

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

**CITY COUNCIL MEETING**

**MINUTES**

**October 14, 2008**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, October 14, 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, Sandi Keeler, 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 Mary Schauf, Clearwater Fire Department; Bill Kenney, citizen; Mark Reynolds, Techline Sports Lighting; Brad Thompson, Musco Lighting; Steve Martens, Grubb and Ellis; Derreck Carter, Wesley Pfanenstiel, Clearwater High School Government students.

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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 September 30, 2008**

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

**2. Oath of Office-Sandi Keeler**

City Clerk Wright administered the Oath of Office to Council Member Sandi Keeler.

**3. Mayor's Recommendations**

There were no appointments or resignations.

**4. Public Forum**

No one addressed the Council.

**5. Presentation on City Park Ball Field Lighting Project**

Mark Reynolds with Techline Sports Lighting addressed the Council with a firm proposal for lighting the City Park ball field. Reynolds dispersed some packets with information regarding his proposal. Reynolds started by reviewing some background information about him and the company. Techline's proposal includes four poles with a 50 foot candle infield, 30 foot candle outfield lighting scheme. The poles would be galvanized steel encased in concrete with a life of 60 plus years. Phillips Southern would be taking down the old poles and wiring and installing the new poles and wiring. After the demolition of the existing lights, poles, and wiring, the old equipment will be left on site for the city to dispose. The two outfield poles will be in right center and left center field, not along the baseline. Reynolds stated there is a 7-year warranty included for all the equipment, excluding the lamps, which hold a 2-year warranty. Ten and twenty-five year warranties are also offered at an additional cost. Techline offers a remote control monitoring system, which can control lighting, locks, and monitor usage. Reynolds stated that he did not recommend the monitoring system because of the amount of time the ballpark lighting would be used. Reynolds stated that the existing service panel is in good shape and would be used for their lighting system. All the equipment for the lighting system is in stock and can be ready for installation in a week. At time of installation, Reynolds stated he would be in attendance with light meters to insure the lighting is to the City's liking and he would stay until the lighting was satisfactory. Council Member FitzGerald asked what the cost was for replacing lights. Reynolds stated that during the first 2 years after installation there was a warranty and there would be no cost for lamp replacement. After the 2 years, the lamp would be \$35 and shipped for free from Techline. There would be a cost for getting a lift to install the lamps, which would be an expense to the City. Council Member Whitney stated lift rental runs about \$400. Reynolds thanked the Council for their time. Mayor Justice requested Reynolds remain in the audience in case other questions arise after the other presentation.

Brad Thompson with Musco Lighting addressed the Council with his proposal for lighting the City Park ball field. Thompson stated that he was dispersing an abbreviated packet of information since he had previously presented information regarding a 6-pole system. Thompson stated his proposal included a 4 poles system with a 50 foot candle infield, 30 foot candle outfield lighting scheme. The monitoring system included in the lighting package is monitored from a base site in Iowa. In many instances, Musco knows about problems in the lighting before the customer does. Musco would then report the problem to a City Representative. Musco's lamps are guaranteed for 5,000 hours. Musco's proposal includes a box on the pole they call a smart lamp. The smart lamp monitors the lighting to keep the lighting at a constant 50/30 light level. The light poles are made of

totally green galvanized steel, which are erected from 5 pieces. Thompson stated that Musco uses 40% less fixtures than their competitors, therefore the cost to run the lighting is less than with other lighting companies. The fixtures have visors to reduce glare and spillage of light onto surrounding areas. Thompson stated that Musco does not keep equipment in stock. The equipment is special made for each job and installation would be ready in four to six weeks. Mayor Justice asked where the outfield light poles would be located in Musco's proposal. Thompson stated the outfield light poles would be along the baseline, not in the outfield. Thompson stated that he could provide a firm price to Kent after a phone call. Thompson thanked the Council for their time.

Mayor Justice asked what the Council would like to do. Council Member FitzGerald stated that he would like to see firm proposals from both companies to compare side by side before making a decision. Thompson stated that he would need a few minutes to get a firm price.

Brad Thompson returned to the meeting with a confirmed firm price quote for the ballpark lighting. Mayor Justice reviewed Musco's final quote for the lighting system of \$36,000 with turnkey installation by Reeves Electric of \$15,779. A 25 year warranty is an additional \$5,000 for a total bid price of \$56,779. Techline's bid totals \$69,900 with \$42,200 for the lighting system and \$27,700 for the turnkey installation. Justice stated that the Council may approve one of the proposals, but the Recreation Commission would still have to approve the final concept before they donated the money to pay for the lighting. Mayor Justice asked Thompson if some low voltage recreational lighting could be attached to Musco's poles to help with the lighting in City Park. Thompson stated they could be attached, but Musco would need to be notified in advance.

**MOTION:** Council Member York made a motion to take the bid from Musco Lighting with Reeves Electric providing installation for a total amount of \$56,779 to the Recreation Commission for approval. Council Member Berntsen seconded the motion and it passed unanimously.

## **6. Ordinance Regulating Traffic Within the Corporate Limits of the City of Clearwater**

Mayor Justice stated that the Ordinance Regulating Traffic Within the Corporate Limits of the City of Clearwater is revised annually. City Attorney Amerine stated that she was sure Police Chief Demars recommends approval of the ordinance as written and she did as well. Mayor Justice explained that the ordinance incorporates the Standard Traffic Ordinance (STO) by the State of Kansas into the City of Clearwater. By adopting the ordinance, there are a few minor changes the City makes to the STO. City Clerk Wright assigned Ordinance Number 895.

**MOTION:** Council Member York made a motion to approve Ordinance No. 895 Regulating Traffic Within the Corporate City Limits of the City of Clearwater. Council Member FitzGerald seconded the motion and it passed on a roll call vote of 5 to 0.

7. **Ordinance Amending Section 1 and Section 2 Regulating Public Offenses Within the Corporate Limits of the City of Clearwater**

City Attorney Amerine stated that adopting the Ordinance Amending Section 1 and Section 2 Regulating Public Offenses Within the Corporate City Limits of the City of Clearwater allows the Police Department to write tickets and Municipal Court to prosecute certain offenses, which are not traffic. This is another ordinance the Council passes annually.

**MOTION:** Council Member FitzGerald made a motion to adopt Ordinance No. 896 Amending Section 1 and Section 2 Regulating Public Offenses Within the Corporate City Limits of the City of Clearwater. Council Member Berntsen seconded the motion and it passed on a roll call vote of 5 to 0.

8. **Communications Vehicle From Forestry Service**

City Administrator Brown stated the Volunteer Fire Department has an opportunity to exchange the communications van they have currently, a 1985 Dodge Van, for a 1999 Chevy Tahoe from the Kansas Forestry Service. The arrangements for the Tahoe will be the same as with the van. The Fire Department uses, maintains and insures the vehicle. Once the Fire Department is no longer in need of the vehicle, it is returned to the Forestry Department. There is no cost to obtain the vehicle. Brown stated the Council might accept the vehicle or request that it is returned. Council agreed the vehicle was an improvement to the van, which was no longer a dependable vehicle.

9. **Ordinance to Adjust Water Rates**

City Administrator Brown stated that the ordinance presented to adjust water rates is what Council recommended at the last meeting. It raises the monthly water base rate including 2,000 gallons of water from \$8.00 to \$11.00 inside the City. Outside the City, the base rate including 2,000 gallons water raises from \$11.00 to \$14.00. The ordinance also provides three tiers of usage. One tier is water usage of from 2,000 gallons to 5,000 gallons at a rate of \$3.75 per thousand gallons. The next tier is from usage of 6,000 gallons to 10,000 gallons of water at a rate of \$4.25. And the final tier is for over 10,000 gallons of water used at a rate of \$4.75 per thousand gallons. The Ordinance still provides for the proration for partial month usage. It also allows an annual increase of one percent. The annual increase will only be on the base rate only. Brown stated notification was sent to all

water customers and publication in the paper of the impending water rate increase. Brown stated there had been no objection raised for the water rate increase and other issues. Council Member FitzGerald stated he had heard many compliments about the mailing that went out regarding water rates. FitzGerald went on to say those he had spoken with understood that rates had not been raised in a long time and it was time to raise them now. Mayor Justice asked if there is any further discussion from the public. With no one responding, City Clerk Wright assigned Ordinance Number 897.

**MOTION:** Council Member FitzGerald made a motion to adopt Ordinance Number 897 to Adjust Water Rates with a change of the 1% increase not to take affect until January 1, 2010. Council Member Berntsen seconded the motion and it passed 5 to 0.

**10. Executive Session-Attorney Client**

**MOTION:** At 8:05, Council Member York made a motion to enter into Executive Session for a period of 20 minutes for legal matters. Council Member Berntsen seconded the motion and it passed unanimously. Steve Martens with the Grubb and Ellis was requested to attend the Executive Session.

At 8:25, Council returned to regular session with no action taken.

With Council consensus, Mayor Justice gave Steve Martens with Grubb and Ellis authorization to begin marketing the Clearwater Business Park.

**11. Staff Reports**

City Clerk Wright stated the annual employee health insurance open enrollment is during the month of October. The State Health Insurance Plan has implemented a new program for a non-tobacco user discount for employees only, not spouses. Monthly premiums for tobacco users will increase by \$40, unless they enroll in the Health Quest "I Can Quit" program and complete the course. If the employees misrepresent themselves as a non-tobacco user, the employee may lose their employer contribution towards coverage. Wright asked Council if the employee chooses to take the \$40 increase, should the employee or the City pay the increase. Council agreed the City would not pay the increase; the employee would be responsible for the increase.

City Attorney Amerine thanked the Council for allowing her to attend the League of Kansas Municipalities Conference. Amerine stated she would submit a written report to Council of the City Attorney portion of the Conference.

City Administrator Brown stated a city employee was involved in a wreck in a city vehicle today. Public Works Director Ernie Misak was in a collision at 71<sup>st</sup> St S. and 135<sup>th</sup> St W. Misak was injured, but his injuries are not life threatening. Misak was driving north on 135<sup>th</sup> St. and another truck ran the stop sign on 71<sup>st</sup> St. The city truck was brought back to the city shop and it is secure.

City Administrator Brown stated the erosion control matting came in today. It will be placed at the drainage ditch in City Park where the dirt work was done.

City Administrator Brown stated a new building is being constructed inside the water tower around the telemeter. The building will allow easier heating of the telemeter and valves during winter months.

City Administrator Brown stated that the fish kill at the sewer ponds is ongoing. The sewer ponds were treated last week. Approximately 1,500 fish have been pulled from the ponds and are being buried in a pit. Public Works anticipates this assisting in lowering the BOD levels, which have been high in recent months.

City Administrator Brown stated the new cameras installed in the police vehicles have provided benefit in several traffic stops. Video can be provided to the offender when requested if they plan to contest the ticket.

## **12. Executive Session-Attorney Client**

**MOTION:** At 8:45, Council Member FitzGerald made a motion to enter into Executive Session for a period of 15 minutes for Attorney Client purposes. Council Member Berntsen seconded the motion and it passed unanimously.

At 9:00, Council returned to regular session with no action taken.

## **13. Reports**

City Administrator Brown stated the Recreation Commission would like to set a date to meet with the City Council regarding the agreement between the City and Recreation Commission and the lighting plan at the City Park ball field. Council agreed to suggest to the Recreation Commission to meet Thursday, November 6 at 6:30 pm at City Hall.

Council Member FitzGerald requested the City's nuisance ordinance be reviewed in comparison to the Kansas League of Municipalities sample nuisance ordinance. FitzGerald stated he was concerned with junk vehicle on private property and that Police Department could not do anything to prevent them. City Attorney Amerine stated the ordinance the City

had in place currently allowed the compliance officer to enter private property to inspect reports of nuisances. Abandoned or heavily damaged vehicles are categorized as nuisances. After a brief discussion regarding nuisance procedures, the nuisance ordinance the City currently has was deemed adequate.

Mary Schauf spoke from the audience stating there was a house at the corner of Tracy and Park that is collecting a lot of stuff in the back yard.

Council Member York stated he had received phone calls regarding a large stack of cans in the back yard of a house on Wood.

Council Member York questioned whether the cell phone tower has been approved. City Administrator Brown stated the Planning Commission had approved the Verizon cell phone tower to be placed west of the Clearwater Cemetery. Brown stated since the Planning Commission meeting there has also been a request from Alltel to co-locate on the Verizon tower.

Mayor Justice requested approval from Council to allow City Administrator Brown to speak to the owners of Duraform and the owners of the convenience store regarding the road easement between their properties. Justice stated obtaining the easement would give better access to the business park. Council agreed to permit Brown to speak to the two property owners.

Mayor Justice stated the Clearwater Fall Festival Committee had contacted him. The early October weekend the new carnival company had open is no longer available. The weekend of October 24<sup>th</sup> is now the only weekend the carnival company has available. The Fall Festival committee was asking if that weekend is too late and if it might be too cold. Justice stated his response to them was that that time of year was hard to judge what the weather would be like. He had not heard back from them what they decided to do.

City Administrator Brown reminded Council there is an Election Candidate Forum being held at the Middle School Auditorium Friday, October 17 at 6:30 pm. Many of the candidates from most of the races would be attending.

#### **14. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member FitzGerald and passed unanimously.

**CERTIFICATE**

State of Kansas        }  
County of Sedgwick   }  
City of Clearwater    }

I, Jodi McBee, Deputy 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 October 14, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 28th day of October 2008.

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Jodi McBee, City Clerk