

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

December 22, 2009

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, December 22, 2009, at 5:30 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, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Others present at the meeting were Paul Rhodes, Times Sentinel Newspaper.

Mayor Justice called the meeting to order at 5:30 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 8, 2009

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

2. Mayor's Recommendations

There were no recommendations.

3. Public Forum

No one addressed the Council.

4. Bids for Concrete Sidewalk Along the West Side of the 300 Block of North 4th Ave.

Council Member Berntsen excused himself from the following discussion due to conflict of interest. City Administrator Brown stated staff received two bids to construct the concrete sidewalk along the west side of the 300 block of north 4th Avenue. The sidewalk

will run through the River Church and Winter's Carwash properties. The distance of sidewalk to be built is 527 lineal feet. Steve Swift Construction's bid is \$9,486.00 with a completion time of one week, weather permitting. Triple B Construction's bid is \$9,486.00 with a completion time of 4 days. Brown reviewed the plan for the sidewalk's path. Council Member Whitney suggested staff discussing the sidewalk plan with the owner of the carwash. Council Member Whitney stated that it is difficult to make a decision on which bid to accept when they are exactly the same in dollar amount. Mayor Justice stated that it was his recommendation to accept the bid from Triple B Construction's bid.

MOTION: Council Member York made a motion to accept the bid from Triple B Construction in the amount of \$9,486.00 to build a concrete sidewalk along the west side of the 300 block of north 4th Avenue. Council Member Keeler seconded the motion and passed 4-0.

Council Member Berntsen rejoined the meeting.

5. **Bids for Electrical and Generator Specs for Storm Shelter at EVS Building**

City Administrator Brown stated that request for bids were sent out to electricians to do the electrical work to install a generator at the EVS building. The bid request also included a request for suggestions on what size of generator and transfer switch would be best for the building. Only one bid was received. Reeves Electric quoted \$3,756.00 for materials and labor, not including the cost of the generator or transfer switch. Reeves suggested a 50KW generator and a 400amp transfer switch.

MOTION: Council Member Berntsen made a motion to accept the bid from Reeves Electric to install a generator and transfer switch at the EVS building in the amount of \$3,756 contingent upon purchase of the generator. Council Member Frischenmeyer seconded the motion and passed unanimously.

6. **Cereal Malt Beverage Licenses for 2010**

City Clerk Wright stated that the cereal malt beverage licenses are renewed annually. The licenses are issued to Pizza Hut for on site consumption and Kabredlo's and Mize's for packaged carryout sales. Council gave consensus to issue the Cereal Malt Beverage Licenses for Pizza Hut, Kabredlo's and Mize's for 2010.

7. **Alcoholic Beverage License for 2010**

City Administrator Brown stated Clearwater Liquor is applying for an alcoholic beverage license to sell packaged carryout liquor. Council gave consensus to issue Clearwater Liquor an Alcoholic Beverage License for 2010. Council Member York asked if the C-Bar should be renewing their license. City Attorney Amerine stated that the bar gets their alcoholic beverage license from the Alcohol and Beverage Control and they get a business license to operate in the City. Wright stated that have not returned the application for the business license at this time. The license expires December 31.

8. New Water Application Filings with Division of Water Resources Requested

City Administrator Brown stated that staff received a report back from Ground Water Associates regarding the Council's request to find additional water resources for future needs. Ground Water Associates is suggesting applying with the Division of Water resources so more water can be pumped at the existing three wells east of Clearwater. This may postpone the City from having to purchase more water rights. Council directed staff to work with Ground Water Associates to file new water applications with the Division of Water Resources.

9. Ordinance Adding Administrative Fee for Outside Collection of Bad Debts

City Clerk Wright stated that currently the City sends its bad debts to the Kansas Setoff Program for collection. The Setoff Program charges the City a fee for those debts that it collects, which reduces the amount sent to the City. Wright stated she has discovered that an administrative fee can be passed along to the debtor. Wright stated she is proposing an ordinance to apply a 25% service charge to delinquent utility accounts and 20% to delinquent municipal court fines, citations and warrants before they are submitted to the Setoff Program. Wright assigned ordinance number 919.

MOTION: Council Member Berntsen made a motion to adopt Ordinance Number 919 Adding Administrative Fees for Outside Collection of Bad Debt. Council Member Whitney seconded the motion and it passed on a roll call vote of 5-0.

10. Write-off Uncollectible Utility Bills and Old Outstanding Checks

City Clerk Wright stated that every year the City writes off uncollectible utility bills that are 5 years old and outstanding payroll and accounts payable checks from the previous year. Wright reviewed each list. Council gave consensus to write-off \$1,213.02 of uncollectible utility bills and \$62.37 in outstanding checks.

11. Write-off Uncollectible Municipal Court Cases

City Administrator Brown stated that the Jo Johnson, Court Clerk, is requesting to write-off three uncollectible municipal court cases. All three cases are on individuals who are out of state. The Setoff Program only collects on residents with Kansas tax returns and their drivers licenses cannot be suspended from out of state. City Attorney Amerine asked if there are warrants out on these cases. Brown stated he would clarify with Johnson if warrants have been issued. Council gave consensus to write off \$1,161.11 in municipal court cases.

12. Public Hearing 2009 Budget Amendment

At 6:30, Mayor Justice opened the 2009 Budget Amendment Hearing. Justice stated he would keep the hearing open to allow any comments.

13. Reports

City Administrator Brown stated the Public Works Department is ready for the anticipated snowstorm.

14. Executive Session - Personnel

MOTION: At 6:35, Council Member York made a motion to enter into Executive Session for Personnel for 5 minutes. The motion was seconded by Council Member Berntsen and passed unanimously.

At 6:40, Council returned to regular session with no action taken.

At 6:42, Mayor Justice closed the budget hearing.

MOTION: Council Member Keeler made a motion to adopt the 2009 amended budget. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

15. **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 December 22, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of January, 2010.

Jodi McBee, Deputy City Clerk