

Regular City Council Meeting
May 10, 2016
7:30 PM

A. Call to Order: The Regular Meeting of the Richmond City Council was called to order by Mayor Sheldon S. Snow.

Council Members Present: Karen Peters, Helen Feuerborn, Verlin Springer and Doug McIntosh.

Staff present: Doyle Sobba, Marla Gadelman and Jake Strobel.

Guests Present: Sister Loretta Roeckers, Barbara Lane, Ken Manwarren, Brian Kingsley, Brett Waggoner, Marcia Springer and Rick Howard.

B. Public Comment: Marcia Springer wanted to thank staff for their prompt attention when she recently received a dog bite while walking in town. She is not happy about the dog being returned to town. This matter will be discussed further later in the meeting.

Also, Marcia Springer complained about the condition of her ditch since the replacement of the water lines. Before construction she was able to mow the ditch with a riding lawnmower and now she can't even mow them with a push mower.

C. Consent Agenda:

Approval of Minutes of Meetings and Expenses: Doug McIntosh made a motion to approve the minutes from the April 12, 2016 meeting as written. Karen Peters seconded the motion. Vote 4-0, motion passed.

Approval of expenses will be handled later in the meeting following an executive session.

D. ITEMS OF BUSINESS:

1. Richmond Public Library – Appointment of Board Member. Mayor Snow announced that Donna Thompson has resigned from the Library Board and a new member needs to be appointed. Mayor Snow nominated David Weber to fill the position on the Library Board. After discussion, Helen Feuerborn moved to accept the nomination of David Weber to the Library Board. Doug McIntosh seconded the motion. Vote 4-0, motion passed.

2. Water Line Project Update – BG Consultants, Inc. Brett Waggoner provided to the council and those in attendance, an up to date Construction Budget Summary. A walk-thru was completed on May 5, 2016. A couple new items of potential work to be added to the project were determined, but will need to be discussed with the funding agencies involved. BG Consultants will make the contractor aware of remaining ditch concerns throughout town. The project is under a one-year warranty from the date of substantial completion which was April 29, 2016. Early next spring a list should be provided to the contractor concerning potential items that need to be corrected by the contractor before the end of the warranty period.

Mr. Waggoner addressed a potential additional 230 foot piece of water line and a valve at each end to be installed west of Beachner Grain to connect the water lines on Ransom Street to the water line behind the elevator, which will all the water to loop. The additional line would go under the Prairie Spirit Trail. An engineer's estimated cost was also provided to council. This addition will need to be approved by the funding agencies.

Karen Peters questioned whether ditches and drainage were checked during the walk-thru and addressed concerns she found with her ditch and concrete and mud found blocking the culvert near her home causing flooding during recent rains.

Doug McIntosh asked why two fire hydrants so close together were necessary at Central Avenue and the state highway. An explanation was provided by Mr. Waggoner concerning the limited information available of existing water lines at the time of design which were later determined to be inaccurate. Relocation of one of the hydrants to behind the Catholic Church and payment for the relocation was discussed at length. J & N's estimated cost for hydrant relocation is \$6,860. In order to compromise on the costs of relocating a hydrant, BG Consultants offered to waive its fees of approximately \$6,471 for the 250 feet of water line the city wants added to the project and the city will pay for the hydrant relocation from remaining grant funds. This compromise is contingent upon the funding agencies approving the additional work.

BG Consultants strongly suggested that we get the new water lines into a GIS mapping system.

3. Consider Change Order No. 3. Council was provided a copy of Change Order No. 3 which results in an increase to the contract price by \$11,909 to J & N Utilities, Inc. The contract price was increased to \$1,428,437. After thorough discussion, Karen Peters made a motion to approve Change Order No. 3 in the amount of \$11,909. Verlin Springer seconded the motion. Vote 4-0, motion passed.

4. Consider Pay Request No. 9 for J & N Utilities, Inc. Council was provided a copy of Pay Request No. 9 from J & N Utilities, Inc., requesting payment of \$138,761.17 as a final payment on the revised contract price of \$1,428,437. The requested amount includes the amount of Change Order No. 3 approved previously. After further discussion, Doug McIntosh made a motion to approve Pay Request No. 9 for J & N Utilities in the amount of \$138,761.17. Helen Feuerborn seconded the motion. Vote 4-0, motion passed.

5. Water Plant Update. Doyle Sobba reported that a structural engineer from Bartlett & West came down and inspected our clarifier and filters at the water plant. The report received from Bartlett & West indicated their estimate to rehab the clarifier and both filters would be between \$17,500 and \$27,500. This estimate does not include sandblasting and repainting. Additional expenses would be incurred for engineering fees. This could prolong the life of the structures 10-20 years. It is questionable whether grant money remaining on a current water line project could be used to pay for these repairs. The Clerk will contact USDA to discuss using the grant funds for the water plant repairs and will also discuss with our auditor using our funds in the City's Equipment Reserve Fund. The estimate provided by Bartlett & West only deals with the clarifier and filters, and does not include other repairs suggested by Kansas Rural Water Association which includes: rapid mixer; slow mix repair; clarifier repainted and repaired as needed; filters rehabbed placement media; filters repainted and repaired; electrical

controls upgrade; automatic sludge blow off valve on clarifier and chemical feed equipment and tanks.

Doyle Sobba anticipates changing our chemical supplier to save money.

Staff will gather additional information and report at the next meeting.

6. Consider Adopting Resolution No. 2016-2, Declaring Entire Boundary of City. The Clerk was contacted by KDOT requesting a copy of our latest Boundary Resolution which would include all annexations to the City. The last boundary resolution was adopted in 1999. Council was provided with Resolution No. 2016-2 which includes all annexations since 1999 including the highway right-of-way given to the City in 2007 from Franklin County Board of County Commissioners. After discussion, Karen Peters made a motion to adopt Resolution No. 2016-2, as follows:

RESOLUTION 2016-2

A RESOLUTION DECLARING THE ENTIRE BOUNDARY OF THE CITY OF RICHMOND, KANSAS.

WHEREAS, the City has annexed land into the city limits during the years from 1999 through and including 2015; and

WHEREAS, K.S.A. 12-517 requires the City to declare by resolution the entire boundary of the city;

BE IT RESOLVED by the Mayor and Council of the City of Richmond, Kansas:

SECTION 1: The entire boundary of the City of Richmond, Kansas, is as follows, to-wit:

Tract beginning 50.4 feet north of the northeast corner of Section 13, Township 19 South, Range 19 East of the Sixth P.M., thence North 191.8 feet; thence easterly 89 feet; thence South 235.7 feet to the north line of Section 18, Township 19 South, Range 20 East; thence East 69.4 feet; thence South 836.22 feet parallel to the West line of said Quarter; thence North 87 degrees 21 minutes 39 seconds East 212 feet; thence South 13 degrees 26 minutes 40 seconds East 436.17 feet; thence South 36 degrees 18 minutes 18 seconds West 54.53 feet; thence South 10 degrees 44 minutes 10 seconds East 159.52 feet; thence South 87 degrees 32 minutes 35 seconds West 298 feet; thence South 1173 feet; thence East 1384 feet; thence South 917.38 feet; thence West 400 feet; thence South 60 feet; thence West 600 feet; thence South 414 feet; thence West 650; thence North 1 degree 46 minutes 56 seconds West 1294.76 feet; thence North 16 degrees 11 minutes 18 seconds West 38.46 feet; thence South 87 degrees 31 minutes 50 seconds West 35 feet; thence North 2 degrees 28 minutes 10 seconds West 35 feet;

thence West 2220 feet along the south line of the North Half of Section 13; thence North 1104.1 feet; thence West 312.6 feet; thence North 201.1 feet; thence West 1002.1 feet parallel with the centerline of Central Avenue of Richmond, Kansas, thence North 192.7 feet to centerline of said Central Avenue; thence West 501.5 feet along centerline of Central Avenue; thence North 214.9 feet; thence East 1499.2 feet; thence North 921.9 feet to north line of Section 13; thence East 479.6 feet, thence North 175 feet; thence East 150 feet; thence South 150 feet to the north right-of-way line of North Street of Richmond, Kansas; thence East 1861.7 feet, thence North 20.2 feet; thence easterly 20.9 feet; thence East 125.4 feet to the point of beginning, containing 226 acres more or less.

SECTION 2: The City Clerk shall file certified copies of this resolution pursuant to K.S.A. 12-518.

SECTION 3: This Resolution shall take effect from and after publication in the official City Newspaper as provided by law.

ADOPTED AND APPROVED by the Mayor and Council of the City of Richmond, Kansas, this 10th day of May, 2016.

Verlin Springer seconded the motion. Vote 4-0, motion passed. The Clerk will have the resolution published and will provide a certified copy to KDOT and County Clerk as required by statute.

7. Re-appointment of City Attorney; City Judge; City Treasurer; and City Clerk.

After discussion, Karen Peters made a motion to reappoint Jeff Wilson as City Attorney, Connie Sams as City Judge, Sister Loretta Roeckers as City Treasurer, and Marla Gadelman as City Clerk. Doug McIntosh seconded the motion. Vote 4-0, motion passed.

8. Approve Application and Permit for Retail Sale of Fireworks. City Clerk provided council with a draft of an application for a permit to sell fireworks. Clerk was asked by a new resident if sale of fireworks are allowed in the City. Our Code does permit the sale of fireworks upon application and payment of fee. The Clerk is requesting council approval of the proposed application and the amount of insurance to be required. After discussion, Karen Peters made a motion to approve the form Application and Permit for Retail Sale of Fireworks with an insurance or bond requirement of \$500,000. Verlin Springer seconded the motion. Vote 3-1, motion passed.

9. Other necessary city business:

a. Water Agreement with Anderson County Rural Water No. 4. Scott Snow reported he and Doyle Sobba attended the Annual Meeting of Anderson County Rural Water No. 4. With the continued consensus of the Council, Mayor Snow will get with our City Attorney, Jeff Wilson, and ask him to write a SIMPLE agreement between the parties. The terms agreed upon include: water will be measured per 1,000 gallons; both parties will verify the measurements and accuracy; will adhere to State regulations; backflow will not be a

problem; the billing cycle will be our normal billing cycle and theirs will be their normal cycle; agreement will be review every five years; the parties will jointly administer the agreement; there will be no significant infrastructure needed; the master meters will be jointly owned by the parties and any maintenance or other expenses associated for the meter will be split equally; RWD will transfer ownership of the line from the meter north to the City and we will be responsible for any expenses; RWD will be responsible for any maintenance from the meter to the south; price for water bought/sold will be \$6.50 per 1,000 gallons and will be review every five years unless necessary earlier due to costs increases. Neither party feels it is necessary to get into detail about pressure guarantees or anything else because this will be in an emergency situation only.

b. Appointment of council member. Doug McIntosh believes it is time to appoint a new council member if Mr. Rodriguez is not planning to complete his term.

c. Community Building steps. Karen Peters asked whether the city staff could turn on the water in the city park on May 12 while the steps at the community building are being cut out and replaced to reduce the dust while the nutrition site serves lunch. Staff will try to get water to an outside hydrant for the community building's use during the step replacement.

d. Dog Bite. Verlin Springer questioned why the dog that bit Marcia Springer was allowed back within the city limits. He believes from reading our code that once the dog bites a human it is automatically deemed vicious and the city could be held liable if the dog bites another human because we failed to enforce our codes. After lengthy discussion, it was determined that the Code Enforcement Officer, Jake Strobel, will contact the owner of the dog and asked him to voluntarily remove the dog from the city limits. If the dog owner refuses or fails to remove the dog the Clerk will contact Judge Connie Sams to arrange a court date and a citation will be issued to the owner of the dog. City Attorney Jeff Wilson will be advised of the situation and court date.

E. EXECUTIVE SESSION

Doug McIntosh made a motion to go into executive session for 15 minutes to discuss non-elected personnel matters and review employee timesheets. Helen Feuerborn seconded the motion. Vote 4-0, motion passed. Time: 10:13 PM.

At 10:28 PM Karen Peters made a motion to come out of executive session. Doug McIntosh seconded the motion. Vote 4-0, motion passed.

At 10:30 PM Verlin Spring made a motion to go back into executive session to discuss non-elected personnel matters and review employee timesheets. Doug McIntosh seconded the motion. Vote 4-0, motion passed.

At 10:35 PM Doug McIntosh made a motion to come out of executive session. Karen Peters seconded the motion. Vote 4-0, motion passed.

No action was taken during executive session.

F. Approval of Expenses. After discussion, Verlin Springer made a motion to approve the expenses paid since the April 12, 2016 meeting. Helen Feuerborn seconded the motion. Vote 4-0, motion passed.

E. STAFF REPORTS

Doyle Sobba reported that the new fair barn is scheduled to be put up this week.

Marla Gadelman reported that we received the dividend check from EMC in the amount of \$3,687.55 for the year 2015.

G. COUNCIL COMMENTS AND/OR REPORTS. None

Adjournment: Karen Peters made a motion to adjourn the meeting. Doug McIntosh seconded the motion. Vote 4-0, motion passed. Time: 11:05 PM

APPROVED:

By:



Shelden Snow, Mayor

ATTEST:


Marla Gadelman, City Clerk