

MONDAY

JULY 15, 2019

The Governing Body of the City of Pratt met in Regular Session in the Commission Room located at City Hall.

PRESENT:	Doug Meyer	Mayor
	Gary Schmidt	Commissioner
	Don Peters	Commissioner
	Jason Leslie	Commissioner
	Zach Deeds	Commissioner

ALSO PRESENT:	Roy Eckert	City Manager
	LuAnn Kramer	City Clerk
	Regina Probst	City Attorney
	Diana Garten	Finance Director
	Nate Humble	Chief of Police
	Russell Rambat	Public Works Director
	Jamie Huber	Dir. of Electric Utilities
	Bruce Pinkall	Recreation Director

CALL TO ORDER:

The regular meeting was called to order by Mayor Meyer. The Mayor instructed the City Clerk to note that all Commissioners were present.

Mayor Meyer reminded the audience that this meeting may be taped and/or recorded.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Commissioner Schmidt led the staff in the invocation and Mayor Meyer led the Pledge of Allegiance.

CONSENT AGENDA:

- July 01, 2019 Recessed Commission Meeting
- July 01, 2019 Regular Commission Meeting

Commissioner Peters made a motion to approve the consent agenda. The motion was seconded by Commissioner Schmidt and carried unanimously.

BUSINESS:

DISCUSSION WITH LAMP RYNEARSON (FORMERLY LARKIN AQUATICS) CONCERNING POSSIBLE FUTURE POOL REPLACEMENT:

Public Works Director Rambat stated that Mr. Kyle McCawley had addressed the Commission about the study they had done on our pool back in 2014; however, the results of the study got put on a shelf and the Commission decided that they did not want to pursue it at that particular time. Mr. Rambat stated that he felt that we needed to reopen that dialogue for the future of the pool. Mr. McCawley explained that 70% to 75% of their projects were municipalities and he added that they typically do an assessment so that

everyone knows why. Mr. McCawley commented that they know that you had to figure out the cost of a new pool.

Mr. McCawley stated that the first part was to focus on the planning and he added that he had stayed in contact with Mr. Rambat at least once a year since 2014. Mr. McCawley commented that they work with partnerships and layout the path on what it would look like from beginning to the end. Mr. McCawley explained that they could also look at other sites and they had looked at five and three of those were on City property and two would have to be purchased. Mr. McCawley stated that it was important to engage the public and try to get information from them and then the project would be more transparent.

Mr. McCawley stated that the next step would be to look at concepts and funding the project. Mr. McCawley commented that they did do some grant work and fund raising. Mr. McCawley explained that communities like Pratt were proud of what they had. Mr. McCawley stated that their company would draw up the plans and get bidders once the funding was in place. Mr. McCawley stated that the time frame was about thirty months. Mr. McCawley stated that you need a place for about eight swim lanes for the swim team and a place for the little guys so that they did not get into the deeper water. Mayor Meyer asked if he saw communities going to splash pads. Mr. McCawley stated that it was better to have one body of water and then there was only one filtration system.

Commissioner Leslie asked if thirty months was the bare minimum. Mr. McCawley stated that this process typically takes six to eight months, but they could do it quicker. Mr. McCawley explained that the bidding process took about forty-five days and the construction was another ten to twelve months. Mr. McCawley stated that there were things that were not going to let you go less than eighteen months. Mr. McCawley commented that some communities choose to close their pool when they were going with the same site and others chose to close August 1st. Commissioner Peters asked if we would have to do a ¼ cents sales tax or a bond issue. Mr. McCawley stated that they were not a bond council, but they generally see a sales tax increase by 1% and that would sunset after it was paid off.

Commissioner Deeds questioned if where to put the pool was the common dilemma. Mr. McCawley stated that that was certainly part of the conversation and he shared that Cimarron had a couple of different options for theirs. Mr. McCawley explained that the high school had told them that they could use their parking lot during the summer and the school had a concession stand since it was by the football field. Mr. McCawley added that it could be a tricky conversation due to different dynamics and he added that it usually takes a small shift so that you did not lose a season. Commissioner Deeds asked if tourism ever factored in to it. Mr. McCawley stated that you had to do the demographics and that you had to build it for the community. Mr. McCawley commented that there might be opportunities to partner with hotels, and Pratt could build around the track and soccer field.

Commissioner Leslie asked if they work with municipalities only or if they worked with investors. Mr. McCawley stated that they had done it with private money and they were looking for a return on their investments. Commissioner Peters asked if he had taken the time to drive around to look at other sites in 2014. Mr. McCawley stated that they had not gotten to that point, but it was worth looking at opportunities. Mr. McCawley added that the City was looking at doing it in the same place back in 2014.

CONSIDERATION AND APPROVAL FOR THE USE OF GREEN SPORTS COMPLEX FOR OKTOBERFEST 2019 ON SEPTEMBER 28, 2019:

Mr. John Beverlin stated that he was addressing the Commission to ask permission to use Green Sports Complex for the 3rd annual Oktoberfest. Mr. Beverlin commented that they would be doing the same set up as in the past. Recreation Director Pinkall commented that they had done an excellent job and it was a positive thing for the community. Commissioner Peters commented that he thought it was great that they

take the profits and put them back into the community. Mr. Beverlin stated that they were surprised at their revenue last year. City Attorney Probst asked if Mr. Beverlin would be getting her the resolution needed for the alcohol license. Mr. Beverlin stated that he would get that. With no more discussion, Commissioner Peters made a motion to approve the use of the Green Sports Complex for Oktoberfest on September 28, 2019. The motion was seconded by Commissioner Leslie and carried unanimously.

CONSIDERATION AND APPROVAL OF FUNDING REQUEST FROM THE B-29 MUSEUM:

Mr. George Stevens addressed the Commission concerning financial support for the B-29 Museum. Mr. Stevens stated that they wanted to grow and they were wanting to hire a curator so that they could be open more. Mr. Stevens stated that they needed more money to have it open more often and they had gotten some help from KDWP in the past. Mr. Stevens commented that some people that visit have great stories and they were trying to capture that and post it at the museum. Mr. Stevens stated that visitors come in different groups and they had about 500 to 650 a year.

Mr. Stevens stated that he was asking for \$20,000 and explained that the curator was the most important. Mr. Stevens added that they also needed some maintenance on the building, such as guttering to keep the rain out of the windows. Mayor Meyer commended Mr. Stevens for what they were doing. Mayor Meyer stated that people their age were getting older and the younger ones were lacking interest. Mayor Meyer explained that they had already had their budget session, so this was a little behind the eight ball. Mayor Meyer asked if he had gone to Travel and Tourism with this request. Mr. Stevens stated that he had not. Mayor Meyer also explained that the City was asking for profit and loss statements from organizations requesting donations.

Commissioner Leslie asked if they had people want to donate things for the museum. Mr. Stevens stated that they did and sometimes they make a copy of it and some were on consignment. Commissioner Peters questioned what vision they had for expanding. Mr. Stevens stated that they were hoping to open three days a week or at least a couple hours a day. Commissioner Peters asked if they advertised and put things at the motels. Mr. Stevens stated that they did. Commissioner Leslie questioned how far along they were with the sidewalk project. Mr. Stevens commented that it was about $\frac{3}{4}$ done and they wanted it to be a mile long. Mr. Stevens stated that they had about \$26,000 in it and they needed about that much more. Commissioner Peters asked if Tourism was on their agenda. Mr. Stevens stated that it sure could be. Commissioner Peters stated that this was a draw to the Pratt area. Mr. Stevens commented that they had talked about billboards along the highway. Mr. Stevens explained that they were also wanting to build another building north of the existing one to store things. Mr. Stevens stated that he would like to see teachers bring their kids out. Commissioner Schmidt commented that it was hard to get \$20,000 around. Mr. Stevens stated that they would not need all of the money right now. Commissioner Deeds asked if this would be a reoccurring thing. Mr. Stevens stated that they had not asked for anything last year.

Mayor Meyer asked Finance Director Garten what we could do. Ms. Garten stated that the budget would have to be raised another $\frac{1}{2}$ a mil. Mayor Meyer questioned what Tourism could do. Ms. Garten stated that they would have to come here for anything over \$10,000. Mayor Meyer asked if the Tourism funds were there. Ms. Garten stated that they were. Mayor Meyer explained that the Commission could approve this if it came from Travel and Tourism. Commissioner Leslie asked how much was in that fund and if some of it was dedicated to other projects. Ms. Garten stated that some was dedicated to the pool and the Municipal Building. Commissioner Peters suggested that they not make a decision tonight. Mayor Meyer stated that he wanted to help them do something; however, he wanted this item tabled pending a conversation with Travel and Tourism.

- **Trees in the City:**

Mr. Stevens commented that some trees in the City needed to be trimmed so that they did not hang way out and way low. Mr. Stevens added that the fire trucks were going to jerk trees down or mess the truck up. Mayor Meyer questioned if the City crews did that. Public Works Director Rambat stated that they did some, but this was going to be a good undertaking. Mr. Rambat commented that they did not have the money in the budget for a contractor, but they did take care of dying trees or if it was a traffic hazard. Mr. Rambat stated that some property owners had a problem with that; however, 90% were on a street right-of-way.

CONSIDERATION AND APPROVAL OF THE PURCHASE OF A USED LOADER FOR STREET DEPARTMENT:

Public Works Director Rambat stated that he would usually bring this before the Commission, but Street Superintendent Sinclair had been contacted by a sales rep from an implement company and they had a used loader in Garden City and wanted to get rid of it. Mr. Rambat stated that those loaders run around \$159,000, but they were pricing it at \$76,500. Mr. Rambat stated that he was not asking for approval to buy it, but they wanted them to bring it to Pratt for a couple of days so that the guys could demo it. Mr. Rambat commented that he had to sign a deal that we were interested.

Mr. Rambat stated that he would like permission to purchase the machine at a not to exceed price of \$76,500, but only after it had been demoed. Commissioner Leslie asked what we had now. Mr. Rambat stated that they had a Caterpillar that was a 1968 and the newest model was a 1986. Mayor Meyer stated that it sounds almost too good to be true. Mr. Rambat agreed and added that it has four months warranty left on it. Mr. Rambat commented that, if we were that serious in buying it, they were that serious in selling it. Mr. Rambat added that they had talked about selling the cat loader on Purple Wave. Commissioner Leslie asked if it worked in with the current budget. Mr. Rambat stated that Mr. Sinclair had talked to the Finance Director and some things could be shuffled around and some could come out of next year's purchases. With no more discussion, Commissioner Leslie made a motion to approve the purchase of a 2014 loader with bucket not to exceed \$76,500. Commissioner Deeds seconded the motion and it carried unanimously.

CONSIDERATION AND APPROVAL OF LOW BID TO REPLACE THE 100 BLOCK OF WEST 10TH STREET:

Public Works Director Rambat stated that he went out for bids to replace the 100 block of West 10th Street, which was a street that was used a lot with the sand plant being there. Mr. Rambat explained that the concrete was starting to erode; therefore, they would be removing and replacing the whole block with 8" of concrete with steel in it. Mr. Rambat commented that he got two bids back and Arensdorf Construction bid \$60,120 and Smiley Concrete bid \$68,384.16. Mr. Rambat stated that everyone was pretty busy, but Arensdorf Construction had done work for us before, so he was recommending the low bid of \$60,120. Mr. Rambat added that the project had to be completed by August 12th.

Mr. Rambat stated that the funding for this project would come from the Federal Fund Exchange Program, which were funds that could be used on City streets. Commissioner Schmidt asked if the curb going north and south would be bigger. Mr. Rambat stated that he had looked at that and the utility under it was a sewer main and it would get complicated being a State highway. Mr. Rambat commented that the bricks from this project would be at 10th Street and Jackson Street. With no more discussion, Commissioner Schmidt made a motion to approve the bid from Arensdorf Construction in the amount of \$60,120 for the 10th Street project. The motion was seconded by Commissioner Peters and carried unanimously.

CONSIDERATION AND APPROVAL OF RESOLUTION 071519 CONCERNING THE ABATEMENT OF 802 S. TAYLOR:

Ms. Probst explained that this property at 802 South Taylor was owned by two people who were now deceased and both of them had children. Ms. Probst commented that the husband died and left the property to his wife and when she passed away, her children inherited the property. Ms. Probst stated that the property was not being taken care of and all attempts to contact the owner were not successful. Ms. Probst added that the neighbor was very upset about this; therefore, she decided to bring it to the Commission to abate the property and assess those costs to the property. Commissioner Peters asked if KDHE would get involved. Ms. Probst stated that they did; however, it had to be an extreme case.

With no more discussion, the following Resolution 071519 was presented to the Commission for their approval: **RESOLUTION PROVIDING FOR ABATEMENT OF INJURIOUS OR DETRIMENTAL CONDITIONS ON RESIDENTIAL PREMISES PURSUANT TO PRATT MUNICIPAL CODE SECTION 8.04.020.** Commissioner Leslie made a motion to approve Resolution 071519 abating the property at 802 South Taylor Street. The motion was seconded by Commissioner Deeds and carried unanimously. Commissioner Peters questioned what happened now. Ms. Probst stated that the resolution would be published once a week for two weeks and a certified copy of the resolution would be sent to the property owners. Ms. Probst commented that twenty days after the second publication, Building Inspector Blankenship would have the authority to clean it up.

REPORTS:

City Manager:

- **Yard complaints:**

City Manager Eckert stated that there had been several complaints about yards in different areas. Mr. Eckert commented that we had to go by what our codes were. Mr. Eckert stated that Ms. Probst had done a great job getting things done. Commissioner Leslie asked if we were working on 503 West 4th Street. City Attorney Probst stated that she had been by there six or eight months ago and it was not in the condition it was today. Ms. Probst explained that it had been bad before, but not enough to be a code violation; however, it was time to enforce the code. Commissioner Leslie asked if we let the sanitation employees drop things off at their homes. Public Works Director Rambat stated that it was not a standard practice. Ms. Probst commented that some of these were sensitive issues, but this was now a violation. Commissioner Deeds stated that the landlord lives in Colorado and they were in the process of eviction.

- **Succession Plan:**

Mr. Eckert stated that the succession plan was now coming to the front with Park Superintendent Mark Eckhoff retiring at the end of August and his successor would maybe be here for two more years.

- **Solar Farm:**

Commissioner Peters stated that he had taken some visitors by the solar farm and he was taken aback of what it looked like. Commissioner Peters commented that we need to get on the phone, because it needs cleaned up or we need to do it and bill them. Mr. Eckert stated that they had been emailed pictures and they were to be sending people down. Commissioner Peters asked if he had gotten a date. Mr. Eckert stated that he did not set a date, but they would be down to cut the grass and work on the invertor. Commissioner Peters asked if it had been off. Director of Electric Utilities Huber stated that it had been off and on and they knew that we were not happy. Mr. Eckert stated that Inovateus was supposed to send

someone out to mow. Commissioner Peters stated that it had not even been on for six months and he asked City Attorney Probst if there was not anything in the agreement that we had in our favor. Mr. Huber stated that they were supposed to send some people out from Colorado and they would take if offline for a day or two. Mr. Huber commented that he was not real thrilled with this happening this time of the year. Commissioner Peters asked if there was a lead time. Mr. Huber stated that it should be in a couple of weeks. Mr. Huber explained that they had not had problems until they got here. Commissioner Peters suggested that Ms. Probst check over the agreement to see if there was anything in there about them not performing and having to do some type of compensation. Ms. Probst stated that she would review the agreement and there were provisions in which we would have to provide them with a notice of their breach of contract and provide them with a reasonable remedy. Ms. Probst added that the remedy periods were a very long period. Ms. Probst explained that it initially is thirty days; however, we did not have real teeth until about one hundred eighty days.

Ms. Probst stated that she did remember having discussions about the invertors since they were such a big deal. Ms. Probst asked if Mr. Huber meant that they had replaced them on our site two or three times. Mr. Huber explained that there were six modules for each invertor and they had been replaced three times each. Ms. Probst stated that she remembers them talking about how expensive the invertors were. Mayor Meyer commented that they should still be under warranty.

City Attorney:

- **4th Amendment:**

City Attorney Probst stated that she had been working with department heads on several different issues and she had also been working with Chief Humble concerning polycarts and the officers not getting in trouble. Ms. Probst explained that, from the 4th Amendments standpoint, the Supreme Court had ruled that once a polycart was taken out to the street there were no reasonable expectation of privacy of what was in it. Ms. Probst explained that that means that a law enforcement officer could dig through your trash to see if there was any evidence of a crime.

Public Works:

- **Lemon Park Bathroom:**

Public Works Director Rambat stated that the new restroom would be in Lemon Park on Thursday.

- **Detwiler bridge:**

Mr. Rambat reminded the Commission that he had been instructed to get quotes for the Detwiler bridge, so he had some contractors look at it. Mr. Rambat commented that the quotes ranged from \$6,000 to \$10,000 and one was \$13,500. Commissioner Schmidt commented that they already had some of the material. Mr. Rambat stated that they had the decking, but not the beams that it needed to make it more stable. Mayor Meyer stated that anything under \$10,000 could be approved by the City Manager.

Electric Departments:

- **Generator 5 online:**

Director of Electric Utilities Huber stated that the power plant guys had gotten generator five on line and it would run for about two weeks. Mr. Huber explained that they would be doing their annual testing on Thursday; however, they want to be back online by noon.

Recreation Department:

- **Tournament:**

Recreation Director Pinkall stated that they had a great tournament this last weekend with thirty-five teams and seventy-six games in three days. Mr. Pinkall commented that people had enjoyed Pratt and it was all well received. Mayor Meyer asked how far away they had come from. Mr. Pinkall stated that there were teams from Topeka, Garden City, Hays and Wichita. Commissioner Peters commented that the hotels were probably full. Mr. Pinkall stated that some were and so were the restaurants. Mr. Pinkall commented that it was also the Chamber's sidewalk sale and it had been well attended also.

- **Municipal Building project:**

Mr. Pinkall stated that the heating and air for the gym should be completed this week and then they would start working on the electrical side by next week. Mr. Pinkall commented that things were moving along well and they should be able to cool the gym by the end of summer.

- **Track and Soccer Complex:**

Mr. Pinkall stated that the sidewalk at the track and soccer complex was about two-thirds done and the curbing was about 80% done. Mr. Pinkall commented that the fine grading was about done on the track and soccer area and the base had been hardened. Mr. Pinkall explained that they would put crushed rock on it about 5" deep and put asphalt on top of that. Mr. Pinkall added that the plumbing was in, the water was set and the lift station was to come in next week. Mr. Pinkall explained that the sewer would then be connected to the manhole. Commissioner Peters questioned what was going to happen with the drainage ditch. Mr. Pinkall stated that it was just going to be like it was for now. Mr. Rambat stated that they were working on it and wanted to get it straightened to the south to get about 100' on it. Mayor Meyer asked about mowing. Mr. Pinkall stated that they had been trying, but they would have more time now that ball season was over. Mr. Pinkall commented that it would look better in the next two weeks.

Police Department:

- **Burglaries:**

Police Chief Humble stated that there had been a rash of burglaries on the 20th of June, but the most recent ones had all been solved. Chief Humble stated that they had apprehended two juveniles and some of the stolen property had been recovered. Chief Humble explained that these burglaries were tied to other crimes in other jurisdictions. Chief Humble commented that the burglaries here had all been through unlocked doors on vehicles.

Finance Department:

- **Budget Hearing:**

Finance Director Garten reminded the Commission that the public budget hearing would be on August 5th and then they would go from there.

City Clerk/Utility Department:

- **Sharefest:**

City Clerk Kramer stated that several organizations and churches were going to do the Sharefest again in Lemon Park on August 10th; however, they were not able to come to a meeting to ask permission to use the park and also the llama area for parking. With no discussion, the Commission were all in agreement that it would be fine for them to set-up in the park and use the llama area for parking.

Mayor and Commission:

- **Nicotine sales:**

Mayor Meyer commented that he had read in the paper about how Newton and City management wanted to restrict nicotine sales to people under 21. Mayor Meyer stated that he did not want to initiate that; however, he had emailed Principals Tony Helfrich and Steve Blankenship to see if they had any groups that would want to.

- **Fire Science:**

Mayor Meyer commented that he would like to see PCC offer a fire science program and it could be in conjunction with the training facility that the fire department had talked about.

- **City flag/Sandy Creek:**

Mayor Meyer stated that he had visited with Chamber Director Kim DeClue and she was interested in developing a City flag. Mayor Meyer commented that she was also doing some promotional work to move the properties in Sandy Creek.

- **Bundling projects:**

Mayor Meyer stated that there were several discussions about a new pool, turf for fields at the Sports Complex, the Municipal Building project and an event center and all of that would have to be a bond issue. Mayor Meyer stated that he did not know if it could be bundled into one bond, but it was time to start talking and talk was cheap.

- **Humane Society:**

Commissioner Peters questioned the expenses for electric, water and trash that were listed under expenses on the Humane Society's Profit and Loss statement in the amount of \$1,900. Commissioner Peters commented that he thought we took care of that. City Clerk Kramer stated that they were given \$6,000 utility allowance on January 1st and it had taken them through the whole year with money left over. Commissioner Peters stated that he was surprised that it was on there. Finance Director Garten commented that we would have to verify it with them and the revenues would be a question also.

Executive Session #1:

Mayor Meyer made a motion to go into executive session for thirty minutes to discuss data relating to financial affairs or trade secrets of second parties. The motion was seconded by Commissioner Peters and

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carried unanimously. Mayor Meyer added that he would like for Finance Director Garten and Mr. Robert Smiley with Smiley Concrete be a part of this session also.

Mayor Meyer made a motion to return from executive session with nothing to report; however, they would return to executive session for an additional ten minutes. Commissioner Schmidt seconded the motion and it carried unanimously.

Mayor Meyer made a motion to return from executive session with nothing to report, but they would be returning to executive session for another five minutes. Commissioner Peters seconded the motion and it carried unanimously.

Mayor Meyer made a motion to return from executive session with nothing to report. Commissioner Leslie seconded the motion and it carried unanimously.

Executive Session #2:

Mayor Meyer made a motion to enter into executive session for non-elected personnel to last one hour. The motion was seconded by Commissioner Peters and carried unanimously.

Mayor Meyer made a motion to return from executive session with nothing to report. The motion was seconded by Commissioner Schmidt and carried unanimously.

Upon returning to the regular session of the Commission meeting, Mayor Meyer stated that paragraph three of the City Manager's contract provides that the City Manager's contract will automatically renew annually unless the Commission provides written notification prior to August 3rd of the Commission's intention not to extend the contract for another year. Mayor Meyer stated that; therefore, he would make a motion that the Commission provide the required notification to the City Manager that his contract shall not be renewed upon its expiration November 05, 2019. The motion was seconded by Commissioner Leslie and carried unanimously.

Mayor Meyer made a motion that, contingent upon Mr. Eckert's assertion, his resignation shall be effective November 5, 2019, he would move that Mr. Eckert's pay and benefits be extended through December 31, 2019. The motion was seconded by Commissioner Deeds and carried unanimously.

ADJOURN:

Upon proper motion, the meeting was adjourned.

Doug Meyer, Mayor



ATTEST:

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LuAnn Kramer, City Clerk