

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

January 8, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 8, 2008, 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 City Council Members. 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; Mary Schauf, citizen; David Williams, Peggy Klausmeyer, Ryan Phelps, Mark Ramsey, Keith Youngers, Aaron Barber, Chase Gusland, Chace Moeder, and Aaron Bell, 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 December 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.

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. Times Sentinel Progress Edition 2008

Mayor Justice stated that the Times Sentinel has been constructing a Progress Edition

for several years. Paul Rhodes, editor of the Times Sentinel stated that the Progress Edition is distributed every two years and this year should be the seventh or eighth edition. Rhodes stated that two years ago the Council purchased a full page in the Progress Edition, which provides the front and back of a page. Rhodes continued to state that the Progress Edition is inserted in all Times Sentinels delivered in Clearwater plus an extra 2,000 copies are given to the school, the Chamber of Commerce, and the City for new people coming into the community. The target date is to have the Progress Edition out by the end of February. Mayor Justice stated that over the years the Progress Edition has improved, and this is a good way for the Council to promote and advertise Clearwater with very little money expended. Justice continued to state that he recommends a full page in the Progress Edition.

MOTION: Council Member FitzGerald made a motion to approve purchasing a full page at a cost of \$605.00 for the 2008 Progress Edition in the Times Sentinel. Council Member Armstrong seconded the motion and it passed unanimously.

4. Designate Official Paper for Legal Publications in 2008

City Administrator Brown stated that designating the official paper for legal publication for the City is a requirement each year. Brown stated that he recommends continuing to use the Times Sentinel for legal publication.

MOTION: Council Member Armstrong made a motion to use the Times Sentinel for legal publication for the City of Clearwater. Council Member Berntsen seconded the motion and it passed unanimously.

6. Ordinance Setting Compensation From Fire District #8

City Administrator Brown stated that the proposed ordinance sets up an agreement for fire protection for 2008 in the west three-sevenths of London Township in Sumner County. Brown stated that there would be future talks with London Township concerning the possibility of raising the rate for future budget years. City Clerk Wright assigned Ordinance No. 890.

MOTION: Council Member Berntsen made a motion to approve Ordinance No. 890 setting compensation for fire protection for Fire District #9 London Township in Sumner County. Council Member York seconded the motion and it passed 5 to 0 on a roll call vote.

Mayor Justice stated that there are agreements with Ninnescah Township in Sedgwick County, Illinois and London Township in Sumner County and at the workday in May it was discussed to negotiate an additional mill levy from the townships. Justice questioned if there has been discussion with the townships concerning raising the mill levy?

City Administrator Brown stated that the decision was to wait until closer to the time for the 2009 budget process and then he would be attending the township meetings to discuss the increase in mill levy.

7. **Quote for Baler for Recycling Center**

City Administrator Brown stated that the City received a matching grant from the State in the amount of \$9,524 for upgrading the recycling area. Brown stated that the grant is to concrete the floor, replace the roof, and to purchase and install a baler. The Council has budgeted \$12,000 for repairs at the old city shop. The concrete floor has been completed and the roof has been contracted. Brown stated that Sunflower RC&D is the company the City contracts with for recycling and they recommend a baler from DeHart & Son. Sunflower RC&D have put 6 balers from DeHart & Son in other communities with good results. Brown stated that he checked with a couple of other companies for balers and have found one that is significantly less, but RC&D has no history on the product. Brown continued to state that the problem that has come up is that all the balers require three-phase electrical service and there is only single-phase power at the old city shop. Brown stated that he has been talking to Tri County Electric and Westar concerning the cost of three-phase power, but has not received a quote at this time. Brown stated that the advantage overall of the baler is that the weight per trailer load hauled to Harper could be increased, thus reducing the amount of trips and some of the cost. Brown stated that 10 gaylords of cardboard would make one bale and could probably eliminate 1 out of every three trips based on the amount of cardboard currently collected. Brown stated that he has been asked what is the benefit to the City by purchasing the baler. Brown continued to state that volunteers run the recycling and if there is any money received it is given to the volunteers so at this time there is no direct benefit in dollars to the City. The Council would have to answer the question if having the volunteer recycling is a benefit to the City. Council Member FitzGerald stated that he has talked to the people that have been volunteering at recycling for the past 6 or so years and they would rather have lights, a bathroom that can be used, and heat rather than a baler. FitzGerald continued to state that when the contract for trash service was negotiated there was talk about curbside recycling. FitzGerald stated he would rather update the building with the grant money instead of a baler. Mayor Justice stated that the application for the grant was for concrete, roof and a baler and that cannot be changed. If the City decides not to purchase the baler the money cannot be used for anything else and the money would be lost. The Council briefly discussed curbside recycling. Council Member Armstrong suggested that the Council not make a decision until there has been an estimate received for the three-phase power and the Council reevaluates the curbside recycle options. Justice, for the next meeting, requested that staff provide a quote for the three-phase power, florescent lighting, and the cost for the residents to pay for curbside recycling.

MOTION: Council Member FitzGerald made a motion to table any further discussion on the baler until the January 22nd. meeting. Council Member Berntsen

seconded the motion and it passed unanimously.

8. Consent Agenda

City Administrator Brown stated that the annual assessment for REAP for 2008 is \$343.00. By consensus, the Council agreed to pay the REAP dues for 2008 in the amount of \$343.00. Mayor Justice stated that the thing he likes about REAP is that each member City has as much of a voice as does Wichita. Council Member Armstrong stated that each elected official that attends has one vote.

9. Staff Reports

City Administrator Brown stated that Chief Demars would be attending the Sedgwick County Chief's meeting on Thursday. The speaker is going to be discussing grants for radios. Another discussion is to be on the fees that began the first of January for the Sedgwick County jail. Wichita is still saying that they are not going to pay jail fees to Sedgwick County. Brown stated that there is one Clearwater prisoner in the Sumner County jail. City Attorney Amerine stated that there seems to be a sound legal basis for a challenge to the action taken by Sedgwick County to charge the cities jail fees.

City Administrator Brown reported that KDHE inspected the improvements at the wells to the wall off the chlorine room at water wells 6, 7, and 8 and all passed inspection.

City Administrator Brown stated that Ernie Misak has been working to get specs for a backhoe in order to continue on to the bid process. Brown continued to report that Misak has received bids on a trailer to transport the backhoe. Brown stated that one of the bids is for a Backhoe Pro and the other three are tandem axle with dual wheels, all with electric brakes. The difference in the suspension system on the Backhoe Pro allows for the weight to be distributed on the two I-beams. The tandem dual wheels are outside of where the I-beams are located and the backhoe rests outside the I-beams. Brown stated that staff direction is to purchase the Backhoe Pro. Council Member FitzGerald stated that he thinks it is better to lift the trailer for loading instead of using skids. Brown stated that the Backhoe Pro trailer does not move, but has spring assisted loaders that are attached to the trailer. After a brief discussion, by consensus, the Council tabled the decision on the trailer.

10. Executive Session

Mayor Justice requested a motion for only the Council and Mayor to enter into executive session.

MOTION: At 7:30 p.m. Council Member York made a motion for the Council and Mayor to enter into executive session for personnel reasons for a period of one hour. Council Member Berntsen seconded the motion and it passed

unanimously.

At 8:30 p.m. the Council returned to regular session with no action taken.

11. Resolution to Designate Salaries for 2008

MOTION: Council Member Berntsen made a motion to approve Resolution No. 1-2008 designating employee salaries for 2008. Council Member York seconded the motion and it passed unanimously.

Mayor Justice requested staff to insert in the Personnel Policy and Procedures manual the schedule for police officer raises and the amount for maintenance worker when passing water and sewer certification classes. Justice also requested a copy of the higher education policy.

12. Council Reports

Council Member FitzGerald questioned if the City purchases uniforms for the maintenance department. City Administrator Brown stated that it currently is not the policy due to the taxable fringe benefit laws. Mayor Justice stated that he thinks that the City maintenance department should be wearing shirts, jackets, and coveralls that have the City logo and City maintenance on the clothing to be identified to the residents of Clearwater. Justice stated that an employee going to a customer home in a tank top and shorts is not very professional. Council Member Whitney stated that most other city employees have uniforms identifying them. Council Member Armstrong also suggested that the employee name should be on the uniform.

Council Member Whitney stated that in Park Glen at the corner of Streamside and Streamside Court south of the mailboxes there are two wide cracks in the pavement. City Administrator Brown stated that the way to fix those cracks is by wide crack repair. That will not be done until the weather gets better and some company begins making hot mix.

Council Member Whitney stated that it has been brought to his attention by an individual that he was charged a late charge on his utility bill when it being late was caused by the post office. Whitney stated that the customer complaint is that his bank told him that the payment was mailed on the 3rd and was not received by city staff until after the 10th of the month. The customer wants to know why the City does not honor the postmark date like other government facilities. City Clerk Wright stated that the ordinance states that if the utility payment is not received at City Hall by 5:00 p.m. on the 10th of the month a 10% penalty would be added. Wright continued to state that the only way her staff can change when the penalty is added is for the Council to change the ordinance. City Administrator Brown stated that if staff honors the postmark, there is a concern about the automatic

stamping of postage and how long is long enough to accept the payment as not late. The Council would have to decide how long after the envelope is stamped and then received at City Hall is the postmarked date going to be honored. The Council briefly continued to discuss late utility payments, the post office and changing the ordinance with no decision made.

Council Member Whitney stated that during the ice storm in Hutchinson he had a personal experience of finding elderly people in homes where the temperature was below 30 and were evacuated to shelters. Whitney continued to state that the experience reminded him that in case of an emergency Clearwater does not have a place for a designated community shelter where there is a generator for electricity. Clearwater has to be able to take care of our citizens and not depend on other agencies to provide the resources. Council Member Armstrong stated that the Methodist Church has gone through the steps to provide shelter. Whitney stated that the Methodist Church is a disaster shelter, but they do not have an emergency generator. Whitney stated that he talked to George Rudy, Tri County Electric and it would cost around \$20,000 to provide electric stand by power at the Life Center in the Methodist Church. Whitney stated that his understanding that the stand by generator at the high school would only run boilers and emergency lighting. Council Member FitzGerald stated that according to the Red Cross the only thing that has to be done at the Methodist Church is to install a transfer switch at around \$4,000 and a generator could be loaned by the Air Force. Whitney stated that in the case of Hutchinson all of the generators were in western Kansas and none were available from the Air Force. Whitney stated that he thinks that the Council needs to start planning and budgeting for a community shelter with a stand by generator. City Administrator Brown stated that he would contact Sedgwick County Emergency Management to see if there are grants available for generators and have more information.

Council Member Armstrong stated that the REAP Legislative Affairs meeting is Thursday at the WSU Marcus Welcome Center.

Mayor Justice stated that he has been informed that the potholes in the alley between First State Bank and SKT have been temporarily fixed.

13. 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 January 8, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 22nd day of January 2008.

Cheryl S. Wright, City Clerk