

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

April 10, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 10, 2007, at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: J. L. Walker, Mayor, Mike Justice, Mike York, Lyle Berntsen, David FitzGerald, and Casey Carlson. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Paul Rhodes, Times Sentinel; John Mishler, citizen; Kurt Williams, Zach Benson, Amy Young, Aaron Oakman, Alan Armour, James Conrad, Chelsea Papish, Ashley Spangler, Julie Mikesell, Heather Seidl, Jessie Pearson, Toni Sanford, Trevor Smothers, Jack Wright, Chad Bates, and Abdula Al-Sharieh, Clearwater High School students.

Mayor Walker called the meeting to order at 6:30 p.m. Walker gave the invocation, which was followed by the Pledge of Allegiance. The Clerk called the roll to confirm the presence of a quorum.

1. Approval of the Minutes of the Regular Meeting of March 27, 2007

MOTION: Council Member York made a motion to approve the minutes of the meeting. The motion was seconded by Council Member FitzGerald and passed unanimously.

Approval of the Minutes of the Special Meeting of April 3, 2007

MOTION: Council Member FitzGerald made a motion to approve the minutes of the meeting. The motion was seconded by Council Member Berntsen and passed unanimously.

Mayor Walker and Council Member Carlson stepped down from the dais. City Administrator Brown thanked Mayor Walker and presented him a plaque representing his 14 years of continued service to the City of Clearwater as Council Member, Council President, and Mayor. Brown then thanked Council Member Carlson for serving on the Council from

2005 to 2007 and presented him with a plaque for his service to the City of Clearwater. Mayor Walker and Council Member Carlson addressed the Council, staff and audience.

City Clerk Wright administered the Oath of Office to Judy Armstrong and Jim Whitney as Council Members and Michael Justice as Mayor. Council Members Armstrong and Whitney and Mayor Justice took their places on the dais.

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. Election of Council President

Mayor Justice stated that the Council President would be a person that if for some reason he could not be at a meeting or unable to perform the duties of Mayor the Council President will run the meeting. If the Mayor cannot perform the duties of Mayor and have to step down, the Council President becomes Mayor. The Council President would also have check signing duties if the Mayor is unavailable. Council Member FitzGerald nominated Council Member Mike York as Council President. There were no other nominations and by consensus, the Council approved the nomination. Council Member York accepted the nomination.

5. City Park Lot Improvements - Financing

Mayor Justice stated that at the last meeting the Council heard bids for construction at the City Park for a new parking lot, drainage, curb & guttering and off-street parking along Ross Avenue. The discussion tonight will be to review financing proposals. City Administrator Brown stated that at the last meeting City Attorney Amerine discussed a possible low percent loan or grant with the U.S. Department of Agriculture (USDA). Brown stated that there is no grant money available, only loan money available for off street parking. Brown continued to state that the low bid for the City Park improvements from APAC is around \$150,000 and in the 2007 budget from the park and drainage budget there would be around \$60,000 in cash that could be applied to the project and the balance would have to be financed. At the last Council meeting, staff was directed to look into financing the entire project and to bring them details this week. Brown stated that he checked with the USDA and there is a possibility to receive a loan for community facilities. Brown reviewed a processing checklist for the first portion of required paperwork from USDA for obtaining a loan at 4 1/8%. Brown stated that due to the USDA restrictions the project would probably

have to be re-bid as the USDA has certain procedures that have to be followed and the time it would take to get the loan. Brown stated that an Environmental Impact Statement is required. Brown stated that he talked to Dustin Clevenger at Home Bank and to Kevin Cowan, Bond Attorney, regarding financing. Brown stated that Kevin Cowan does assist with USDA loans, but then they discussed temporary financing and then bonding the project with another larger issue. Brown stated that the advantages of the USDA loan is it would be a percent lower than a temporary note, lower application fee than Bond Attorney fees, and could be spread out for a long term. The disadvantage is the Environmental Statement and that probably the project would have to be re-bid and there is no guarantee of how the project would come in the second time. On the current bid there were 4 qualified bidders and those are the main companies that bid on this type of project. Brown stated that the advantages of the temporary note is that it would be quicker and there would be no environmental statement required or the project would not be held up for a lot of paperwork for an outside agency. City Attorney Amerine stated that there is additional cost with the temporary note in that the bond attorney will charge a fee. Council Member Armstrong questioned Brown if he knew a ballpark figure if the cost to obtain the federal money would be a wash on savings in interest? Brown stated that if everything remained the same, there would be a savings on the federal money. Council Member York stated that the down side could be that if the project is re-bid it could come in at a higher cost. Council Member Whitney stated that it appears to him there are three choices for the Council:

- 1) Hold off on the project until the money is available
- 2) Acquire temporary financing and then bond the project at a later date
- 3) Jump through the hoops to get the USDA low rate loan

City Attorney Amerine stated that the Council is not able to accept the bid for the City Park project until financing is in place. The Council continued to discuss the current debt of the City and the two possible types of financing.

MOTION: Council Member FitzGerald made a motion to finance the entire City Park parking lot improvements with temporary notes. Council Member York seconded the motion and it passed unanimously.

Council Member Whitney questioned if there is any estimate of the cost of getting the project ready for APAC to begin work? City Administrator Brown stated that there are two electrical posts in the parking lot that have to be moved and the plug in for the vendor trailers are connected by conduit. Whitney stated that probably the old will be abandoned and new electrical would be installed. Whitney suggested looking at different alternatives for the electrical, instead of the wooden posts. Brown stated that City employees would remove the fence. After a brief discussion, the Council will accept the bid for the City Park improvements at the next meeting.

6. **Senior Community Center and Director Update**

Mayor Justice stated that the Council had a special meeting last week and interviewed candidates for the position of Senior/Community Director. Carl Shaffer was offered the position and has accepted and will begin his duties on April 16th. Brown reviewed the final drafts of the Senior/Community Director position and the Senior Planning Committee. Brown stated that John Youel, Jeff Krehbiel Architect, Ernie Misak, Public Works Director W.L. Shafer, Accel Construction, and himself held a walk through of the Senior/Community Center. The punch list includes a number of small items that were not done or needed attention. Some of the items include painting the outside, guttering, grading on the outside. The inside works includes installing blinds; the door between the kitchen and dining is probably the biggest problem. All items have to be repaired to the satisfaction of the City before the City will take occupancy. Council Member FitzGerald questioned why there are no ceiling fans in the dining area? Brown stated that the ceiling fans were removed in the beginning in order to get the cost down. Brown continued to state that finishing the craft room was also removed as a cost cutting measure. Brown stated that the seniors are now saying they must have a scrub sink in the craft room, so there will be a change order for the sink.

7. Ordinance Creating a Senior Citizens Advisory Board

City Administrator Brown stated that in order to set up a Senior/Community Advisory Board the structure has to be set up in the City Code. Brown provided a draft of the ordinance for the Council to review. The ordinance will have that the Mayor appoints with Council consensus, members to the Senior/Community Advisory Board and all members have to be residents of the City. After review, the Council suggested a change to the alternating terms of the members. City Attorney Amerine will make the changes and have a final draft for approval at the next meeting.

8. Order of Violation – Notice to Abate

City Administrator Brown stated that there have been several complaints concerning the property at the southeast corner of Gorin & Hellar. Brown stated that there is a refrigerator and tool chests in the back yard along with numerous other items. A police officer has contacted the resident and Brown stated that he has written them a letter stating that the Council will take additional action if the items are not removed. The refrigerator is now loaded on back of a pickup and the tool chests are no longer visible. Mayor Justice stated that the step to abate is usually used when the resident ignores the request to clean up a certain property. Justice stated that his suggestion is to hold off as there has been progress made. City Attorney Amerine reviewed for the new council members the steps in the “Notice to Abate”. Council Member Armstrong suggested that another letter should be mailed mentioning what has been done and suggesting there is more to be taken care of.

9. Resolution Kansas Pride Program

Mayor Justice stated that the Pride Resolution is something that the Council approves every year showing support for the participation in the Kansas Pride Program. City Clerk Wright assigned Resolution No. 3-2007.

MOTION: Council Member FitzGerald made a motion to adopt Resolution 3-2007 Kansas Pride Program. Council Member Armstrong seconded the motion and it passes unanimously.

10. Dog Licenses

City Administrator Brown stated that the Police Department is keeping a clipboard where copies of letters regarding individual animals and a list of dog tags issued. Brown stated that the focus is going to be to encourage residents to get dog tags for their dogs. Mayor Justice stated that he was told about the possibility of putting door hangars out concerning purchasing a license and tag for dogs. Justice stated he likes that idea much better than an official letter coming from the Animal Control Officer. After a brief discussion, the Council agreed to use the door hangars reminding residents of City dog license and tag.

11. Appointment of Council Compliance Officer

Mayor Justice stated that as Mayor he would just as soon not continue as the Compliance Officer. Justice stated that it is not something that takes a lot of time, usually there will be a phone call or a list provided at Council meeting. Once a complaint is received then he drives by of the property to see if the complaint is legitimate. Justice stated after a review of the property he would contact the owner or resident and talk to them about what needs to be done on the property; and then give them a certain amount of time and check to see if progress is being made. Justice stated that the Compliance Officer has to do a balancing act as not everyone has the same view as to what should be allowed to have on your property. Justice continued to state that most of the time staff will mail out the weed letters and the police department handles abandoned vehicles. Council Member FitzGerald stated since Justice did the job at the same time as he was Council President, then Mike York should also be the Compliance Officer. Council Member Whitney stated that he thinks that a staff person should serve as the Compliance Officer, instead of an elected official. Amerine stated that at this time it is an un-funded position. Council Member York questioned if most of the time did Justice do his contacts in the evening or on the weekend? Justice stated he did his contacts in the evening or Saturday. The Council briefly discussed whether the Compliance Officer should be an elected person or a staff person. Mike York stated that he would offer to take on the position and then the Council will discuss the position again at the

Saturday planning session. Justice requested that staff provide an example of a job description if it was decided to start using a staff person for Compliance Officer.

12. Set Date for Council Work Session

City Administrator Brown stated that in the past the Council has taken a Saturday in May or very early June for a planning session in preparation for the budget. Brown questioned if the Council wanted to do the same in preparation for the 2008 budget? After a review of everyone's calendar, it was decided to have the planning session on June 2nd at the Airport Hilton.

13. Reports

City Attorney Amerine stated that she would like to meet with Council Members Armstrong and Whitney to discuss that the Council is constrained by the law at every turn. She would like to explain the legalities of the executive session, open meetings and open records.

City Administrator Brown reported that the annual sewer cleaning would begin on Wednesday in the southeast section of the City. Door tags have been put on the door in the area.

City Administrator Brown reported that the scoreboard at the varsity softball field has been repaired and is working.

City Administrator Brown reported on vandalism at the City Park gazebo. Brown stated that someone kicked out all the lattice panels on the gazebo and some of the 2x12 boards on the floor of the gazebo were pulled up by a crowbar or some other instrument. The cost to repair the gazebo is approximately \$500 in materials and \$300 in labor. Brown stated that he has talked to Wichita Audio Visual concerning cameras in the City Park. Brown stated that he would be getting estimates and working with Chief Demars on the best solution and then will bring the information to the Council. There has been quite a bit of damage including graffiti, damage to picnic tables, and restrooms. Council Member FitzGerald suggested a possible reward for the conviction of the person or persons damaging the gazebo? The Lions Club donated the materials and built the gazebo. Brown stated there is not currently any decision for a reward, but he would discuss it with Chief Demars.

City Administrator Brown reported that police car #3 is in need of new tires. Brown stated that this is the Intrepid that has been repaired a couple of times. Brown stated that Chief Demars has been advised that Sedgwick County is going to make a change in the computers that the officers use in their cars to run licenses and other information. This will affect the computers that are in two of the vehicles and one in the station. The Police Chiefs

in Sedgwick County have found a 50% matching funds grant for computers and modems. Each computer is approximately \$1,500 and the modems are approximately \$3,200 each. In order for a commitment, a letter of Authority/Commitment from each city administrator/manager stating that each of the respective cities is willing to commit the matching funds for this proposal/request. Brown stated that some of the chiefs are upset that they were not told during the process of the 2007 budget. Brown continued to state that in 2007 police budget there are 4 vehicles on lease and currently the City only has 2 vehicles leased. Council Member Armstrong questioned if this change has anything to do with the fire, ambulance, and police being able to talk to each other? Brown stated that this has nothing to do with the computers, but in 2008 all of the radios will have to be changed for that purpose. After a brief discussion, by consensus, the Council approved for City Administrator Brown to send the letter of Authority/Commitment to participate in the grant.

City Administrator Brown stated that at last meeting the Council discussed the possibility of Joe Castor having an astronomy class and the Council suggested the brush dump. Castor has told Brown that the brush dump is not an option because of the trees in the area. Castor has suggested using property 200 yards west of the township building. Brown has talked to Ken Chambers and he has no problem with Castor using the site. The good thing about this property is that there is a fence between this site and the sewer ponds. The Council briefly discussed giving a key and the fact that the key would only be in the possession of Joe Castor. By consensus, the Council approved Castor using the area 200 yards west of the Sedgwick County Township building for the astronomy class.

City Administrator Brown stated that Accel Construction has submitted payment #6 in the amount of \$27,664.95 for work at the Senior/Community Center. Brown stated that it is getting close to the end of the project and there is still a 5% retainage. Brown stated that in the walk through it was noted a need for a handicap ramp so there would be a change order coming. By consensus, the Council approved payment to Accel Construction.

Council Member FitzGerald questioned where the City stands on the downtown beautification project? City Administrator Brown stated that the KDOT Transportation Enhancement Grant application process is in the fall. Brown continued to state that shortly he would have a proposal from Landworks Studio to complete the application.

Council Member FitzGerald stated that he has been contacted concerning loud music coming from vehicles. Mayor Justice stated that he has often heard the loud music and has not been able to get to a window in time to find out the type of vehicle.

Council Member FitzGerald questioned if staff has contacted Gary Berger informing him that he was the high bidder on the truck? City Administrator Brown stated that he thought a council member had informed him, but he has not talked to him personally. Council Member Berntsen suggested that staff send a letter of official notification to Gary

Berger.

Council Member FitzGerald questioned if it would be possible to get new flags for City Hall? The Kansas flag is so faded that it can hardly be seen. Brown stated that they have been ordered, but not received.

Council Member Whitney stated that at the last meeting Council Member Berntsen brought up the problem with the tennis courts. Whitney made it a point to look at the tennis courts and if that is high dollar post stress concrete it looks worse than the slab that was poured by volunteers. Whitney suggested that staff send a letter to the contractor giving him a deadline to respond on what is going to be done about the tennis courts. Whitney questioned if the warranty has expired? City Administrator Brown assured Whitney that the warranty is still in effect. Whitney stated that while he was looking at the tennis courts there were about 15 kids playing and throwing clods from the dirt pile next to the tennis courts. Whitney stated that he is aware that Public Works thinks they might need the dirt for a football field, but for safety that pile of dirt should be moved.

Council Member Whitney questioned if staff is sure the sidewalk on North Fourth is back far enough so when Sedgwick County changes the street the sidewalks will not be removed? City Administrator Brown stated that if any property is acquired it would be on the east side of Fourth. The sidewalk is just inside the County right-of-way. Whitney questioned if there was any discussions on bidding out the sidewalk instead of having City staff do the sidewalk? Brown stated that staff is constructing the sidewalk in order to save on the cost.

Council Member Armstrong stated that she was contacted concerning two fire hydrants that are not functional. City Administrator Brown stated that he was not sure, but would contact Fire Chief Marvin Schauf.

Council Member Armstrong stated that she was contacted concerning the pumps in Park Glen for the sewage. Armstrong was told there are suppose to be two functioning pumps and there is only one pump. City Administrator Brown stated that there are two pumps that switch as only one pump runs at a time. Sometimes there has been repairs made on one pump, but there is always one functioning pump.

Council Member York reported that there is a motor home in the 100 block of South Gorin that has not moved for some time. There is also a motor home in the 200 block of South Gorin that has not been there for as long of a time.

Mayor Justice questioned who cleans the concession stand at the Sports Complex? Justice reported that there are dead mice in the concession stand.

14. Executive Session

MOTION: At 9:50 p.m. Council Member FitzGerald made a motion to enter into executive session for legal purpose for a period of 30 minutes. Council Member Berntsen seconded the motion and it passes unanimously.

At 10:20 p.m. the Council returned to regular session with no action taken.

15. Executive Session

MOTION: At 10:20 p.m. Council Member FitzGerald made a motion to enter into executive session for real estate discussion for a period of 25 minutes. Council Member Berntsen seconded the motion and it passed unanimously.

At 10:20 p.m. the Council returned to regular session with no action taken.

16. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member FitzGerald moved for adjournment. The motion was seconded by Council Member Berntsen and passed unanimously.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Cheryl S. Wright, 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 April 10, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 24th day of April 2007.

Cheryl S. Wright, City Clerk