Vision project. He stated he was here to give everyone a preview of the plan refinements. Mr. Berkbuegleer went through the community input that was received via the in person public meeting and the survey posted on the City's website. He showed some illustrations of the development for the plans for the Downtown District. Mr. Berkbuegleer went through the next steps. He stated finalizing the concept plan and illustrations and developing the design intent narrative will be next. He asked Council for any questions.

Council Member George Capps stated his concern with tall flashing signs. He stated the lights on the signs could be a nuisance to people at night.

Council Member Ben Saucedo asked if Mr. Berkbuegleer's team had any ideas of what kind of market is interested in coming to Park City. Mr. Berkbuegleer stated the response from area developers that came to an open meeting was positive. He stated his team felt like they could continue down this road with a marketable product.

City Administrator reminded Council that the plan will have to go to Planning and Zoning first before being brought back to Council sometime in May.

8. DISCUSS AND CONSIDER A RESOLUTION FOR THE SALE AND CONVEYANCE OF CERTAIN PROPERTY TO COUNTRY PARK RESIDENCES II, L.C.

City Attorney Doug Moshier stated there are two resolutions to this agenda item. He stated these resolutions are IRB matters that complete the City’s involvement. He stated the owner of Country Park Residences are ready to redeem the bonds and under the terms of both bond issues, the City is obligated to reconvey the property to the owners of the Country Park Residences.

Council Member Ben Saucedo moved to approve Resolution #1064-2021 a resolution of the Governing Body of the City of Park City, Kansas authorizing the sale and conveyance of certain property to Country Park Residences II, L.C.

Council Member Brandi Baily seconded the motion.

Roll Call

Council Member John Lehnherr	Yes	Council Member Tom Jones	Yes
Council Member George Glover	Yes	Council Member George Capps	Yes
Council Member Ben Saucedo	Yes	Council Member Brandi Baily	Yes
Council Member Melvin Kerr	Absent	Council Member Jim Schroeder	Yes

Council Member Ben Saucedo moved to approve Resolution #1066-2021 a resolution of the Governing Body of the City of Park City, Kansas authorizing the sale and conveyance of certain property to Country Park Residences, L.C.

Council Member Brandi Baily seconded the motion.

Roll Call

Council Member John Lehnherr	Yes	Council Member Tom Jones	Yes
Council Member George Glover	Yes	Council Member George Capps	Yes
Council Member Ben Saucedo	Yes	Council Member Brandi Baily	Yes
Council Member Melvin Kerr	Yes	Council Member Jim Schroeder	Yes

9. DISCUSS AND CONSIDER PROPERTY/CASUALTY AND WORKER’S COMPENSATION INSURANCE RENEWAL

City Clerk Marlo Rugg stated the City’s insurance policies will expire on April 1, 2020. She stated the quote for the upcoming year from Employers Mutual Casualty Company is \$184,281. Ms. Rugg stated this is a 5.9% increase from the 2020 quote. She stated the increase is due to added equipment to the City’s inventory, upgrading City vehicles, and a slight increase in the Experience Modification Factor. Ms. Rugg stated the City receives an annual dividend from EMC each year in June and the average dividend paid to the City for the last three years has been \$29,974.

Council Member Jim Schroeder moved to approve the proposal from of Employers Mutual Casualty Company (EMC) for \$184,281 effective April 1, 2021.

Council Member John Lehnherr seconded the motion. Motion carried 7-0.

10. DISCUSS AND CONSIDER AGREEMENT WITH THE WYANDOTTE NATION RELATED TO THE CITY'S PROVIDING LAW ENFORCEMENT ASSISTANCE AND ENFORCEMENT ON THE TRUST LAND THE CROSSWINDS CASINO IS LOCATED ON

City Attorney Doug Moshier stated the land on which the Crosswinds Casino in Park City is located is Indian Trust land and, as such, is generally not subject to the laws of federal, state, and local governments. He stated the Wyandotte Nation, operators of the Casino, wish to enter into an agreement with the City for the City to provide law enforcement services in and around the Casino on the Indian Trust land. Mr. Moshier stated in order for the City to provide such services, it is necessary for the Wyandotte Nation to waive certain sovereign immunities so that the criminal laws of the state and City are enforceable in the Casino and on Indian Trust land. He stated the proposed agreement is fashioned after a cooperative agreement that the Wyandotte Nation entered into in 2007 with the Unified Government of Wyandotte County related to law enforcement at the Seventh Street Casino operated by the Wyandotte Nation in Kansas City, Kansas.

Council Member John Lehnerr asked if the County or the City of Kechi would still be able to assist the Park City Police Department if they got a call from the casino. Mr. Moshier stated the Park City Police Department would be the enforcing agency and he did not see any problem with calling for assistance. He stated this was not addressed, specifically in the agreement.

Council Member George Glover stated his concern with the agreement that this would cause undue pressure on the City's Police Department. A discussion ensued.

Council Member Tom Jones moved to approve the agreement and authorize the Mayor and City Clerk to sign the same.

Council Member John Lehnerr seconded the motion. Motion carried 6-1 (Council Member George Glover voted nay.)

11. DISCUSS AND CONSIDER AGREEMENT WITH THE WYANDOTTE NATION RELATED TO THE CITY'S PROVIDING MUNICIPAL SERVICES ON THE TRUST LAND THE CROSSWINDS CASINO IS LOCATED ON

City Attorney Doug Moshier stated the Wyandotte Nation, operators of the Casino, wish to enter into an agreement with the City for the City to provide municipal services in and around the Casino and on the Indian Trust land. He stated in order for the City to provide such services, it is necessary for the Wyandotte Nation to waive certain sovereign immunities so that the rules, regulations, and ordinances of the City are applicable and enforceable in the Casino and on Indian Trust land. Mr. Moshier stated the proposed agreement is fashioned after a Memorandum of Understanding that the Wyandotte Nation entered into in 2007 with the Unified Government of Wyandotte County related to its provision of municipal services to the Seventh Street Casino operated by the Wyandotte Nation in Kansas City, Kansas. He stated the most significant item in the agreement is the compensation to the City for the provision of its municipal services which one and a half percent of the gross revenue generated by the Crosswinds Casino. He stated the land and the improvements on the land are exempt from the City's ad valorem tax.

Council Member Brandi Baily asked if the water and sewer services were included in the one and a half percent, or would it be paid separately. Mr. Moshier stated the water and sewer services would be paid like any other business. Ms. Baily asked if there was a cap on the amount of revenue the City would receive. Mr. Moshier stated there is no cap as the agreement is drawn up now,

Council Member Jim Schroeder stated the one and a half percent is well more than what it would cost us to hire additional police staff. He stated he found it to be financially responsible and he supported the agreement.

City Administrator Sean Fox stated the agreement was drafted by Mr. Moshier by predicated conversations with the chief of the tribe. He stated the chief Friend indicated a compensation of one and a half percent to the City and there was no mention of a cap. Mr. Fox stated he received a projected revenue, and it was very fair.

A discussion ensued.

Council Member Ben Saucedo moved to approve the agreement subject to the City Administrator, the City Attorney, and the Mayor approving non-material modifications to the agreement and authorize the Mayor and City Clerk to sign the same.

Council Member John Lehnherr seconded the motion.

Council Member John Lehnherr stated he would like for Council to have a discussion on developing a Park City Foundation so that this money could be used to help the entire community.

Motion carried 7-0.

12. DISCUSS AND CONSIDER APPROVAL OF A THREE-PARTY AGREEMENT WITH SEDGWICK COUNTY, VALLEY CENTER AND PARK CITY FOR THE 77TH STREET PROJECT

City Administrator stated in February, Council approved an Agreement between KDOT and the cities of Valley Center and Park City for reconstruction of E. Ford Street/W. 77th Street North from the bridge over the Wichita-Valley Center floodway to I-135 as part of their Economic Development Program.

Mr. Fox stated as outlined earlier, the total estimated project costs are \$6,343,024.88. KDOT is contributing 70% of the construction costs (\$5,074,419) which equates to \$3,533,093.93. He stated the cities are responsible for 30% of the construction costs as well as 100% of the preliminary engineering, construction engineering, right-of-way, and utility adjustments.

Mr. Fox presented a draft three-party agreement with Sedgwick County whereas they have committed to paying one-third of the local match not to exceed \$936,643.35, with \$507,441.99 for in-kind construction engineering services and the remaining \$429,201.36 in reimbursement. He stated the estimated cost to Park City with all partners involved is approximately \$571,000 for the improvements.

Council Member Jim Schroeder moved to approve and authorize the Mayor to execute an agreement between Sedgwick County, Valley Center, and the City.

Council Member Brandi Baily seconded the motion. Motion carried 7-0.

13. DISCUSS AND CONSIDER EMERGENCY WATER SUPPLY PLAN FOR THE CITY

Public Works Director Simon Wiley stated according to K.A.R. 28-15-18, the Kansas Department of Health and Environment mandates that each water supplier adopt a plan for responding to emergencies which impact the water supply. He stated the overall purpose of the Plan is to ensure the City can isolate and

conserve an adequate supply of potable water during emergency conditions available to sustain life and maintain standards of hygiene and sanitation.

Council Member John Lehnerr moved to approve Resolution #1065-2021 adopting the Emergency Water Supply Plan for the City.

Council Member Tom Jones seconded the motion. Motion carried 7-0.

14. DISCUSS AND CONSIDER MUNICIPAL WATER CONSERVATION PLAN

Public Works Director Simon Wiley stated Park City has undertaken numerous steps over the years to ensure a dependable water supply for its residents. He stated the City utilizes water from Cheney Reservoir in addition to wells prior to treatment and distribution by the City of Wichita and Chisholm Creek Utility Authority. Mr. Wiley stated treated water storage facilities consist of one 1,000,000-gallon elevated tank, one 500,000-gallon elevated tank, and one 300,000-gallon elevated tank. He stated Park City's water supply and distribution system have ample capacity to meet current customer demands and future projected demands for several years, except during drought periods.

Mr. Wiley stated the primary objectives of the Water Conservation Plan are to develop long-term water conservation plans (Long-Term Water Use Efficiency Section) and short-term water emergency plans (Drought Response Section) to assure the City customers have an adequate water supply to meet their needs. He stated the efficient use of water also has the beneficial effect of limiting or postponing water distribution system expansion and thus limiting or postponing the resultant increases in costs, in addition to conserving the limited water resources of the State of Kansas.

Mr. Wiley noted the changes made after the Council received the Plan in their packets.

Council Member Brandi Baily moved to approve the proposed Municipal Water Conservation Plan with the following updates: the water rate structure shall reflect Ordinance 1087-2020 passed January 28, 2020; Section 8b shall state a fee of the first violation shall be equivalent to the reconnection fee as established by the City at the time of the violation and shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be 1.5 times the equivalent to the reconnection fee as established by the City at the time of the violation for the second reconnection and 2.0 times for any subsequent additional reconnections within a one (1) year period.

Council Member Jim Schroeder seconded the motion. Motion carried 7-0.

15. DISCUSS AND CONSIDER APPROVAL OF BID FROM KANSAS PAVING FOR INFRASTRUCTURE IMPROVEMENTS FOR PRAIRIE HILLS ADDITION, PHASE SIX

City Administrator Sean Fox stated Prairie Hills Addition, Phase 6 is located south of the City Administration Center and on the east side of Hydraulic. He stated the Developer, SBA Construction, presented petitions for paving and water improvements last month and were approved by Council. Mr. Fox stated a bid opening was conducted on March 18th with a total of five companies submitting bids. He stated Kansas Paving submitted the lowest combined bid of \$78,759.70, which was below the Engineer's estimate of \$110,608.00.

Council Member Brandi Baily moved to approve the bid tabulation and authorize the Mayor to finalize and execute a contract with Kansas Paving in the amount not to exceed \$78,759.70 to be paid out of the Capital Project Fund.

Council Member Tom Jones seconded the motion. Motion carried 7-0.

16. DISCUSS AND CONSIDER APPROVAL OF CHANGE ORDER REQUESTS FROM MIES CONSTRUCTION FOR WORK RELATED TO THE 61ST STREET PROJECT

City Administrator Sean Fox stated in January, Council approved a contract with Mies Construction to relocate and make improvements to certain waterlines adjacent to and in support of the 61st Street Project. He stated the original contract amount of \$155,884 was within the budgeted amount of \$165,000. Mr. Fox stated he reported to Council at the last meeting, Mies had to dedicate a substantial amount of time over the past couple weeks locating the lines and valves that were not accurately represented in our existing records, documents or “as built.” He stated Mies has submitted a total seven change order requests totaling \$148,398.83. Mr. Fox stated all seven change orders are necessary and/or justified. He stated four of them outline either additional manhours spent locating lines/values or modifications that necessitated immediate action. He stated the remaining three are necessary for the viability of the water system and the project. He stated there is possibility that the value of the remaining three change orders will be reduced. Mr. Fox explained to Council how all the expenses for the 61st Street Project are within the budget.

Council Member George Capps moved to approve the change orders in an amount not to exceed \$148,398.83 to be paid out of the Capital Project Fund.

Council Member Jim Schroeder seconded the motion.

Council Member Jim Schroeder asked Mr. Fox if the City was able to solve a problem through out the entire process. Mr. Fox stated that K.E. Miller assigned someone to document everything so that the City had accurate data for the future.

Motion carried 7-0.

17. DISCUSS AND CONSIDER APPROVAL OF A LETTER OF AGREEMENT WITH WILSON & COMPANY TO CONDUCT A WATER AND WASTERWATER SYSTEM EVALUATION

City Administrator Sean Fox stated Staff is recommending approval of a Letter of Agreement with Wilson & Company to conduct a comprehensive assessment of both our water and wastewater systems. He stated the assessment would be comprised of three primary tasks: 1) Data Collection & System Inventory; 2) Water Utility System Evaluation and 3) Sanitary Sewer Utility System Evaluation. Mr. Fox stated at the conclusion of the evaluations, recommendations for improvements will be provided as well as preliminary cost estimates that can serve as the basis of a long-term Capital Improvement Plan (CIP). He stated based on the recommended improvements, a five-year utility rate adjustment schedule will be developed, examining existing utility rates for a shortage/surplus in revenues versus expenses, establishing a break-even rate structure, and ultimately providing a revised rate structure for both operational costs and the capital costs of the utility improvements.

Council Member Ben Saucedo moved to approve and authorize the Mayor to execute a Letter of Agreement with Wilson & Company in an amount not to exceed \$111,7000 to be paid 50% from the Utility Fund – Water Department and 50% Utility Fund – Sewer Department.

Council Member Brandi Baily seconded the motion. Motion carried 7-0.

18. CONSIDER ANNUAL REVIEW OF WATER & SEWER RATES

City Administrator Sean Fox stated Ordinance #1087-2020 requires the governing body shall conduct an annual review of the financial condition of the City's water and sewer utilities on or before March 31st each year to evaluate the need for any adjustments to the current water or sewer charges. He stated in 2020, due to the current environment, issues related COVID-19 and the resulting impact on citizens, businesses, and the overall economy, Staff recommended not making any adjustments to the rates. Mr. Fox stated Staff noted that based on that recommendation, the small surplus of revenue realized in 2019, could potentially become a loss in 2020 as well as concerns related to the City's aging infrastructure and planned future sewer plant expansion. He stated in the previous item, Staff has recommended approval of a Letter of Agreement with Wilson & Company to conduct a comprehensive system evaluation of both our water and wastewater systems. At the conclusion of that evaluation, Wilson and Company will provide a five-year utility rate adjustment schedule accounting for both operational costs and the capital costs of the utility improvements. Mr. Fox stated the City does have a small surplus for water and wastewater for the year 2020.

Council Member Brandi Baily moved to await the conclusion of the system-wide evaluation to adjust the rates accordingly.

Council Member George Glover seconded the motion.

A discussion ensued.

Motion carried 5-2

GOVERNING BODY REPORTS

Council Member George Glover stated the Community Relations Board has tentatively scheduled the Fishing Derby on June 19, 2021 from 9:00 am to 11:00 am at Chisholm Pointe Pond. Mr. Glover stated the LEAP program has extended their application period to May 28, 2021. He stated if anyone needs assistance with their electric or gas bill, they can apply.

Council Member Brandi Baily thanked Mr. Fox for keeping the Council updated on important issues concerning the City.

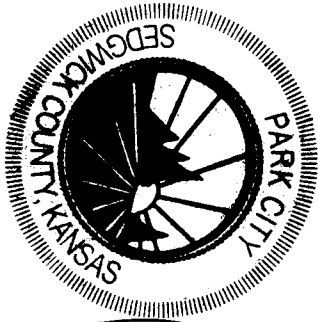
Council Member Jim Schroeder stated he is encouraged by the growth in the City and he received positive feedback from an unexpected conversation with a couple visiting Park City.

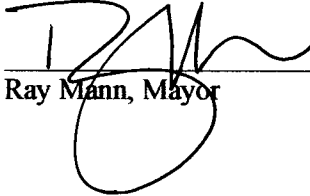
Council Member Ben Saucedo stated the Hunter Health Clinic in Wichita was offering Covid 19 vaccinations on Saturday March 27, 2021 from 10:00 am to 3:00 pm. Mr. Saucedo thanked all the frontline workers for all they do.

ADJOURN

Council Member John Lehnerr moved to Adjourn the meeting at 9:03 pm.

Council Member Ben Saucedo seconded the motion. Motion carried 7-0.




Ray Mann, Mayor

Attest:


Marlo Rugg, City Clerk

The foregoing minutes were considered at the April 13, 2021 meeting and approved with the following amendment None.

The vote to approve the minutes 7-0.