

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

April 24, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 24, 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: Mike Justice, Mayor, Mike York, Lyle Berntsen, David FitzGerald, Judy Armstrong, and Jim Whitney. 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 Ernie Misak, Public Works Director; Bob Cumming and John Mishler, residents; Paul Rhodes, Times Sentinel; Gary Berger, Marvin Schauf, Curtis Lauterbach, Don Schauf, Bruce Berntsen, Mary Schauf; Clearwater Fire Department; Nikki Kakoulias, Vincent Garrigus, Sarah Kausmeyer, Mandi Montgomery, Melissa Brockleman, Sukkie Cleaver, Matt Doffing, Jake Van Allen, Ben Hickey, Ryan Dejmal, Cory Whitlock, Keri Bosley, Courtnee Widler, Rich Weidman, Luke Bryant, Brook Hoover, Ray Ramsey, Matt Nickelson, Chelsey Hargett, Josh Frickey, Dustin Toothman, Drew McIntyre, Daniel McSwain, Darin Engel, Justin Schneider, Dane Woods, and Billy Kenney, Clearwater High School students.

Mayor Justice called the meeting to order at 6:30 p.m. Justice 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 April 10, 2007

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

2. Mayor's Recommendations

Mayor Justice accepted the resignation of Sonya Daley from the Historical Society Board.

3. **Public Forum**

Bob Cumming, swim team coach, stated that this year he has decided to purchase swimsuits for all swimmers on the Clearwater swim team. Cumming stated that each swimmer is charged \$10.00 to be on the swim team and he would like to use \$300.00 of those funds to apply to the purchase of the swimsuits. Cumming continued to state that the Clearwater Recreation Commission purchases the shirts for the swimmers and is contributing \$700.00 toward the swimsuits. Cumming stated that the swim team is for swimmers as young as 5 years old to high school age. There have been as many as 84 swimmers on the team and Clearwater has won the last 8 championships in a row. By consensus, the Council approved contributing \$300.00 toward swimsuits for the swim team.

4. **Resolution Authorizing and Providing for the Construction of a Parking Lot**

City Administrator Brown stated that the resolution authorizes and provides for the construction of a parking lot in City Park and provides for the payment of the costs. The resolution is for the total cost of \$175,000 and will provide temporary notes to eventually be paid from the proceeds of general obligation bonds. Brown stated that the \$175,000 is a little more than the bids, but includes funds for the lighting and financing. Mayor Justice briefly reviewed the discussion of the last couple meetings on conventional financing and the Department of Agriculture financing. Bob Cumming, from the audience, stated that the plans for the park are not complete and he thinks that the Council should hold off on approval of the parking lot until the rest of the plans are complete. Mayor Justice stated that the Council understands that the plan is a portion of various plans submitted by Kansas State students. City Administrator Brown stated that the Park Advisory Board and City Council reviewed the plans and the decision was made that there were several items that could be started which include; the parking lot, restrooms, pedestrian bridge over the drainage, and the drainage. Brown stated that architect students and not engineering students came up with the plans. Brown continued to state that the entire park has not been engineered or a plan for the entire park has not been presented to scale, but the parking lot is the first step. Council Member FitzGerald stated that he believes that until the parking lot is completed, everything else is on hold. City Clerk Wright assigned Resolution No. 4-2007.

MOTION: Council Member FitzGerald made a motion to adopt Resolution No. 4-2007 authorizing and providing for the construction of a parking lot in City Park and providing for the costs. Council Member York seconded the motion. The motion passed 3-2 with Council Members FitzGerald, York, and Armstrong voting yes and Council Members Berntsen and Whitney voting no.

5. **Award Bid for City Park Parking Lot Improvements**

Mayor Justice stated that the bids are for the base parking lot with two alternative bids for 15 and 22 stalls of angle parking on Ross Avenue. City Administrator Brown reviewed the bids for the City Park parking lot that were presented at the last meeting. Brown stated that there were 4 bidders and APAC-Shears was the low bidder with a total bid, including the two alternates, of \$154,242.50. Staff recommends that the bid be awarded to APAC-Shears with the understanding that if the parking stalls next to the pedestrian light are changed there could be a change order with deducts.

MOTION: Council Member York made a motion to accept the low bid from APAC-Shears for the City Park parking lot for the amount of \$154,242.50. Council Member Armstrong seconded the motion. The motion passed 3-2 with Council Members FitzGerald, York, and Armstrong voting yes and Council Members Berntsen and Whitney voting no.

6. **Ordinance Providing for the Creation of a Senior Community Citizens Advisory Board**

City Administrator Brown stated that the changes requested by the Council at the last meeting have been made and the ordinance is tied to a section in the Code. The Ordinance creates a five-member board with staggered appointments and the Community Senior Director being the staff liaison to the Advisory Board. The Council reviewed the duties of the Board at the last meeting. Brown continued to state that the Advisory Board would make recommendation to the Council, oversee that the programs at the Senior Center are meeting the criteria set by the Department On Aging and the rental of the building for community events. Council Member FitzGerald questioned if anyone had requested to be on the Advisory Board? Brown stated that he has talked to a few folks and will probably have names to suggest. Brown recommended that the Council talk to folks trying to get a variety of background and ages on the Advisory Board. Mayor Justice stated that the Advisory Board is not to be made up of just senior citizens. FitzGerald stated that he is already being asked when the facility would be available and the cost of rental. City Clerk Wright assigned Ordinance No. 876. Mayor Justice stated that the ordinance is only for the purpose of creating the advisory board.

MOTION: Council Member FitzGerald made a motion to approve Ordinance 876 providing for the creation of a Senior Community Citizens Advisory Board and setting terms of office and compensation for board members. Council Member Berntsen seconded the motion and it passed 5 to 0 on a roll call vote.

7. **Senior Community Center Update**

City Administrator Brown stated that they had the second walk thru and there are still 10 to 15 items that need to be taken care of at the Community Senior Building. Brown stated that Mike York graciously sprayed the ceiling in the craft room. The grading of the site is complete and the outside of the building has been painted. A pool table has been delivered and set up and Charles Engineering has donated a computer for the director. Brown stated that it has not been determined what items will be moved from the current Senior Center building to the new building as once an item enters the new building it becomes property of the City. Council Member Whitney questioned if there were any provisions made for furnishing the new building? Brown stated that the Council budgeted some funds for furnishing, for start up cost, and for operations in 2007. Mayor Justice stated that two different families that have people in the assisted living have hit him up to about getting a sidewalk from the assisted living facility to the new building. Brown stated that most of the property between Janet Avenue and the assisted living is owned by CRC and there is very little City property.

8. Bid for Sprinkler System at Senior Community Center

City Administrator Brown stated that he contacted several sprinkler companies by telephone requesting a bid for a sprinkler system at the Senior Community Center. Brown continued to state that he requested for them to consider all areas around the building including the north side of the parking lot. Council Member Whitney stated that he was contacted by two of the companies and they were not sure what the City wanted bid. The northeast side is over by the retention pond and they figured they would have to bore under the driveway, because there were no sleeves put under the driveway. Brown stated that there was no identified plan given to the companies as to where there would be trees and shrubs. Public Works Director, Ernie Misak, stated that there are sleeves under the both driveways. After a brief discussion, the Council decided to request staff to provide a detailed site plan to the sprinkler companies showing where the City wants sprinklers and where the sleeves are located under the driveways and request revised bids.

9. Ordinance Amending Municipal Code Regarding Voluntary Membership, Meeting, and Compensation for the Clearwater Fire Department

Mayor Justice stated that the Council put in the 2007 budget to pay the fire chief for the work provided to the City. The current City Code regarding the fire department requires that all members of the fire department be volunteers. In order to pay the fire chief there has to be a change to the City Code. City Attorney Amerine stated that she has reviewed the ordinance as to form. Council Member FitzGerald stated he has a problem with the wording of the section that reads; "Any member who fails to attend six consecutive meetings shall automatically become expelled from membership." Fire Chief Marvin Schauf stated that there are two meetings per month and only one meeting per month is required. After a brief

discussion, it was decided to change the wording to; “Any member who fails to attend one meeting per month for six consecutive months may be expelled from membership.” City Clerk Wright assigned Ordinance No. 877.

MOTION: Council Member York made a motion to approve Ordinance No. 877 to amend the City Code regarding voluntary membership, meeting, and compensation for the Clearwater Fire Department as amended. Council Member Berntsen seconded the motion and it passed 5 to 0 on a roll call vote.

10. Resolution Regarding Fire Chief

Mayor Justice stated that the resolution is what sets the pay for the fire chief and it is the annual amount agreed on for the 2007 budget. Justice stated that pay for the fire chief has been presented at the last two planning sessions. The Council requested that a job description for the fire chief be presented prior to approving payment and that has been provided. City Clerk Wright assigned Resolution No. 5-2007.

MOTION: Council Member Berntsen made a motion to approve Resolution No. 5-2007 setting the pay for fire chief for 2007. Council Member Armstrong seconded the motion and it passed unanimously.

After a brief discussion, the Council decided to pay the fire chief the yearly salary of \$4,800 over the next nine months.

11. Bids for Copier/Printer for City Hall and Police Department

City Administrator Brown requested that the bids for the copier/printer be tabled until the next meeting.

12. Consent Agenda

By consensus, the Council approved payment of the 2007 REAP assessment in the amount of \$343.00. City Administrator Brown stated that Council Member Carlson was the Council representative to REAP. Brown stated that he would now need an elected representative to attend a meeting the second Monday of the month. Council Member Armstrong stated that she would volunteer to go to the REAP meeting as she would already be in Wichita on that day.

By consensus, the Council approved a bronze sponsorship for the Fall Festival in the amount of \$150.00.

13. Reports

City Clerk Wright reported that she has confirmed the reservation at the Airport Hilton for the Saturday, June 2nd Council planning session.

City Attorney Amerine reported that she attended a meeting in the Sedgwick County Counselor's office and Sedgwick County is going forward with the plan to charge cities with jail charges beginning January 1, 2008. Amerine stated that the charges would be by the day or if the person is incarcerated for a partial day the hours would be prorated using an hourly charge instead of a daily charge. Council Member FitzGerald questioned if Clearwater could use Sumner County for housing prisoners? City Administrator Brown stated that Police Chief Kim Demars has checked with Wellington and they are willing to enter into a contract to house prisoners from Clearwater for \$30.00 per day. Brown stated that the driving distance might be a little further, but the booking time will be much shorter. Brown reviewed some of the reasons that Sedgwick County has decided to charge for prisoners that are housed on only municipal charges.

City Administrator Brown reported that on Monday the City had a water main break in City Park. Public Works Director Misak reported that around 3:00 p.m. city employees were working in City Park and broke a water main. It was determined that the break was so bad that the City could not maintain water pressure so the decision was made to shut down the water tower. Misak stated that he estimated that the water loss was around 3,000 gallons per minute. Shortly after turning the wells off, Misak notified KDHE (Kansas Department of Health & Environment) as required by law of the situation. At around 4:00 p.m. it was determined that the City would have to issue a boil order for the water since there was still water back flowing as the leak was being fixed. The repairs were completed some time after 7:00 p.m. and the wells were turned back on. Staff and the fire department worked until around 10:00 p.m. bleeding the fire hydrants to remove air from the lines. Misak stated that he contacted KDHE again around 10:00 p.m. Misak stated that he has been told that there is a valve on the line that broke, but he and his staff have not been able to find the valve. Misak stated that the line that was broken is a 6" asbestos concrete line and used to feed well #2 and at some time should probably be abandoned as there is also another 6" line that runs parallel to Ross. Misak stated that he took water samples to Dean's Lab in Andover and there is a 24-hour incubation period on the water samples before they can be checked for bacteria. Until the water samples have been tested, the boil order will remain in effect. Misak stated that his staff went to Sam's and purchased bottled water to take to the schools. He arranged with the golf course for people to go there and fill containers with water since they are on rural water. Information concerning the boil order was given to KFDI radio, the three television stations, and put on channel 2. Misak stated that he is going to have to purchase a new portable dewatering pump, as the one they were using did not have the pump

capacity to remove the water timely. Council Member Whitney thanked Misak and his staff for the good job they did in handling the water emergency. Fire Chief Schauf reported that he contacted 911 to advise them of the water situation in case of a fire. The Council discussed whether the old line should be abandoned and, if so, should it be done prior to construction of the parking lot at City Park.

Council Member Armstrong questioned if there would be any discussion on the fire hydrants report that was in the Council packets? City Administrator Brown stated that the maintenance department has started to review the report and he has no formal presentation at this time. Brown stated that the report is just FYI at this time. Don Schauf prepared the report and stated that he hopes it is easy enough to read. Schauf stated that at the school there is only one good working hydrant and would probably not have adequate pressure should there be a fire. Council Member York questioned how many hydrants are the wrong size and cannot be used? Schauf stated that there is one at 700 Elaine and three in Park Glen that have the wrong size coupling. Mayor Justice questioned Misak if he had any hydrants or parts on hand or would everything have to be ordered? Misak stated that they may have one new hydrant and there are so many different types of hydrants in the City that they order parts as needed. Misak stated that the fire department started taking over the job of checking the fire hydrants a couple of years ago and their equipments is much better than that of the maintenance department so that could explain some of the discrepancy in the flow. Council Member Whitney stated that he has 30 years of experience with fire hydrants. The one thing that needs to be done is that the fire department and maintenance department should coordinate to test the hydrants at the same time. Whitney continued to state that this would alleviate a lot of problems. Whitney stated that any time a new addition is installed in a development the fire hydrant should be the spec of the City not the company that is installing the waterline. Mayor Justice requested that in the next month the fire department and maintenance department get together and provide a plan for the Council detailing hydrants that should be replaced.

City Administrator Brown stated that the Council received a letter from Wally Storey concerning a business that could require an agreement with the Council. Brown recommends that the Council enter into executive session and invite Mr. Storey.

14. Executive Session

MOTION: At 8:45 p.m. Council Member Berntsen made a motion to enter into executive session for attorney client purpose for a period of 45 minutes. Council Member York seconded the motion and it passed unanimously.

At 9:30 p.m. the Council returned to regular session with no action taken.

Reports Continued

City Administrator Brown reported that a letter was sent to John Henzel concerning the tennis courts. Mr. Henzel response is that he will take care of the cracks in the surfacing. Brown continued to state that he e-mailed pictures of the specific concerns and Henzel should be in Clearwater the first week of May. Brown stated that he is trying to find an expert on tennis courts to get a second opinion. The warranty from Henzel on the tennis courts is for two years. Council Member FitzGerald stated that the cracks are in the cement not the surface. Brown stated that it is hard to tell if the cracks go all the way to the cement. The Council continued to briefly discuss the tennis courts.

City Administrator Brown reported that Chief Demars has purchased tires for one of the police cars and used a program thru Goodyear for law enforcement and the cost is a little more than half the regular cost for tires for around \$400.

City Administrator Brown reported that he has had one company review the area in City Park in order to present a proposal for cameras due to the destruction. He will be contacting additional companies.

Council Member Berntsen stated that he received a complaint that the base for the spring horse that was removed from City Park is a tripping hazard. City Administrator Brown stated that it is a steel plate at ground level and that the concrete is underground.

City Administrator Brown, at the request of Council Member York, stated that some time ago the Council discussed a five-foot utility easement in Park Glen and denied the evacuation. The resident in that area has requested that the Council discuss the issue again. Brown stated that the utility easement is not on the original plat map, but it is attached to the property. Council Member Whitney stated that he spoke to Westar and they never plan to put a streetlight on the easement. Council Member Armstrong stated if that is the case then the City might as well vacate the easement, as there is a streetlight across the street. City Attorney Amerine stated that general policy is that the City should not give up an easement, because you never know what could happen in the future. After a brief discussion, the Council decided to discuss the easement again at the next meeting.

Council Member FitzGerald reported that the 4-H Club made and installed a new sign at the recycling center. FitzGerald requested a florescent light be installed at the east end of the recycling building close to the restrooms.

Council Member FitzGerald stated several people along with the PRIDE organization, picked up trash on Saturday. FitzGerald stated that on Saturday it was noted that probably the messiest place in town is outside the old shop building. FitzGerald questioned if that area could be cleaned up? City Administrator Brown stated that some of

that would be taken care of on the weekend of the City cleanup.

Mayor Justice stated that the port-a-potty in City Park has been tipped over.

City Administrator Brown reported that the hazardous waste pick up has been cancelled until a later date.

15. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member Armstrong 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 24, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 8th day of May 2007.

Cheryl S. Wright, City Clerk