

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

January 22, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 22, 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, 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 David Coon and Glenda Light, Library Board; Ron Fleming, David Beck, and Mary Schauf, citizens; Kelsey Mills, Liz Harmon, Ryan Smothers, Luke Laha, Sara Lane, Alisa Gay, and Celia Talavera, 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 January 8, 2008

Mayor Justice referenced an incorrect date in the minutes and City Clerk Wright stated that she would correct the date.

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

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

Ron Fleming and David Beck, residents in the 800 block of east Ross, stated that they have heard that Alco is thinking about purchasing land and building a store between the two

residences. Fleming stated that he would love to have an Alco in Clearwater, but is against having a business in that location, which is a residential area. Fleming continued to state that his concern is that his property value would decrease with the increased traffic and noise from a business in a residential area. Beck stated that he has the same concerns. Mayor Justice stated that he has heard the same rumors, but nothing has been presented to the City Council. Representatives from Alco have been in town and looked at various locations. Justice continued to state if a formal request were received from Alco to rezone property to commercial there would have to be a hearing. All residents within 200 feet would be notified and would have the opportunity to speak at the hearing.

Ron Fleming stated that the sewer line on south Fourth Avenue plugs up in the very same place at least every 6 months. When there is a problem with the sewer the first place that it shows up is in his basement. Fleming suggested that the City should clean that section of the sewer on a more frequent basis. Fleming stated that the last time the sewer backed up in his house was Christmas Day. Mayor Justice questioned if that is the manhole in front of the CIC on Fourth could be on more than a 4-year rotation for cleaning? City Administrator Brown stated that is the correct location and it could be added to the list of areas that are done on a more routine basis.

4. Update on Library – David Coon Library Board President

David Coon reviewed the circulation numbers provided by the Library Co-Directors. Coon stated that the Clearwater Public Library is 42nd highest out of 346 libraries across the State of Kansas in inter-library loans. Coon referenced that in 2007 the library had a grand total of over 20,000 in circulation. Coon reported that the library received a matching grant from the State Library System to replace a computer that crashed. The library is getting more and more requests to use the computers. Coon stated that the 2007 tax forms are available at the library and there are new DVD's that can be checked out for free. There are also large print books and books on CD available. Coon stated that Paula Swanson has completed the mural and it is a lovely piece of art.

David Coon stated that he would like to address a letter from City Administrator Brown concerning the library policy of closing anytime that the school is closed for inclement weather. Coon stated that after reviewing the letter the Library Board has reconsidered their decision to pay the employees if the library is closed for weather. Now the employees can either take sick leave, vacation, or the day without pay. Coon also stated that the decision to close the library for inclement weather would be decided on a day-to-day basis. Coon stated that the last thing he would like to say is that February is "Love Your Library Month." Mayor Justice stated that he had a conversation with a lady that has lived in Clearwater about a year and a half and one of his questions he asked was why did you choose Clearwater. Justice continued to state that the lady told him that her and her husband were from small towns and wanted a small town to raise their children. Additional

consideration was that her children loved the swimming pool, the park and when they visited the library it was one of the nicest, warmest and most welcoming libraries they have ever visited.

5. Approve New Job Description – Police Investigator Position

City Administrator Brown stated that Police Chief Demars has put together a job description to create the position of police investigator. This position will be filled by one of the existing officers and will allow that officer to have additional training and additional duties. Council Member FitzGerald questioned if all of the police officers are qualified to do CPR and have up to date cards. Brown stated that he is not sure if all the officers have current cards right now. Brown stated that initially the officers receive the training at the academy and then would have to renew the certificate periodically. City Attorney Amerine stated that she has reviewed the job description and it is a non-exempt position. Mayor Justice stated that he does not want to see specialized positions, but would like for all of the officers to be trained across the board with the capabilities to do all positions. After a brief discussion, the job description for Police Investigator position was approved by consensus.

6. Review Agreement with USD 264 Ball Field Maintenance

City Administrator Brown stated that he had a meeting with Mike Roth, Bob Mellen, Marlin Coffman, Mike Petersen, USD #264; Beki Zook, Recreation Director; and Ernie Misak, Public Works Director to get prepared for the upcoming ball season and overall maintenance of the fields. USD #264 is going to set up an in-service training for proper care and maintenance of the fields. Brown stated that the City has had an Interlocal Agreement with USD #264 for several years, but there may be a change proposed. The agreement states that the City will provide mowing and watering of the fields and USD #264 will provide grading, dragging, and chalking of all baseball and softball fields. Last year the City did the entire part of getting the fields ready for games. Brown stated that USD #264 would review their budget to see if there would be additional resources in their maintenance budget for the mowing of the fields, but this would be after the season begins. Council Member Armstrong stated that at the joint meeting it was suggested to have a joint City and USD #264 maintenance person. Brown stated that the joint person has been put on the back burner by the school district. Council Member York questioned how the field maintenance would be handled during the month of May when school is still in session and the Jr. Ball Association has started practice and games? Brown stated that Beki Zook would coordinate with the school person. Brown continued to state that the coaches would not be involved in dragging or grading the fields. There would be hand tools available to dress up the mound and the home plate area. Mayor Justice stated that the only drag is the big heavy drag that hooks behind the gator and it would probably work better if a lighter hand pull drag was purchased that can be used on the base path and around the bases.

7. **Proposal of Cost for Additional Street Light on Salt Creek Ct. in Chisholm Ridge**

City Administrator stated that a citizen in Chisholm Ridge addressed the Council concerning installing a streetlight at the end of Salt Creek Court. The easement for the streetlight has been mailed to the citizen and as of this time it has not been returned. In the mean time the estimate for installing the streetlight has been received from Westar in the amount of \$1,155.00. After a brief discussion, the Council advised staff to send a letter to all of the residents in the cul-de-sac to see if the majority of the residents want a streetlight on Salt Creek Court before the City approves the installation.

8. **Baler for Recycling Center – Discussion**

Mayor Justice stated that at the last meeting it was again discussed to look at curbside recycling and the agreement with Waste Connections is for bi-weekly pickup at a cost of \$3.50 per month with a minimum of 300 houses participating. Justice stated that he is doubtful if there would be 300 residents interested in paying an additional \$3.50 for curbside recycling. City Administrator Brown stated at the last meeting he had a bid tab for various balers and after reviewing it, the Council requested additional information. Brown stated that he received an estimate from Tri-County Electric to install 3-phase power at the recycling area in the amount of \$1,975.00 and there would be no charge from Westar. Brown stated that he spoke to Roger Masenthin with Sunflower RC&D about the reasons why there is very little return to the City on the recycling materials. Masenthin explained that the transportation and processing is eating up the profits and the baler would eliminate at least one trip per month. On the last trip of recycling materials, out of the twelve gaylords on the trailer 4 were cardboard and 4 were plastics. All of that material could have been sent through the baler. Brown explained the process of using the baler for cardboard and plastics. Council Member FitzGerald stated that he is hearing that some of the volunteers might be giving up the recycling as a project. FitzGerald suggested that the City hire a part time employee to work the baler while the recycling center is open. FitzGerald again brought up the problem of not having a useable restroom to use during recycling. Justice stated that he did not think it is necessary to have a City employee running the baler during recycling as it could be done during working hours the next week. Justice stated that he might be able to get a school group to help volunteer at recycling. Council Member Whitney stated that he has been contacted by a group and they are not sure how much longer they would be able to volunteer. The Council continued to discuss at length all aspects of recycling. Council Member FitzGerald stated that he wanted a vote on hiring a part time employee to work recycling before there is a vote to purchase the baler.

MOTION: Council Member FitzGerald made a motion to hire a part time employee to assist volunteers groups by running the baler at the Recycling Center. Council Member Armstrong seconded the motion and it passed unanimously.

City Administrator Brown reviewed that the City has already committed for the concrete floor (\$3,168) and roofing (\$3,150). The cost for the 3-phase power is (\$1,975), and the Max-Pak baler is (\$8,976). Brown continued to state that the grant (\$9,524) is for a 50/50 match making the City portion of all the improvements to the recycling center is \$8,634.50. The price on the baler includes installation and training.

MOTION: Council Member Armstrong made a motion to purchase the Max-Pak Baler per bid in the amount of \$8,976.00. Council Member Berntsen seconded the motion and it passed unanimously.

MOTION: Council Member York made a motion to accept the bid from Tri-County Electric to install the 3-phase power to the baler. Council Member Berntsen seconded the motion and it passed unanimously.

9. Potential 2010 Fourth Street Project Update

City Administrator Brown stated that he is providing information only and is requesting no Council action at this time. Brown explained that the Sedgwick County road project from K-42 south on 135th W. to Diagonal Road was scheduled for 2009, but has been postponed to 2010. Brown stated that he had previous conversations with Sedgwick County about the City piggy backing a project from Diagonal Road to Ross on Fourth Avenue at the cost of the City. Brown stated that he has now found out that Sedgwick County has the City project as a future project (beyond 2012). In order for Sedgwick County to participate in the City project there has to be an Interlocal Agreement. Brown stated that Harlan Foraker is searching for an example of an Interlocal Agreement. Brown stated that he wants Council direction as to whether he should continue to work on an Interlocal Agreement and present it to the Sedgwick County Commissioner that represents Clearwater. Council Member Whitney stated that the City would get a better price if the project were included with a large project from Sedgwick County. By consensus, the Council directed staff to continue to work on the Interlocal Agreement and continue to try to piggyback the project with Sedgwick County.

10. Engagement Letter George, Bowerman & Noel, P.A. for the December 31, 2007 Audit

MOTION: Council Member Armstrong made motion to authorize Mayor Justice to sign the engagement letter with George, Bowerman & Noel, P.A. for the December 31, 2007 audit. Council Member York seconded the motion and it passed unanimously.

11. Reports

City Attorney Amerine reported that she would be attending City Hall Day at the

Legislature on Thursday.

City Administrator Brown stated that he has a request from the Clearwater Chamber of Commerce for the City to again support the Home Show booth with a \$100.00 contribution. By consensus, the Council approved the payment of \$100.00 for the Home Show booth. Council Member FitzGerald suggested that someone from the City should help set up the booth on January 29th and take down the booth on February 4th. Brown stated that he would get a volunteer.

City Administrator Brown stated that he received a request from the Fall Festival committee to have a "Soap Box Derby" event. They are requesting to set up at Ross & Prospect and have the event to run to First Avenue with hay bales set along the side of the street and at the finish line. By consensus, the Council approved the event and the use of the street.

City Administrator Brown reported that the Police Department has some interest in purchasing a drug dog to search for narcotics and it can be used for finding missing persons. They have had some initial interest from the business community. The Police Department is requesting permission from the Council to continue checking into the possibility of purchasing the dog. The idea is that there would be no up front cost to purchase the dog by the City taxpayers, but to have those funds donated. The only cost to the City would be annual food and upkeep for the dog. Council Member York questioned where the dog would live? City Administrator Brown stated that the officer selected to handle the dog would take the dog home with him. The dog and the officer are trained as a team. Mayor Justice stated that he likes the idea of soliciting community support and then if there is interest then come to the Council with a proposal. Council Member Whitney stated that even if the drug dog is purchased he does not want to give up the big drug sweeps at the schools. By consensus, the Council approved for the Police Department to continue to gather information for a formal presentation for purchasing a drug dog.

City Administrator Brown stated that the Historical Society would like to expand their building into the fenced area in the back. They would like to use the additional area to house large items and get them out of the museum. The plan is to build a 3-sided building with a plexi-glass front to display large farm machinery. The museum is trying to make room for a new exhibit that is going to be on display. Brown stated that he would get a formal proposal later. By consensus, the Council approved the expansion into the fenced area. The Council briefly discussed that the old clock that used to be on the fire station is sitting outside at the museum and should be at the EVS building.

City Administrator Brown stated that the Police Department would be having Taser training on Wednesday at the EVS Building from 9:00 a.m. to 3:00 p.m. The training would be for Clearwater officers along with officers from other agencies.

City Administrator Brown stated that the phone line to well #8 has been cut again. Without a phone line the telemeter cannot be contacted to start the well. Brown stated that SKT would be burying the line.

Council Member York stated that he noticed that a couple of the windmills have been damaged. City Administrator Brown stated that the damage has been repaired on the windmill at First & Ross. The windmill at Fourth & Park is not repairable and two new windmills have been ordered. Brown reported that an officer chased some kids away from the Middle School parking lot and it is suspected that the same kids that demolished the windmill at Fourth & Park.

Council Member Armstrong stated that she has attended the REAP meeting and the REAP Legislative Affairs meeting. Armstrong briefly reviewed the subjects covered at the meetings. Armstrong stated that she did get it clarified at REAP that a member of the Planning Commission could be appointed by the Mayor to the Water Resources Council and would be a voting member.

Armstrong stated that she also attended the Advisory meeting for the Senior/Community Center and was elected chairperson. Armstrong stated that the locks with the keypads are being installed this week. Armstrong reported that Carl Shaffer has taken the Senior Center from Club level to Senior Center II level in less than one year. All of the requirements were met for level II. The funding level from the Department on Aging for Senior Level 11 is \$35,000 while the Club level, which is where Clearwater is currently being funded, is \$5,000. A center has to be at a level for two consecutive years before being considered for additional funding by the Sedgwick County Commissioners. Armstrong stated that the Fall Festival committee is requesting to use the Community/Senior Center for their meetings free of charge, as they have no budget to pay for a place to meet. The Fall Festival Committee would allow the Center to have a booth at the Festival at no charge for the use of the building. After a brief discussion, the Council approved the exchange of booth space for a free meeting place. Armstrong stated that there were 80 people that attended the Saturday morning biscuit and gravy breakfast bringing in over \$400.00 before expenses. Armstrong stated that someone would be proof reading "The Scoop" before it is distributed. Council Member FitzGerald stated that Police Chief Demars, Officer Gene Garcia and a representative from the bank put on an interesting presentation at the Friday card night on "Identify Theft".

Council Member Whitney stated that he has received some good information concerning a Community Emergency Shelter. It is as he thought, that each community should be able to take care of their own citizens and not depend on outside agencies. The Red Cross has trained 50 people in Clearwater to maintain an emergency shelter. The problem with the Methodist Church is there are not enough shower facilities for an extended

period of time. The Red Cross would provide cots and blankets, but the City has to provide the building and emergency generators. Brown found out that there is no grant money available from FEMA or anything available from Sedgwick County Emergency Management. Whitney contacted the National Guard and was told they could provide a generator to Clearwater unless the Governor requires the generator in another area of the state. Whitney stated that USD #264 is going to check with an electrical engineer to see how much it would cost to put some of the heating units, some of the lights in the shower facility and possibly the commons area on a generator. Whitney stated that everyone keeps saying that the City needs an emergency plan, but there can be no plan without a destination. Whitney stated that in talking with various people there is a consensus that a Community Shelter is needed.

Council Member Whitney stated that the Council approved the purchase of cameras on August 14th to be installed at the shop building. Whitney continued to state that it is his understanding that they still have not been installed. City Administrator Brown stated that the cameras should be installed on Wednesday.

Council Member Whitney stated that he has contacted seven area cities and all require their maintenance employees to wear uniforms. City Administrator Brown stated that uniforms are in the process of being purchased. Whitney stated that he wants to see the City insignia and their names on the uniforms.

Council Member FitzGerald stated that there was an oil spill on north Grant. City Administrator Brown stated that a hydraulic line on the snowplow broke and dumped hydraulic fluid on the pavement. When the snow was removed from the street the hydraulic fluid and the snow was dumped on a resident's yard. Brown stated that maintenance put some drying agent on the spill. FitzGerald questioned how staff was going to take care of the black spot in the yard?

Council Member FitzGerald stated that West Wood Avenue is very rough. City Administrator Brown stated that there is a lot of traffic for a dirt street and it is an ongoing maintenance problem. Brown stated that he has talked to several people concerning carrying a petition to pave the street. They have not been able to get enough signatures on the petition.

11. Executive Session

MOTION: At 9:15 p.m. Council Member FitzGerald made a motion to enter into executive session for personnel reasons for a period of 30 minutes. Council Member Berntsen seconded the motion and it passed unanimously. Mayor

Justice requested that City Clerk Wright join the Council, City Administrator Brown, and City Attorney Amerine in the executive session.

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

12. Executive Session

MOTION: At 9:45 p.m. Council Member Berntsen made a motion to enter into executive session for personnel reasons for a period of 25 minutes. Council Member FitzGerald seconded the motion and it passed unanimously. Mayor Justice stated that only the Mayor and Council would be in the executive session.

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

Mayor Justice stated that he appreciated the recap of the Council planning session. There has been a lot of progress, but in the next couple of months he would like for staff to review water and sewer rates. City Administrator Brown stated that at the next meeting he would have a contract with Certified Engineering and Harlan Foraker for a water system study.

Council Member FitzGerald stated that at the joint meeting with USD #264 and the Council it was discussed to move the ball field out of City Park. City Administrator Brown stated that the Park Advisory Board recommendation for the City Park would be in the packets and on the agenda for the next meeting.

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 22, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of February 2008.

Cheryl S. Wright, City Clerk