

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**CITY COUNCIL MEETING**

**MINUTES**

**MAY 22, 2007**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 22, 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, David FitzGerald, Judy Armstrong, and Jim Whitney. Lyle Berntsen was absent. 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 Marvin Schauf, Fire Chief; Kim Demars, Police Chief; Ernie Misak, Public Works Director; and Mary Schauf and John Mishler, citizens.

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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 May 8, 2007**

City Attorney Amerine requested a change to the minutes in the area of Public Forum in regards to the builder and plans.

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

**2. Mayor's Recommendations**

There were no appointments or resignations.

**3. Public Forum**

No one addressed the Council.

#### **4. Department Heads 2008 Budget Requests**

Fire Chief, Marvin Schauf, stated that the 1968 International tanker is very hard to drive and that the tank is rusting out. Schauf stated that he is requesting a new pumper tanker with a 500-gallon pump at an estimated cost of \$160,000. Council Member Whitney questioned the one-dimensional vehicle and suggested a pumper tender with a 1,000-gallon pump that could also be used inside the City. Schauf also stated that it is time to replace the computer at the fire station at the cost of \$1,100 since it is about 9 years old, and he also requested 600 ft. of hose at a cost of \$750. Schauf stated that FEMA is making changes to the 800 radios and it would be required to have radios with trunk hunting.

Police Chief, Kim Demars stated that the 2003 Intrepid has 76,000 miles on it and has been in the shop for electrical problems, transmission, brake shoes, and the wiring going to the battery as been replaced. Taking into account the miles and hours on the Intrepid, Demars stated that he thinks it would be in the best interest of the City to replace that vehicle in 2007. There was a brief discussion on the 2003 Dodge Ram police vehicle with 27,000 miles whether it should be passed to Public Works and the police purchase a new pickup. It was decided that Demars would keep the Dodge and Misak would use budget funds to purchase a used vehicle. Mayor Justice requested that Demars provide lease costs for different types of vehicles as possible replacement for the 2003 Intrepid. Demars stated that he has been checking his current fuel budget of \$13,000 and is predicting it should be raised to \$18,000 for 2008.

Police Chief, Kim Demars stated that the computer system in the three patrol cars that is used for direct contact with Sedgwick County 911 would be of no use when Sedgwick County goes to their new system. The computers, at the cost of \$5,000 each, will have to be replaced and that would be the responsibility of each individual city sometime during 2007. Demars stated that he still trying to find a grant for the computers. Demars continued to state that Sedgwick County 911 is also going to a new digital radio communication system some time in 2008 or 2009. The average price of a digital radio is \$2,000 to \$5,000. As of now there would need to be 10 radios purchased for the patrol cars and the officers. Demars stated that he would provide more accurate information as soon as it is available. Based on the information from Demars Mayor Justice stated that the price tag for radio equipment could be as high as \$40,000 and \$15,000 for the computers. Council Member Whitney questioned Chief Schauf if the same problem with the radios would exist for the fire and ambulance department? Schauf agreed that when Sedgwick County changes radios it would have an effect on the fire and ambulance departments in that they would also need new radios. Mayor Justice requested that staff provide the Council with the total number of radios and walkies that would have to be replaced when Sedgwick County 911 changes over their system.

Police Chief Demars stated that since he began his job in Clearwater the common

complaint is the inability to communicate with the Police Department by telephone. Demars has looked at several things to improve public relations. It has been discussed to move the position and job duties of Court Clerk to the Police Department, and then there would be someone available from 8:00 a.m. to 5:00 p.m. Monday thru Friday to answer the phone for the Police Department. This person would have access to a radio in order to contact an officer. There would be a published phone number to be answered during business hours and a recorder could answer after business hours. Demars stated that part of the salary for this person could come out of the overtime savings. Council Member FitzGerald questioned if the Court Clerk does any work for the City other than court? City Clerk Wright stated that she does and the change would also require hiring an actual Deputy City Clerk. Mayor Justice stated that there would be more discussion on this topic at the Saturday work session.

At 7:20 p.m. Council Member Armstrong entered the meeting.

Public Works Director, Ernie Misak presented his budget requests for 2008 as follows:

1. Used Front End Loader \$30,000  
The backhoe is currently being used for a loader, digger, and backhoe
2. 4" Trash Water Pump w/Hose(s) \$ 4,000  
When we had the recent water leak the pumps are in very bad shape.
3. Used Trailer Jetter for Cleaning Sewer Lines \$12,000  
The department is using an old rodder and it just does not do a very good job. It will open a line, but not clean out the line
4. Temporary Summer Labor \$ 5,000  
In 2007 the budget is \$2,000 and Misak thinks he needs more hours for mowing and weed eating.
5. Replace Water Line in Garvey Complex (Approx. 400 ft/8")  
2 Valve w/valve box and 2 Line Stops \$20,000  
There have been continued water line breaks on the Garvey line and it is usually in the same place. The line was installed in the 70's
6. Replace 4 Fire Hydrants (May need 2 valves installed also) \$10,000  
Misak suggested that in the future there should be budgeted to replace at least 2 fire hydrants per year
7. New Deck for JD 1145 Mower \$ 1,600  
Misak stated the tractor is in good shape, but the deck is in bad shape and needs replaced.

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| 8.  | Install Valves on 6" AC diagonal water line from tower<br>Council briefly discussed.   | \$ 4,400 |
| 9.  | Work Tools<br>Misak stated that his employees are using many of their own tools and the City should provide tools.   | \$2,000  |
| 10. | Electric at Tennis Courts for future lights and RV Pads<br>The plan is to put some camper pads in the area of the old flying field and eventually lights at the new tennis courts. Misak explained the details | \$7,000  |
| 11. | Bleachers for Sports Complex<br>Need to start replacing the wood bleachers in the Sports Complex   | N/A      |
| 12. | Gas Detector<br>Requirement to check man holes prior to entering.  | N/A      |

City Clerk Wright stated that she would like to reduce the size of the five (5) front windows in City Hall by 3ft. Replace the glass in the windows with non-glare glass. Making the window smaller and airtight should help on the heating and air conditioning bills and help relieve some of the glare in the front office. The other item is to put in a hot water system in for the kitchen and custodial room in City Hall. The Council discussed an inline on demand system and a custodial sink. Wright stated that she has worked here for 10 years and has not had hot water in the kitchen. Wright also requested a microwave out of the 2008 budget. Wright stated that she did not have estimated costs at this time and would provide them later.

City Administrator Brown reported that Beki Zook has requested replacing some side fence at the baseball and softball diamonds in the Sports Complex out of the park budget for 2008.

**5. Request from Police Chief Demars regarding Part Time Officer**

Chief Demars stated that he presented applications and resumes for 2 part-time officers that are Academy trained. The officers would be used to cover when the department is short an officer for training, vacation or special events. Demars stated that the department currently has one part-time officer that can work on weekends and the 2 additional part time officers would be able to work during the week. Mayor Justice stated that it is his understanding that the two officers will be used in place of giving the full time officers overtime. Demars stated that the department since January 1 has spent \$5,966 on overtime. There would be a cost savings by using the part-time officers instead of paying the overtime.

Council Member York questioned if there are officers that are working more overtime than they want? Demars stated that the officers do not mind working the overtime, but he does not want to burn the officers out and put a burden on their families. Justice stated that he understands that this would not be increasing the 2007 budget, just utilizing the budgeted dollars differently. Council Member FitzGerald questioned if the full time officers would be offered the overtime before calling in a part-time officer? Demars stated that the full time officer would be his priority and then additional hours would be offered to the part-time officer. Mayor Justice recommended to the Council that he appoint Aaron Eidem and Martin Dobson as part-time police officers. By consensus, the Council approved the appointments.

**6. Resolution to Remove Article VIII Grievance from the Personnel Rules and Regulations**

City Administrator Brown that City Attorney Amerine requested that the section on Grievance be removed from the current Personnel Policy and Procedures. Brown stated that a formal Grievance Policy could end up being the issue in a dismissal suit more than the dismissal itself. City Clerk Wright assigned Resolution No. 6-2007.

**MOTION:** Council Member York made a motion to approve Resolution No. 6-2007 removing Article VIII Grievance from the Personnel Policy and Procedures. Council Member FitzGerald seconded the motion and it passed unanimously.

**7. Resolution – Request to Sedgwick County Commissioners to Make Finding on Annexation of Land**

City Administrator Brown stated at the last meeting staff was requested to search two different possibilities for annexing the requested parcel of property. This parcel is the quarter section between 95<sup>th</sup> & Diagonal Road off of 135<sup>th</sup> W. The parcel does not adjoin the City and is an island annexation. Brown stated that he attempted to contact the Hammers family and has not been able to speak with them concerning agriculture land annexation. Brown stated that he recommends that the Council pass the resolution and it can be sent to the Sedgwick County Commissioners to get on their agenda. City Clerk Wright assigned Resolution No. 7-2007.

**MOTION:** Council Member FitzGerald made a motion to approve Resolution No. 7-2007 requesting the Board of County Commissioners of Sedgwick County, Kansas to make certain findings regarding the annexation of property. Council Member Armstrong seconded the motion and it passed unanimously.

Mayor Justice suggested that staff contact Commissioner Winter to see if he can help fast track this item thru the Sedgwick County Commission agenda.

**8. Senior Community Center Update**

City Administrator Brown stated that there is one item left on the punch list at the Senior Center. The Red Cross has made their inspection and the Health Department will be inspecting the Center at the end of the week and then they will officially move. Brown stated that it would be 2 to 3 weeks before the sprinkler system would be installed. The grand opening is scheduled for Sunday, June 10<sup>th</sup> from 1:00 p.m. to 4:00 p.m. The Council briefly discussed a request for a sidewalk from the CRC Assisted Living to the Senior Center.

**9. Discuss Rental Policy and Rates for Community Senior Center**

Tabled until a later meeting.

**10. Bids for Replacing Electrical in City Park**

City Administrator Brown reported that he and Public Works Director, Ernie Misak, put together the specifications for the electrical power outlets in City Park. The bids were sent out to replace electrical along the fence at City Park after the construction of the new parking lot. Brown reported that he sent out request for bid to three electrical contractors. Bids were received from Reeves Electric (\$4,694) and Tri County Electric (\$9,197). Brown stated that the bids did not include the light poles at a cost of around \$5,000. Staff recommends that Council accept the bid from Reeves Electric. Council Member FitzGerald questioned the timing of the parking lot project in relation to Fall Festival? Brown stated that is hoping that it would be done in July and August and be completed by Fall Festival. If that does not happen it will be after Fall Festival. Council Member Whitney questioned the electrical boxes in the sidewalk. The Council, Brown and Misak discussed the electrical project at length.

**MOTION:** Council Member FitzGerald made a motion to accept the bid from Reeves Electrical for \$4,694.00 for electrical work at City Park. Council Member York seconded the motion and it passed with Council Members York, FitzGerald, and Armstrong voting for the motion and Council Member Whitney against the motion.

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

City Administrator Brown stated that staff is recommending that the City enter into a lease contract with Image Quest for a Cannon copier at a lease cost not to exceed \$619.00. Staff has negotiated a 30-day in house try out period, before signing the acceptance contract.

If the copier were not to the satisfaction of staff, the copier would be removed with no penalty and then another vendor would be sought.

**MOTION:** Council Member York made a motion to enter into a contract with Image Quest for a copier for City Hall and the Police Department pending receiving a contract with the 30-day trial period notated and for the Mayor to sign the contract. The copier for City Hall is to be a Cannon copier at a lease cost not to \$619.00 per month. Council Member Armstrong seconded the motion and it passed unanimously.

**12. Consent Agenda**

City Administrator Brown stated that the City received fireworks permit applications from Wholesale Fireworks Enterprises and C.H.S Senior Government Class. The application allows the parties to have a fireworks tent at a specified location and the Fire Chief will inspect the tent. City Clerk Wright stated that along with the applications were Certificates of Insurance and the \$5,000.00 permit fee. By consensus, the Council approved the fireworks applications.

By consensus, the Council approved the insurance renewal from Home State Insurance for 2007 – 2008 in the amount of \$48,965.00.

Mayor Justice stated that Larry Kohlman is willing to shoot the City July 4<sup>th</sup> fireworks show. City Administrator Brown stated that Ian Voornaam Pyrotechnics gave a presentation and requested to be considered when deciding who would shoot the July 4<sup>th</sup> fireworks show. Justice requested staff to contact Larry Kohlman and Ian Voornaam for a proposal for the \$5,000.00 fireworks show.

**13. Reports**

City Clerk Wright reported that at the beginning of 2007 when she looked for the last ordinance number she missed the last 5 ordinances in 2006. The last ordinance used in 2006 was 875. Wright stated that when she started 2007 she began with Ordinance Number 871, which is a duplicate from 2006. Ordinance numbers 871 thru 875 have been duplicated in 2007. Wright reported that she spoke to City Attorney Amerine and she said to have the error recorded in the minutes and the ordinances in 2007 number 871 thru 875 could be changed to Ordinance Number 871A thru 875A. By consensus, the Council approved changing the ordinance numbers.

City Administrator Brown stated that he received a memo from First State Bank & Trust requesting to block off south Lee Avenue from Ross Avenue to the alley from 4PM to 9PM. First State Bank would be having a community appreciate night on June 8<sup>th</sup>, from

5PM until 8PM. They will be having food and games for all to play. They plan to put a moonwalk and a moon slide for the kids. Brown stated that Police Chief Demars has been notified and has no objection. By consensus, the Council approved to block off the street for First State Bank.

City Administrator Brown stated that Wayland Whitlow, EVS Director, plans to retire from Clearwater EMS effective 12/31/07. Whitlow has put forth a plan to have involvement from the ambulance volunteers to make the transition easier for the Mayor to appoint an unpaid Assistant Director at this time. Mayor Justice stated that he is OK with getting the input from all of the volunteers, but Justice requested that the portion that states "the assistant director will become director on 1/1/08" should be changed to "may become director on 1/1/08". Justice stated that the assistant director will be strongly considered, but the final authority rests with the Mayor and City Council.

City Administrator Brown reported that the Aquatic Center opens on Sunday, May 27<sup>th</sup>. Plans have been worked out with the family pass. There are already some problems and staff is already anticipating problems with the cutoff date of June 3<sup>rd</sup>. Council Member Armstrong questioned how the family pass and the cutoff date is being communicated to the public? Brown stated that it is on Channel 2, there is a flyer at the pool, on the City Hall door, electronic information sign, and it will be in the Times Sentinel.

City Administrator Brown stated that a portion of the red drop slide is removed and a replacement has not been found so it will be out of commission at the beginning of the season. Concrete and another canopy for the baby pool has been added this year.

City Administrator Brown reported that the company that is putting up the well house and Public Works are working very hard on well house #2 so there will not be a work area next to the Aquatic Center on opening day.

City Administrator Brown reported that tomorrow there is a meeting at Wichita City Hall regarding the Transportation Enhancement Grant. This is just an information meeting regarding what projects would be eligible and the process. Brown stated that the architects that did the plan for the downtown beautification would also be attending the meeting.

City Administrator Brown reported that the Planning Commission would be hearing a request from the developer of Chisholm Ridge to amend the PUD (Planned Unit Development) regarding three lots. If the Planning Commission approved the amendment then it would come to the Council for authorization.

Council Member FitzGerald stated that Roger Pearson wanted to thank the City Council for allowing the motorcycle show on Sunday May 20<sup>th</sup>. FitzGerald stated that he checked the street early and all of the trash was picked up. Several Council Members stated

they heard positive comments.

**14. Executive Session**

**MOTION:** At 9:10 p.m. Council Member FitzGerald made a motion to enter into executive session for legal reasons for a period of 35 minutes. Council Member Armstrong seconded the motion and it passed unanimously.

At 9:45 p.m. the Council returned to regular session with no action taken.

**15. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member FitzGerald moved for adjournment. Council Member Whitney seconded the motion and it 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 May 22, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of May 2007.

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Cheryl S. Wright, City Clerk