

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

**CITY COUNCIL MEETING**

**MINUTES**

**April 14, 2009**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 14, 2009, at 7:30 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, Jim Whitney, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Jodi McBee, Deputy City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Ernie Misak, Clearwater Public Works; Bill Kenney, Clearwater Fire Department; Kevin Cowan, Gilmore & Bell, PC; Lonnie Stieben, Citizen; Riley Decker, Camiell Williams, Kristen Arebalo, Hunter Davis, Cody Duerkson, Katelin Horsch, Elizabeth Cordell, Christian Snyder, Samantha Sunderland, Bridgette Smith, Chuck Marsh, Matthew Moore, and Donald Wolfe, Jr, Clearwater High School Government students.

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Mayor Mike Justice called the meeting to order at 7:30 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 March 24, 2009**

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

Council Member FitzGerald stepped down from the dais. City Administrator Brown thanked Council Member FitzGerald and presented him a plaque from the Citizens of Clearwater representing his 6 years of service to the City of Clearwater as Council Member. Council Member FitzGerald addressed the Council, staff and audience.

City Clerk Wright reviewed the Certificate of Canvass from the Sedgwick County Election Office, which determined that Lyle Berntsen, Jim Frischenmeyer and Michael York were elected to City Council for 4 year terms. Wright administered the Oath of Office to

Lyle Berntsen, Jim Frischenmeyer and Mike York as Council Members. Council Members Berntsen, Frischenmeyer, and York took their places on the dais.

**2. Mayor's Recommendations**

Mayor Justice stated that a Council President needs to be appointed. The Council President would be a person that if for some reason he could not be at a meeting or unable to perform the duties of Mayor the Council President will run the meeting. If the Mayor cannot perform the duties of Mayor and have to step down, the Council President becomes Mayor. The Council President would also have check signing duties if the Mayor is unavailable. Council Member Berntsen nominated Council Member Mike York as Council President. There were no other nominations and by consensus, the Council approved the nomination. Council Member York accepted the nomination.

**3. Public Forum**

No one addressed the Council.

**4. Follow-Up on Skate Board Park Plan**

City Administrator Brown stated he did not have any follow-up on the Skate Board Park at this time. Brown stated he is still working with some citizens and the ramp company to come up with a suitable design for the previously approved \$25,000.

Council Member Berntsen excused himself from the meeting.

**5. Bids for Concrete Pad at Skate Board Park**

City Administrator Brown stated bid requests had been sent to two companies for the 50' X 50' concrete pad at the Skate Board Park. Bids were received as follows:

Triple B Construction	\$6,975	30 days completion
Steve Swift Construction	\$6,875	5 days completion

City Administrator Brown stated that Swift's bid was not received by the 1pm deadline on the due date of the bids, but was received that day. Mayor Justice stated the first pad that was poured at the skate park was poured by Swift. Justice continued that as a Council Member at that time he was not happy with the end result. Justice stated that the pad holds water.

**MOTION:** Council Member York made a motion to accept the bid from Triple B

Construction to pour a 50' X 50' concrete pad at the Skate Board Park in the amount of \$6,975. Council Member Frischenmeyer seconded the motion and it passed unanimously.

Council Member Berntsen rejoined the meeting.

**6. Bids for \$200,000 in General Obligation Temporary Notes for Business Park Utilities**

Kevin Cowan with Gilmore and Bell, PC, the City's Bond Attorney, addressed Council regarding the bids for temporary notes for the Business Park utilities in the amount \$200,000. Two bids were received from the local banks. The bids are as follows:

<u>Bank</u>	<u>Rate</u>	<u>Maturity</u>	<u>Interest Cost</u>
First State Bank	3.75%	2011	\$14,708.33
Home Bank	3.75%	2011	\$14,708.33

Cowan stated that the basis for awarding the bid was to be whatever bid resulted in the least net interest cost. The bids are identical. Cowan stated the only variance between the bids is that First State Bank's bid was received by the deadline and Home Bank's bid was received the following day.

**MOTION:** Council Member Berntsen made a motion to accept the bid from First State Bank for Temporary Notes for the Clearwater Business Park utilities in the amount of \$200,000 with a rate of 3.75%. Council Member Keeler seconded the motion and it passed unanimously.

**7. Resolution Authorizing and Directing the Issuance, Sale, and Delivery of \$200,000 Principal Amount of General Obligation Temporary Notes of Business Park Utilities**

Kevin Cowan with Gilmore & Bell, PC reviewed the resolution authorizing and directing the issuance, sale, and delivery of \$200,000 principal amount of general obligation temporary notes for business park utilities. City Clerk Wright assigned Resolution number 5-2009.

**MOTION:** Council Member Frischenmeyer made a motion to adopt Resolution 5-2009 Authorizing and Directing the Issuance, Sale, and Delivery of \$200,000 Principal Amount of General Obligation Temporary Notes of Business Park Utilities. Council Member Berntsen seconded the motion and it passed unanimously.

**8. Discussion Regarding a Generator**

City Administrator Brown stated that at the previous meeting Council had authorized staff to look into purchasing a used generator for the EVS building in hopes of using the building as an emergency shelter. Brown stated he had looked at a used generator from an equipment recycling company. Brown received specs and picture of the generator and forwarded them to Raymond Brewster, a service rep with Cummins who has serviced generators for 30 years. Brewster reviewed the information and responded to Brown that the generator is a 1960's model and it would be hard to get parts. Brewster did give another suggestion. A fertilizer company is getting ready to trade-in two 2005 model Cummins portable generators. They are each 150 KW. The Cummins Sales Rep that Brown spoke to stated these are modern units with serviceable parts. They are heavy-duty units, which are diesel powered. Brown stated Brewster recommended diesel powered generators over natural gas generators because often during disasters, like tornados, the natural gas lines are turned off due to damaged gas lines. Brown stated he doesn't have a firm cost for the generators. Brown stated that he had talked to George Rudy, owner of Tri-County Electric, if the 150KW generator would be adequate to power the EVS building. Rudy told Brown that 150KW would be plenty of power to run the current EVS building and a future addition. Council Member Whitney stated that staff needed to find out if these generators could be equipped with an automatic start. Brown stated both generators could be equipped with an automatic start; a transfer switch would have to be added. Whitney stated a diesel tank would have to be placed on site and would have to be large enough to hold 3 or 4 days worth of fuel. Council Member York suggested that if a diesel tank is placed at the EVS building to fuel the generator, the fire trucks fill up using it so the diesel doesn't get stale. Whitney stated that with a natural gas generator a propane tank could be used as back up fuel. Brown stated that currently the City Code doesn't allow propane tanks. Council gave consensus for staff to pursue the Cummins generator and get some firm prices.

City Administrator Brown stated that the Community Center has been suggested as alternate location for an emergency shelter. The director is looking into getting grant money to fund the project. Mayor Justice stated it would make more sense to tie the shelter into the EVS building because emergency volunteers are usually at the building during storm warnings. Council Member Whitney stated the other upside to placing the generator at the EVS building is to protect our emergency vehicles. Council Member Berntsen stated that the size of the EVS building could initially hold a lot more people than the Community Center. Council Member Whitney stated it would be his preference to gear all the efforts toward working with the EVS building. The rest of the Council agreed that the EVS building was the best fit currently for an emergency shelter.

## **9. Visa Business Credit Card with First State Bank**

City Administrator Brown reviewed the administrative policy for use of the Visa

Business Credit Card, or Purchase Cards. City Attorney Amerine stated she had reviewed the policy and approved it to form. City Clerk Wright stated the City's tax exempt number will be tied to the cards, so this should eliminate any needless sales tax payments.

**MOTION:** Council Member Keeler made a motion to adopt the City of Clearwater, Kansas Purchase Card Policy. Council Member Frischenmeyer seconded the motion and it passed unanimously.

Council Member Keeler asked how many cards would be issued. City Administrator Brown stated in some departments all members would receive them. All department heads will have one. Each Police Car would carry one to purchase fuel. Each member of the Public Works Department could be issued one because they all go and purchase products at different vendors. The individual card limits will be set conservatively to begin. No specific amounts were set in the policy so amounts could be changed easily if the initial amounts set didn't work.

**MOTION:** Council Member York made a motion to authorize staff to work with First State Bank to get the purchase cards. Council Member Berntsen seconded the motion and it passed unanimously.

**10. Quotes for Park Mower to Replace the JD1145 Mower**

Public Works Director Misak stated the JD1145 mower needs to be replaced. This mower would be used to mow City Park, around the swimming pool, and at the Sports Complex inside the ball diamonds. Misak stated he has looked into purchasing a wide area mower, but the \$30,000 budgeted to purchase a mower isn't enough. Wide area mower prices run over \$40,000. Misak stated he got price quotes for several mowers. Misak reviewed the quotes as follows:

<u>Manufacturer</u>	<u>Model</u>	<u>HP</u>	<u>Fuel</u>	<u>Cooling</u>	<u>Deck Width</u>	<u>Price Quoted</u>
John Deere	1445	31	Diesel	Liquid		\$16,140
Mower deck for above					72 in.	\$3,642 <b>\$19,783</b>
John Deere ZTrak	997	31	Diesel	Liquid	72 in.	\$13,112
Wichita Tractor	7200AOSD	35	Diesel	Liquid	72 in.	\$10,895
Bad Boy						
Hustler Super Z	S773L	25	Diesel	Liquid	72 in.	\$11,803
John Deere Ztrak	860 A	34	Gas	Air	72 in.	\$10,865
Wichita Tractor	7200AOS	27	Gas	Liquid	72 in.	\$7,695
Bad Boy						
Hustler Super Z	773 L	31	Gas	Air	72 in.	\$8,793

Misak stated that for the purpose of mowing in the city it would be better to have a liquid cooled mower. The John Deere 1445 is the closest replacement to the 1145. Misak stated these were all good mowers, but if he would make a recommendation it would be to go with the Wichita Tractor Bad Boy Diesel Engine. Council Member Frischenmeyer asked why the mower needs to be replaced. Misak stated it is 25 years old and it is worn out from usage. Council Member Whitney stated that the trouble with the Ztraks is they are not as heavy as the JD 1445. Whitney continued that the 1445 would be more versatile and have more longevity. Whitney also stated that gas engine with air cooling is not what the City should purchase. The life span a diesel engine with liquid cool is much longer. Mayor Justice asked what the plan was for the 1145 mower. Misak stated the engine could be used to run the generator at well house #3. Misak stated he isn't sure if that will work, but he would like to try. The other option is sell or trade it in. Misak stated he would like to demo several mowers before Council makes a decision. Misak invited Council to attend the demos. Council directed Misak to choose which mowers he would like to demo and they would make a decision at the next meeting.

**11. Establish Date for Budget Planning Session and City Council Tour**

City Administrator Brown stated that a date needed to be set for a budget planning session and possibly a City Council tour. Brown stated that in the past a City Council Tour has taken Council to different city facilities to get a first hand look at how they operate. Council agreed that the tour is useful time spent and scheduling another would be something worthwhile. Brown stated that the department heads 2010 budget would be presented at the May 12<sup>th</sup> meeting. After a brief discussion, the Council Tour was scheduled for May 12<sup>th</sup> after the Council Meeting, and the Budget Planning Session after the Council Meeting May 26<sup>th</sup>. Brown asked Council to review their schedules and they would look at moving the May meetings to earlier in the evening.

**12. Consent Agenda**

Council gave consensus to pay Unkle Underground Sprinklers Invoice 8026 in the amount of \$4,105.53 for work done on the sprinkler system in the Sports Complex.

**13. Reports**

City Clerk Wright stated she had talked with the architect for the city building remodel. The front doors have been ordered but there is no ship date yet. Wright handed out samples of the ceiling tiles and windows. Council briefly reviewed the remodel plans. The architect plans to come look at the ceiling to get a price quote for redoing the ceiling in the Council Chamber room.

City Attorney Amerine stated she would have the ordinance to clean up the language for lease/purchase agreements that the bond attorney's recommended ready for next meeting.

City Administrator Brown asked Council if they had any comments regarding the joint Chamber meeting held before Council meeting. Mayor Justice thought it was good to get a solid number from the Chamber on how much they need from the City in 2010. Brown stated quarterly reports would continue to be received from the Chamber. Council and Chamber Board scheduled another joint meeting for October. Council discussed the ideas that Chamber Executive Director Jennifer Arnold had reviewed and the positives that come out of the City assisting in funding the Chamber. Council Member Whitney commended Chamber for trying to come up with events that would generate income.

City Administrator Brown stated that Fire Chief Marvin Schauf said the tornado siren should arrive in 2-3 weeks.

City Administrator Brown stated that plumbing at the Sports Complex has been fixed. The 3-basin sink that was borrowed from the Sports Complex to install in the concession stand building at City Park has been replaced. Another issue regarding the concession stands has come about. In the past, the concession stands have not had to have a food license. The City may have to look into getting a food license.

City Administrator Brown stated the black paint at swim pool at the Aquatic Center will be painted before it opens.

City Administrator Brown stated the water table under the Aquatic Center is rising. It is not causing damage at this time.

City Administrator Brown stated he has received the water system study from Harlan Foraker, City Engineer. Brown stated he is waiting for Public Works Director Misak to review them. Foraker will be at the next meeting to review the study. The study entails water rights, fire hydrants, distribution, elevated storage, and the water wells with recommendations for improvements.

City Administrator Brown stated the Planning Commission has recommended rezoning the Business Park to Light Industrial.

Council Member Berntsen stated a resident asked him about burning at the brush dump. The concern is with all the grass, leaves, and brush in one pile, when it is time to burn could the brush dump get shut down if there is too much smoke. Council Member Whitney stated that Sedgwick County doesn't control the City's dump. As long as the City has its own Fire Department and the City owns the dump, the County doesn't have authority

to shut the burning down. Whitney stated that maybe it would help to not let the brush pile get so big and burn more often.

Council Member Keeler stated she had some complaints about snow removal. Residents were having trouble getting out of their driveway because snowplows had pushed snow to the curbs instead of the middle of the road. Brown stated pushing the snow to the middle of the road tends to cause ice slicks when the snow melts and refreezes.

Council Member Whitney requested some dirt to be placed in the holes next to where the new sidewalk was poured near the Village & the Community Center.

Council Member Whitney stated the shrub beds outside the Community Center are in bad shape. Whitney stated he would take the beds on as a community service project.

Council Member Whitney requested that locks be put on the drive thru gates at the Sports Complex so vehicles can't be driven out on the fields. Whitney was concerned about ruts and damage to sprinkler heads if vehicles are driven in the outfield.

Council Member Frischenmeyer asked what the status was of the Verizon cell phone tower that was approved to be placed at the property west of the Clearwater Cemetery. Mayor Justice stated that Verizon has been approved to place the tower and it is out of the City's hands. City Administrator Brown stated that Verizon told him they would start construction in April.

Council Member Whitney questioned what the status was of the old school behind the Historical Society building. City Clerk Wright stated that the attorney and Judy Cumming, Historical Society Director, went to Topeka. The school was added to the Kansas Historical Register, but not the Federal. The building needs to be added to the Federal Register to get the grant money they were hoping to get to improve the building. The next chance to get on the Federal Register is October. Anything done to the building prior to any grant money being given is not reimbursable. The Historical Society is waiting on the grant money before they begin improving the building. Council Member Whitney stated the tarp needs to be placed on the roof to prevent more deterioration. Whitney stated they also need to get it off the beams and on to a permanent foundation. City Administrator Brown stated he would request an update from the Historical Society.

Mayor Justice stated that a property on First has a yard full of trash. The neighboring house is on the market and has had people tell the realtor the reason they aren't interested is due to the condition of the property next door.

Mayor Justice stated he received a complaint about the house on the northeast corner

of Tracy & Park. The house has piles of junk in the back yard.

Mayor Justice stated he plans to attend the Mayor's Conference May 8-9 in Topeka.

City Administrator Brown stated the City-Wide Cleanup is April 17 & 18.

**14. Executive Session-Legal**

**MOTION:** At 9:47, Council Member York made a motion to enter into executive session for 15 minutes for legal reasons. Council Member Whitney seconded the motion and it passed unanimously.

At 10:02, Council returned to regular session with no action taken.

**15. Executive Session-Personnel**

**MOTION:** At 10:02, Council Member Whitney made a motion to enter into executive session for 5 minutes for personnel reasons. Council Member Keeler seconded the motion and it passed unanimously.

At 10:07, Council returned to regular session with no action taken.

**MOTION:** Council Member York made a motion to offer Jason Gerhardt the interim Police Chief position at an additional salary rate of \$1,000 per month while Chief Demars is on injury leave. Council Member Keeler seconded the motion and it passed unanimously.

**16. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member Whitney 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 April 14, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 28<sup>th</sup> day of April, 2009.

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Jodi McBee, Deputy City Clerk