

CITY OF CHERRYVALE

**MEETING OF THE CITY COUNCIL
REGULAR MEETING
JULY 18, 2011
7:00 p.m.**

Working for a better tomorrow... today.

ORDER OF BUSINESS

CALL MEETING TO ORDER

INVOCATION: Council Member Randy Wagoner

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSIDERATION OF MINUTES:

[Regular Meeting, July 5, 2011](#)

[Special Meeting, July 11, 2011](#)

PUBLIC FORUM

GOVERNING BODY COMMENTS

**Mayor John Wright
Council Member Chad Wickham
Council Member Kevin Crain
Council Member Randy Wagoner
Council Member Lew Forman, Jr.**

NEW BUSINESS

A. [PRESENTATION OF 2010 AUDIT OF CITY FUNDS](#)

Presented by Phil Jarred, Jarred, Gilmore & Phillips

RECOMMENDED ACTION: Receive & file.

B. [2011 STREET REPAIR PROJECT](#)

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Authorize contract labor and materials in an amount not to exceed \$30,000 to assist the Public Works Department in completing the 2011 Street Repair Project.

C. [2011 STREET OVERLAY PROJECT](#)

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Authorize the City Administrator to execute a contract with Heckert Construction for the 2011 Street Overlay Project in an amount not to exceed \$49,430.80.

D. 2011 PATROL VEHICLE EQUIPMENT RESERVE PURCHASE

Presented by Perry Lambert, Deputy Police Chief

RECOMMENDED ACTION: Authorize purchase of 2010 Dodge Charger in the amount of \$18,900 and up to \$4,000 in equipment.

E. 2012 BUDGET PRESENTATION

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Approve publication of 2012 proposed budget and budget hearing notice.

CONSENT AGENDA

Presented by John Wright, Mayor.

1. Appropriations Ordinance No. 11-0708	\$104,340.95
a. Approval of Purchases over \$5,000	
i. B & L Trenching (Sidewalk Replacement)	\$17,565.50
ii. Public Wholesale Water District #4	\$26,060.00
iii. Westar	\$5,765.84

RECOMMENDED ACTION: Approve consent agenda as presented.

INFORMATIONAL ITEMS

1. Montgomery County Action Council Annual Golf Tournament

ADJOURNMENT

CITY OF CHERRYVALE

**MEETING OF THE CITY COUNCIL
REGULAR MEETING
JULY 5, 2011
7:00 p.m.**

Working for a better tomorrow... today.

CALL MEETING TO ORDER

Mayor Wright called the meeting to order.

Present: Mayor John Wright, Council Member Randy Wagoner, Council Member Lew Forman, Jr., Council Member Kevin Crain, City Administrator Greg McDanel, Assistant City Administrator/City Clerk Becky Swain, Public Works Director Wade Webber, Fire Chief Ron Davis, Austin Smith, Maxine Scott, Edwin Eytcheson, Stacy McLaughlin, Greg Lower, and Andy Taylor.

INVOCATION

Council Member Randy Wagoner gave the invocation.

PLEDGE OF ALLEGIANCE

Everyone participated in the Pledge of Allegiance.

ROLL CALL

City Clerk Becky Swain called roll. Present: Mayor Wright, Council Member Wagoner, Council Member Forman, Council Member Crain. Absent: Council President Wickham.

PUBLIC HEARING

A. CONDEMNATION HEARING: 320 E. 5TH STREET

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Hold condemnation hearing.

Mayor Wright declared the public hearing open at 7:02 p.m. The property owner, Ralph Prater, was not present. Mayor asked for comments. There were none. **Council Member Wagoner made a motion to close the hearing; seconded by Council Member Crain. All votes aye.**

NEW BUSINESS

**A. RESOLUTION NO. 11-26: ORDERING REPAIR OR DEMOLITION OF
STRUCTURE AT 320 E. 5TH STREET**

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Adopt Resolution No. 11-26.

Council Member Crain made a motion to adopt Resolution No. 11-26; seconded by Council Member Wagoner. All votes aye.

Cherryvale City Council Meeting

July 5, 2011 7:00 p.m.

B. QUARTERLY FINANCIAL & FUND BALANCE UPDATE

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Accept fund balance recommendations.

Council Member Wagoner made a motion to accept fund balance recommendations (12/31/12: General Fund – \$170,000, Water Fund – \$240,000, Sewer Fund – \$310,000); seconded by Council Member Crain. All votes aye.

C. CONSENT AGENDA

Presented by John Wright, Mayor

RECOMMENDED ACTION: Approve the consent agenda.

1. Regular Meeting Minutes – June 20, 2011
2. Appropriations Ord. No. 11-0624 \$134,140.20
 - a. Approval of Purchases over \$5,000
 - i. Allied Waste Services \$9,488.40
 - ii. B & L Trenching (Sidewalk Replacement) \$9,432.00
 - iii. Cherryvale Library Treasurer \$11,375.95
 - iv. Devore + Associates Architect \$10,625.00
 - v. Preferred Health Systems \$12,082.70
 - vi. Ray O’Herron Co. (Police Entry Equipment) \$5,384.30
 - vii. Card Services (P-Card Statement) \$8,196.94
 - viii. Cycles Unlimited (RBEG Loan) \$10,000.00
3. Public Wholesale Water Supply District #4 \$26,060.00
4. Engineering Contract with TranSystems for 2011 Street Improvement Project

RECOMMENDED ACTION: Approve consent agenda as presented.

Council Member Wagoner made a motion to approve the consent agenda as presented; seconded by Council Member Crain. All votes aye.

INFORMATIONAL ITEMS

1. 2011 Street Repair & Overlay Invitations to Bid
2. ICMA Annual Conference Scholarship
3. Shop Cherryvale First Brochure
4. Reschedule Budget Workshop

Cherryvale City Council Meeting
July 5, 2011 7:00 p.m.

ADJOURNMENT TO WORK SESSION

Council Member Crain made a motion to adjourn to the workshop; seconded by Council Member Forman. All votes aye.

Respectfully Submitted,

City Clerk

CITY OF CHERRYVALE

MEETING OF THE CITY COUNCIL SPECIAL MEETING JULY 11, 2011 5:30 p.m.

Working for a better tomorrow... today.

CALL MEETING TO ORDER

Mayor Wright called the meeting to order.

Present: Mayor John Wright, Council Member Randy Wagoner, Council Member Lew Forman, Jr., Council Member Kevin Crain, City Administrator Greg McDanel, Assistant City Administrator/City Clerk Becky Swain, Katie Casper of USDA/Rural Development.

ROLL CALL

City Clerk Becky Swain called roll. Present: Mayor Wright, Council Member Wagoner, Council Member Forman, Council Member Crain. Absent: Council President Wickham.

NEW BUSINESS

A. LETTER OF CONDITIONS MEETING FOR USDA RURAL DEVELOPMENT RURAL BUSINESS ENTERPRISE GRANT PROGRAM

Presented by Katie Casper, USDA Rural Development

Council Member Wagoner made a motion to accept \$71,000 in grant funds from USDA Rural Development, approve the letter of conditions, and authorize the Mayor to sign all required documents; seconded by Council Member Crain. All votes aye.

B. 2011 SIDEWALK REPLACEMENT

Presented by Greg McDanel, City Administrator

RECOMMENDED ACTION: Authorize City Administrator to sign contract with B & L Trenching for an amount not to exceed \$39,026.50.

Council Member Forman declared a conflict of interest and left the room.

Council Member Wagoner made a motion to approve Change Order No. 1, in the amount of \$8,035.75, for the 2011 Sidewalk Replacement Project; seconded by Council Member Crain. Aye votes: Council Member Wagoner, Council Member Crain. Council Member Forman was absent for the vote, declaring a conflict of interest due to his ownership of B & L Trenching. The motion passed with a majority of quorum voting in favor.

ADJOURNMENT

Council Member Wagoner made a motion to adjourn; seconded by Council Member Crain. All votes aye.

Respectfully Submitted,

City Clerk

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: July 18, 2011

Subject: 2011 Street Repair Project

Guest: None

Background: The 2011 Street Repair Project is a part of the planned 2011 street improvements designed to repair and overlay several section of road the Governing Body identified as a priority at the June 6th Council Workshop. The total project will repair and overlay Wilson Street from Main to 4th and 3rd Street from Galveston to Carson. These sections of street were identified as a priority due to the poor condition of the brick road.

In order to take advantage of competitive bid prices, the City bid the repair and overlay separately. Sealed bids for the repair project were accepted and opened on Thursday, July 14th at 2:00 p.m.

The bids for the 2011 Street Repair Project are as follows:

Vendor	Bid
Mission Construction	\$79,357.15
<i>Engineer's Estimate</i>	<i>\$39,300</i>

The only bid received for the repair portion of the project substantially exceeds the project budget. After a review of the work to be completed, it is recommended that the City of Cherryvale use its own forces to prepare the street sections for overlay. It is anticipated that materials will cost approximately \$11,000 and completion of the project will require the labor of two public works department employees for one month. If the City decides to use contract labor in addition to its own forces, the project could be expedited to allow overlay to begin. City staff would solicit quotes for personnel and equipment on an hourly basis from several local contractors.

Financial Consideration: The bid submitted for the project exceeds the project budget. Completion of the project using public works department personnel and contract labor is not anticipated to exceed \$30,000.

Legal Consideration: None.

Policy Consideration: The repair and overlay of these sections of roadway were identified as a 2011-2012 City Council priority.

Recommendation: Authorize contract labor and materials in an amount not to exceed \$30,000 to assist the Public Works Department in completing the 2011 Street Repair Project.

2011 Street Repair Project

July 14, 2011 Bid Opening

Bid Schedule				Mission Construction	
Item #	Item Description	Qty	Unit	Unit Price	Amount
1-2	Remove/Replace Pavement	340	SY	\$ 156.21	\$ 53,111.40
1-3	6" AB-3 Base Rock	255	SY	\$ 15.00	\$ 3,825.00
1-4	Medium Geo-Grid	195	SY	\$ 0.85	\$ 165.75
1-5	Remove/Replace Curb & Gutter	427	LF	\$ 35.00	\$ 14,945.00
1-6	Compaction Type AA MR 5-5	340	SY	\$ 1.50	\$ 510.00
1-7	6" Rock w/Fines	15	TN	\$ 20.00	\$ 300.00
1-8	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00
1-9	Traffic Control	1	LS	\$ 1,500.00	\$ 1,500.00
				<u>\$ 79,357.15</u>	

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: July 18, 2011

Subject: 2011 Street Overlay Project

Guest: None

Background: The 2011 Street Overlay Project is part of the planned 2011 street improvements designed to repair and overlay several section of road the Governing Body identified as a priority at the June 6th Council Workshop. The total project will repair and overlay Wilson Street from Main to 4th and 3rd Street from Galveston to Carson. These sections of street were identified as a priority due to the poor condition of the brick road.

In order to take advantage of competitive bid prices, the City bid the repair and overlay separately. Sealed bids for the overlay were accepted and opened on Thursday, July 14th at 2:00 p.m.

The bids for the 2011 Street Overlay Project are as follows:

Vendor	Bid
APAC	\$72,050.00
Heckert	\$49,430.80
SEKAN	\$49,966.60
<i>Engineer's Estimate</i>	<i>\$55,152.83</i>

Financial Consideration: The bid of \$49,430.80 from Heckert Construction falls below the engineer's estimate, within the project budget, and is the apparent low bid.

Legal Consideration: None.

Policy Consideration: The repair and overlay of these sections of roadway were identified as a 2011-2012 City Council priority.

Recommendation: Authorize the City Administrator to execute a contract with Heckert Construction for the 2011 Street Overlay Project in an amount not to exceed \$49,430.80.

2011 Street Overlay Project

July 14, 2011 Bid Opening

Bid Schedule				APAC		Heckert		SE-KAN	
Item	Item Description	Qty	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1-1	SM 9.5 PG 64-22	730	TN	\$ 85.00	\$ 62,050.00	\$ 65.96	\$ 48,150.80	\$ 67.42	\$ 49,216.60
1-2	Mobilization	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 620.00	\$ 620.00	\$ 500.00	\$ 500.00
1-3	Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 660.00	\$ 660.00	\$ 250.00	\$ 250.00
				<u>\$ 72,050.00</u>		<u>\$ 49,430.80</u>		<u>\$ 49,966.60</u>	

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: July 18, 2011

Subject: 2011 Patrol Car Equipment Reserve Purchase

Guest: Perry Lambert, Deputy Police Chief

Background: The Police Department is proposing the purchase of a 2010 Dodge Charger from Joe Watt Police Cars in Vinita, Ok. The patrol vehicle is budgeted for this year in the City's Equipment Reserve Plan. The Police Department's last vehicle purchase was in 2008, with the purchase of two new 2008 Dodge Chargers. In 2007, the City also purchased two new 2007 Chevrolet Impalas. The 2001 Ford Crown Victoria has been taken out of service due to mechanical safety concerns. One of the Chevrolet Impalas is having mechanical and electrical issues and if a major failure occurs the Department would be left with three vehicles in operation.

The City will trade in the 2001 Crown Victoria to Joe Watt in exchange painting the vehicle to match the rest of the department's fleet.

Financial Consideration: The total cost will be up to \$22,900.00. This includes \$18,900 for the vehicle and \$4,000 for additional equipment needed to put the vehicle in operation.

Legal Consideration: None.

Policy Consideration: It has been the goal of the Governing Body to maintain current and safe patrol cars for the Police Department.

Recommendation: Authorize purchase of 2010 Dodge Charger in the amount of \$18,900 and up to \$4,000 in equipment.

CITY COUNCIL ACTION REPORT

Proposed Agenda Date: July 18, 2011

Subject: Proposed 2012 Budget Publication and Hearing

Guest: None

Background: State laws govern the timetable for budget preparation, publication, hearing, adoption, and certification. The calendar below is based on these statutory requirements:

August 5th – Last day to publish the proposed budget and hearing notice

August 15th – Last day for public hearing on budget

August 25th – Last day for filing levies and budget with county clerk

Staff is pleased to present the Governing Body and the citizens of Cherryvale with the proposed 2012 budget for publication. The Governing Body of the City of Cherryvale has conducted two separate budget workshops to assist in formulating the 2012 proposed city budget.

Financial Consideration: The FY 2012 budget proposes a total mill levy of approximately 43.958. The mill levy increase of 4.414 is necessary due to annual increased fixed costs and the elimination of the mill levy reduction sales tax. In 2007, voters approved a ½ cent sales tax for a mill levy reduction which resulted in a decrease of 14.74 mills levied to the general fund. In April of this year, voters approved other uses for that source of revenue deemed more appropriate. The City's general fund has derived approximately \$88,000 a year from the mill levy reduction sales tax and now faces a revenue shortfall. The projected mill levy increase will generate approximately \$30,000 in revenue toward that shortfall.

The proposed 2012 general fund expenditures total \$1,756,521, which is a slight increase from the 2011 Budget level of \$1,751,503, due to increases in fixed costs (i.e. gasoline and electricity). Planned expenditures are down from the 2010 level of \$1,830,179. This reduction of \$73,500 is the equivalent to approximately 11 mills.

Legal Consideration: The publication of the proposed 2012 budget and notice of hearing must be provided by August 5th, according to K.S.A. 79-2929.

Policy Consideration: Proper budget preparation and procedure is the single most important responsibility of the Governing Body.

Recommendation: Approve publication of proposed 2012 budget and budget hearing notice.

CITY OF CHERRYVALE

Warrant Ordinance Number: 11-0708 Date: Friday, July 08, 2011

Detail of Checks Processed On Friday, July 08, 2011

Bk	Chk Num and Date	Vendor Number & Name	Voucher Num and Date	Voucher Amt	Memo
0	15709 07/08/11 00069	AeCAP LLC	20110526 06/23/11	475.77	ECONOMIC DEVELOPMENT TRAVEL/MEETING EXPENSES FOR TERRY TOMLINSON 6/23-25/2011
	15710 00079	AIRGAS MID SOUTH, INC.	20110537 07/07/11	27.20	INVOICE #106226632; COMPRESSED OXYGEN
	15711 00240	ARAMARK UNIFORM SERVICES	20110538 07/07/11	237.80	CUSTOMER #451149001; INVOICES #3385641; 3411836; 3437836; 3463859; 3489780; UNIFORMS
	15712 00001	AT&T	20110539 07/07/11	81.06	BILL #210 077 1254 201; INVOICE #0771254201-062511-SPECIAL ACCESS
	15713 00391.5	B & L TRENCHING, LLC	20110566 07/07/11	17,565.50	INVOICE #2470; SIDEWALK REPLACEMENT PROJECT-PAY REQUEST #2 FOR BID ALTERNATES 3 & 4
	15714 00464	BAUGHER EQUIPMENT, INC.	20110540 07/07/11	55.20	SERVICE ORDER #8195519; MOWER REPAIRS
	15715 00740	BRAUN INDUSTRIES, INC	20110541 07/07/11	34.86	INVOICE #84102; BRACKET AND BALL STUD FOR AMBULANCE
	15716 00700	BULLARD, JOHN R.	20110542 07/07/11	1,350.00	LEGAL SERVICES FOR JUNE 2011
	15717 00916	CARESIO, BEAU	20110567 07/07/11	12.15	REIMBURSEMENT FOR LAWN MOWER GASOLINE
	15718 01093	CHERRYVALE CLINIC	20110544 07/07/11	208.75	INVOICE #30265431; PRE-EMPLOYMENT PHYSICAL
	15719 01350	CHERRYVALE VETERINARY CLINIC	20110543 07/07/11	90.50	ACCT #3107; EUTHANASIA AND KENNEL INSPECTION
	15720 01824.5	COX COMMUNICATIONS	20110545 07/07/11	472.49	ACCT #001-1012 036657401; PHONE & INTERNET FOR CITY HALL, POLICE AND FIRE DEPARTMENTS
	15721 02250.5	EDNA DIESEL & AUTO REPAIR, LLC	20110546 07/07/11	1,393.45	INVOICE #8282; RADIATOR REPAIR FOR 2007 PIERCE PUMPER
	15722 03130	HOME & BUSINESS COMMUNICATIONS	20110548 07/07/11	230.00	PHONE FOR CA OFFICE
	15723 03392	INDEPENDENCE OVERHEAD DOORS	20110549 07/07/11	155.00	INVOICE #32760; PUBLIC WORKS BUILDING DOOR REPAIR
	15724 02700	JIM GILL AGENCY, INC.	20110547 07/07/11	189.00	INVOICE 18883; TREASURERS BOND; EQUIPMENT COVERAGE CHANGES
	15725 03733	KANSAS DEPARTMENT OF REVENUE	20110535 07/01/11	152.59	Water Protection Fee for June 2011
	15726 03755	KANSAS GAS SERVICE	20110550 07/07/11	51.28	ACCT #510668573 1002301 82; NATURAL GAS
	15727 05880	KANSAS ONE-CALL SYSTEM, INC.	20110551 07/07/11	21.00	INVOICE #1060181; 30 LOCATES FOR JUNE 2011
	15728 03970	KANSAS STATE TREASURER	20110552 07/07/11	573.00	REINSTATEMENT \$59; JBS \$17.50; EDUCATION \$12.50; TRAINING \$484.00
	15729 05010	MCCARTY'S	20110554 07/07/11	1,450.14	CUSTOMER #10480; SUPPLIES; WATER BILLING CARDS
	15730 05012	MCDANEL, GREG	20110553 07/07/11	133.62	REIMBURSEMENT FOR MILEAGE
	15731 05300	MONTGOMERY COUNTY NOXIOUS WEE	20110555 07/07/11	220.00	INVOICE #5394; WEED KILLER
	15732 05750	NEWTON'S	20110556 07/07/11	70.49	ACCT #62776; LABOR-POLICE DEPT AC REPAIR
	15733 05945	PARSONS AUTO PARTS, INC.	20110557 07/07/11	25.00	CUSTOMER #3362776; INVOICE #114250; FUEL FILTER NECK FOR 2001 CHEVY

CITY OF CHERRYVALE

Warrant Ordinance Number: 11-0708 Date: Friday, July 08, 2011

Detail of Checks Processed On Friday, July 08, 2011

Bk	Chk Numb and Date	Vendor Number & Name	Voucher Num and Date	Voucher Amt	Memo
0	15734 07/08/11	06285 PUBLIC WHOLESAL WATER	20110558 07/07/11	26,060.00	TREATED WATER
	15735 06424	RAY O'HERRON CO., INC.	20110492 06/21/11	3,037.00	INVOICE #1116120; 1116003; BACK ORDER FROM PO #11-197; Armor Tactical vests for Police Dept.
	15736 06677	ROBNETT, GORDON	20110559 07/07/11	190.34	REIMBURSEMENT/OVERPAYMENT AMBULANCE BILL
	15737 06761	SANDBAGGER GOLF & TURF	20110560 07/07/11	49.40	INVOICES #8896; 8923; MOWER REPAIRS
	15738 06850	SHANKS OIL COMPANY	20110561 07/07/11	1,051.12	INVOICE #225657; DIESEL
	15739 07745	UNITED STATES CELLULAR	20110563 07/07/11	130.87	ACCT & INVOICE #941908125-124; CELL PHONES FOR PUBLIC WORKS AND SWIMMING POOL
	15740 07803	VERIZONWIRELESS	20110564 07/07/11	26.95	ACCT #483025090; INVOICE #2591282606; CELL PHONE FOR FIRE DEPT
	15741 07970	WESTAR ENERGY	20110565 07/07/11	5,765.84	GROUP BILL #6245324605; ACCT #9246063908; ELECTRICITY
	70111 03750	KS EMPLOYMENT SECURITY FUND	20110536 07/01/11	2,750.41	Quarterly Wage Report & Unemployment Tax Return - 2nd Quarter 2011
	70711 02100	RETAILERS' SALES TAX DIV	20110562 07/07/11	573.02	June 2011 Sales Tax
Grand Total				64,910.80	
				39,430.15	- payroll
				\$104,340.95	- TOTAL

Passed this 18th day of July, 2011.

Signed this 8th day of July, 2011.

_____ Mayor

Attest:
_____ City Clerk

Save the date of Montgomery County
Action Council's
**10th Annual
Legislative
Golf Tournament**



A 4 person scramble with your fellow
legislators from across the state and
business leaders of Southeast Kansas:

Thursday, August 25, 2011

Hillcrest Golf Course

Coffeyville, Kansas

Contact: Brad Eilts or Marilyn Kurfiss

(620) 331-3830 or email:

eilts@actioncouncil.com or

kurfiss@actioncouncil.com



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