

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

November 13, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 13, 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 Bruce Berntsen, Fire Department; John Mishler and Jeff Yost, citizens; James McMurphy, Zach Castor, Michael Maus, Cody Lyons, Kim Matzen, Kelsie Curtis, Lizz Koch, Clearwater High School Government 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 October 23, 2007

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

2. Mayor's Recommendations

Mayor Justice accepted the resignation of Sherry Mikesell with regrets from the Clearwater Public Library Board.

Mayor Justice, with Council approval appointed Rita Boswell to the Clearwater Public Library Board.

3. **Public Forum**

Mayor Justice read a letter from Lieutenant Colonel John D. Johnson Commander, 1-161st Field Artillery in Salina Kansas. The letter was an invitation to the departure ceremony of the 1-161st Field Artillery Battalion, in support of, Operation Iraqi Freedom on November 21st. at 11:00 a.m. in Salina.

4. **Boundary Resolution**

City Administrator Brown stated that the Boundary Resolution is an annual housekeeping measure that adds any land that has been annexed into the City during the year. The resolution describes the entire boundary of the City and is sent to Sedgwick County and the State of Kansas. City Clerk Wright assigned Resolution No. 16-2007.

MOTION: Council Member York made a motion to approve Boundary Resolution No. 16-2007 as written. Council Member Armstrong seconded the motion and it passed unanimously.

5. **Discussion on Joint USD #264 School Board and City Council Meeting**

Mayor Justice stated that the subjects covered at the joint meeting between the USD #264 School Board and the Clearwater City Council were: sharing the cost of a School Resource Office (SRO), and sharing the cost of a grounds keeper for the athletic facilities, blinking school zone light on south Fourth Avenue, and traffic around Elementary West. City Administrator Brown reported that Public Works has repainted the double yellow line on Prospect in front of Elementary West and they are working with the administration at the school on additional traffic measures. Brown stated that he does not have information on the blinking school zone traffic signal that was requested by the School Board members. Brown stated that he is thinking that the signal would be only northbound. Brown stated that he has a meeting set up with Mike Roth, Superintendent USD #264, Police Chief Kim Demars, and himself on Friday to discuss the SRO. Brown stated that it appears the biggest hurdle would be the health insurance. The City pays the employees and dependents insurance, while USD #264 only pays for the employee's health insurance. Council Member FitzGerald stated that he thinks the SRO is a good idea, but wants to make sure that the City only pays their portion of the time that the person is working for the City. After a brief discussion, the Council suggested a max of 30% to be paid by the City and share equally in the insurance. Council Member York questioned how the SRO would be used on days during the school year when school is not in session? City Administrator Brown stated that he has not discussed with Chief Demars Christmas break, Spring break, and various other times when school is not in session. Brown stated that on full weeks the City could use the person on the streets. Council Member Whitney stated that he wants to make sure that if the SRO is approved by both boards and down the road it is decided to disband the program that it is written in the

contract how that situation would be handled. Brown stated that would have to be written into the agreement and the agreement would probably be on a year-to-year basis. Council Member Berntsen stated he has a problem with adding another officer that can fill in for vacations, because that is the time the full time officers can pick up some overtime. The Council discussed additional costs of providing a SRO over the cost of salary and benefits including, training, vehicle, and uniforms.

Mayor Justice stated that another shared employee that was discussed is a grounds keeper for the athletic facilities. Justice continued to state that a grounds keeper is not someone that just mows grass. This person would attend a turf school, have expertise in sprinkler systems, and be certified for spraying chemicals. Justice stated that he sees this person being split between USD #264 and the City 50/50 percent. Justice continued to state that this person can not be an \$8.00 an hour employee and should probably report to the Superintendent of Schools and City Administrator and not to the individual maintenance departments. Council Member Whitney stated that the taxpayers have a lot of investment in athletic fields and they are not getting the proper care. Whitney continued to state that the two softball fields are to the point that they are terribly dangerous. The softball fields need major renovation due to the lip at the edge of the grass. In order to fix the softball fields a contractor is going to have to be hired that knows what he is doing and have the proper machinery to fix the drainage. Whitney continued to state that when other communities are invited to come play on the City's fields, you are telling them the fields are in good enough condition that your kids will not get hurt because of the facilities. The Council briefly discussed equipment and how that could possibly be jointly handled. Council Member FitzGerald stated that if the commitment of the money for equipment and supplies is not available, then there is no reason to hire a specialized person. Council Member Berntsen stated that when the last person was added to Public Works part of the reason for the hire was for the mowing and taking care of the fields. Berntsen continued to state that the Recreation Director is now doing part of the duties discussed for the groundkeeper. Do we take away duties and continue to pay the same? Mayor Justice stated that the City needs to do something along the lines discussed, or we need to put more stipulations and demands on the people working for us right now. The upkeep of facilities and when they are in use has to go to the forefront. The fields and grounds are thousands of dollars of investment and they have to be maintained correctly. City Administrator Brown suggested that he provide a couple of different options that include the grounds keeper option. Brown also stated that he would talk with Mike Roth, Superintendent USD #264, regarding the grounds keeper at the same time he is talking about the details of the SRO.

6. Bids to Concrete Floor of Recycle Building

Lyle Berntsen stated that he is abstaining from the discussion and voting on the following subject and went to sit in the audience. City Administrator Brown stated that the City received a reimbursement grant to fix up the recycling area at the old shop. Brown

continued to state that he received two bids to concrete the floor to a depth of 4" in the recycling building. One bid is from Triple B Construction for \$3,168.00 and Steve Swift \$2,900.00 and staff has no qualms with either bid. Council Member FitzGerald stated that after the concrete work done at the skateboard park he recommends even though the bid is a little higher to accept the bid from Triple B Construction. FitzGerald was questioned concerning the problem with the skateboard concrete? FitzGerald stated that it holds water, is not level, and is too low to the ground. Council Member Whitney stated that he was told there was a concrete floor under all the dirt. Brown stated that there is concrete at the approach to both doors, but there is not concrete on the floor. Whitney wanted to make sure that when the floor is poured that provisions are made so that the water will not run in the doors. Brown stated that the point is to make it so that the water will drain away from the building. Mayor Justice questioned if a 4" concrete floor is thick enough to hold the weight of the baler. After a brief discussion, staff is to talk to Triple B Construction to see if the concrete should be reinforced under the baler.

MOTION: Council Member FitzGerald made a motion to accept the bid from Triple B Construction in the amount of \$3,168.00 to put a 4" concrete floor in the recycling building and if needed reinforce the floor under the baler. Council Member Whitney seconded the motion and it passed 4 to 0 with Council Member Berntsen abstaining from the vote.

City Administrator Brown advised the Council that the property at the northeast corner of the west pond in Chisholm Ridge is not connected to the asphalt trail because the slope is severe. Brown stated that he is looking into the cost of constructing a retaining wall and additional sidewalk. Brown will be working with the homeowner and will have more at a later meeting. Council Member FitzGerald suggested Brown should talk to the builder.

7. Report From the Planning Commission Discussion of the Parking Ordinance

City Attorney Amerine stated some weeks ago that the Mayor directed her to look into the Parking Ordinance and the problem of the habitual offenders. Amerine stated that she met with Police Chief Demars and found out that the Police Department has been enforcing parking regulations using the STO (Standard Traffic Ordinance) instead of also referencing the Parking Ordinance. Demars and Amerine reviewed the Parking Ordinance and found that there is no notice provision. Amerine stated that Demars has a willingness to work on enforcement and will review the police policy. Demars suggested to Amerine giving 1 warning notice and after that if the same problem exists, and then a ticket would be issued. The Police Department would begin marking tires and taking pictures of violators. Amerine reported to the Planning Commission and it was agreed that there was no need to change the Parking Ordinance except for section 10.20-141 dealing with the angle parking. The new spaces added on Ross Avenue by City Park need to be added to the Parking Ordinance. Mayor Justice stated that this would work much in the same way as the Weed

Ordinance as the first time there is warning notice and after that no notice is required.

8. Report on REAP Meeting

Council Member Armstrong reported on the South Central Kansas Legislative Policy Summit that she attended. The purpose was to have REAP facilitate issues important to South Central Kansas in either funding or legislation. Armstrong reported that the Kansas Affordable Air Fares Program has created 614,000 more travelers in and out of Mid-Continent Airport and that is not only on the airlines that are subsidized, but because the other airlines have also reduced their fares. Armstrong stated that another topic was funding for the Graduate Medical Education Center, which is based at the KU Medical Center and work with Wesley Medical Center and Via Christi hospitals. This helps to provide specialists for our local hospitals and primary care physicians to many of the communities around Kansas. The other topic was water quality and was an interesting presentation even though most of it was about the projects in Wichita. Armstrong stated that she definitely thinks the City should appoint a representative to the Water Coalition.

9. Reports

City Administrator Brown reported that the Enterpol computer system should be installed in the Police Department right after Thanksgiving.

City Administrator Brown reported that the two new officers Gene Garcia and Shawn Clem are now policing on their own. Brown stated that there have been a couple of instances where there have been problems with the Sedgwick County District Attorney's office. There was a meeting set by the County Attorney with cities in Sedgwick County to discuss the problem of communication. The problem is small cities have no leverage with the District Attorney as reported by Chief Demars. Chief Demars advised Brown that the District Attorney's office would institute additional measures to communicate with police departments and victims. These measures should at least keep them updated on the status of cases.

City Administrator Brown reported that there have been two water leaks on Janet Avenue. During the first leak Public Works was unable to find the valve to stop the water so the water tower had to be shut down for a short time.

City Administrator Brown reported that the fountains at the Chisholm Ridge lakes are not working and it might be the motors. Public Works personnel will be investigating.

City Administrator Brown reported that the soccer fields have been aerated and will soon be fertilized.

City Administrator Brown stated that he met with a Sedgwick County official and

there should be a letter coming that can be used as foundation to take additional action on the house in the 100 block of South Byers.

City Administrator Brown stated that over the last couple weeks he has been spending quite a bit of time preparing for the Park Advisory Board meeting on November 19th. The Board will begin working on the entire City Park plan. Brown stated that if anyone on the Council knows of anyone that would be interested in serving on the Park Advisory Board there are two openings for at large members.

City Administrator Brown reported that the Transportation Grant for downtown beautification has been received by WAMPO (Wichita Area Metropolitan Planning Organization). Brown stated that he would be asked to make a couple pitches for the project and then WAMPO will rank the submitted project, and then it will be sent on to the State of Kansas Department of Transportation.

Council Member FitzGerald reported that the Chamber of Commerce has been working with a landowner east of town to put a "Welcome to Clearwater" sign. An agreement has been received from the landowner and FitzGerald requested for City Attorney Amerine to review to see if the agreement is legal. FitzGerald stated that he has been talking to Triple B about the concrete and is requesting the City to get involved with hauling dirt and electricity. The sign would be on the northwest corner of 119th W. and 103rd S.

Council Member FitzGerald questioned that status of the crosswalk on Ross Avenue at Chisholm Trail? City Administrator Brown stated that he has talked with Sedgwick County and has no timeframe. Council Member York stated that he would check on the property.

Council Member FitzGerald questioned if there is a plan to continue the sidewalk on Fourth Avenue further north. After a brief discussion, it was decided to wait until there are more concrete plans for the North Fourth project.

Council Member FitzGerald questioned if the official bids have been sent out for tree trimming? Brown stated that he did not have an answer at this time.

Council Member FitzGerald reported on a house on North Gorin that has a washer and dryer sitting in the yard and there is also a lot of trash.

Council Member FitzGerald stated that the backhoe needs a lot of repair and he understand that a backhoe is in the 2008 budget. FitzGerald stated that companies are offering a deal that a backhoe can be delivered in 2007 with no payments until 2008. City Administrator Brown stated that he is aware of one company that is offering that deal, but is not aware of any others. Brown stated that it is getting late enough in 2007 that it could be

bid for delivery in 2008. Brown stated that Ernie Misak, Public Works Director, thinks part of the problem with the backhoe is the brand.

Council Member Whitney questioned the status of the generator at well #7. City Administrator Brown stated that Ernie Misak, Public Works Director, is looking at the cost benefits of various solutions. Sedgwick County has said the generator has to be 2-½ ft. higher and a cross section survey is not necessary. The solutions being looked at are re-pouring the pad, installing angle iron to raise the generator, or to build a wall around the generator.

Council Member Whitney questioned the status of the security cameras for the maintenance shop. City Administrator Brown stated that at the time of installation, it was decided to put the cameras in a different location inside the building. Public Works is retrofitting the camera location and then the cameras will be installed.

Council Member Whitney questioned if all of the hydrants reported by Fire Chief Marvin Schauf have been fixed? City Administrator Brown stated that he is not sure, but will have a report next meeting.

Council Member Whitney questioned if anyone had talked to Gary Smarsh after the repairs on the front of City Hall? City Clerk Wright stated that she talked with Smarsh and he found no damage behind the bricks, as he was able to find solid brick for his anchoring system. Smarsh suggested that in the next year or so at the top of the wall where the roofing turns up there should be something done. Smarsh sealed the area with clear seal, but it needs to be looked at by a roof contractor.

Council Member Whitney stated that in the packet there was a letter from Westar about the damage of the meter at the pump station. City Administrator Brown stated that Westar and the electrician are pointing fingers at each other. Whitney stated that his concern is whether it could happen again. After a brief discussion, Brown stated that about the only thing that can be done is small claims court.

Council Member Whitney questioned if anything has been done about billing the farmer for the damaged fire hydrant around Prairie Meadows. City Administrator Brown stated that it is being billed out.

Council Member Whitney questioned the Water Usage Report and the average water loss at 20%. Whitney questioned if that is normal or a rather high. City Administrator Brown stated that it is a little high. Brown stated that the way the figures are obtained is from the meter at the wells giving the gallons pumped and then that is compared to what is billed, less the entities that are not billed like City facilities. Brown stated that there is always going to be some water loss and the State will probably start questioning at over

20%. Brown continued to state that the City has a lot of old meters and as the meters get old they start slowing down. There have been about 100 out of the 1000 meters in the City that have been replaced. Mayor Justice stated that he thought the Council had approved for a certain amount of meters to be changed out to the electronic meters every year. Brown stated that the plan is to do 50 meters a year, but Ernie Misak, Public Works Director, has a significant issue with the meter company that is providing the electronic meters. That issue has to be resolved before purchasing any new meters.

10. Executive Session

MOTION: At 8:45 p.m. Council Member FitzGerald made a motion to enter into executive session for a period of 25 minutes for personnel reasons. City Clerk Wright was requested to attend. Council Member York seconded the motion and it passed unanimously.

At 9:10 p.m. the Council returned to regular session with no action taken.

City Administrator Brown reported that he met with a representative from the State regarding the C & D (Construction & Debris) landfill down by the sewer ponds. Brown stated that it has been determined by KDHE that the City does not have to follow a formal closure plan due to the current conditions at the site, which meet the closure plan qualification. This would save the City a lot of money. A letter will be coming for an official signature.

City Administrator Brown stated that for the last several years the City has had a holiday party for paid employees and volunteers. Brown continued to state that he has run out of things to do at the holiday party and he would like to do something different. Brown stated that the Community/Senior Center could be used for a holiday party similar to the previous years. Mayor Justice questioned what would be another suggestion? Brown suggested the employees & spouses could go bowling or to a show in Old Town, but that might be difficult at this late date. After a brief discussion, Brown will get more information and get back to the Council at the next meeting.

Mayor Justice, with Council consensus, appointed Wanda Robertson as the Deputy City Clerk. City Clerk Wright stated that she would begin work on November 26th and would train with Jo Johnson for a week and then Jo would move to the Police Department.

11. 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 November 13, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 27th day of November 2007.

Cheryl S. Wright, City Clerk