

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

January 27, 2009

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 27, 2009, 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, and Sandi Keeler, Council Members. Council Member Jim Whitney was absent. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Jodi McBee, Deputy City Clerk. Others present at the meeting were Jennifer Arnold, Mike Roth, and Lonnie Stieben, Clearwater Area Chamber of Commerce; Mary Schauf, Clearwater Fire Department; Don Fitch, Disaster Shelter Chairman; Derek Clark and Kimberly Spielman, Wichita Area Metropolitan Planning Organization; Kevin Cowan, Gilmore & Bell; Brittany Corr, Kurtis Hoover, Kaitlin Stearns, Steph Barker, and Jake Demott, Clearwater High School Government students.

Mayor Mike 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 13, 2009

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. **Presentation by Wichita Area Metropolitan Planning Organization (WAMPO) on Transportation**

Derek Clark with the Wichita Area Metropolitan Planning Organization (WAMPO) stated he was speaking to Council regarding the Metropolitan Transportation Plan. Clark explained that WAMPO provides regional transportation planning for Sedgwick County and parts of Butler and Sumner Counties, as well as assure the flow of federal funds to local jurisdictions within the WAMPO boundary. Clark went on to explain the Metropolitan Transportation Plan is a plan that addresses the future transportation needs for the region. WAMPO plans to collect data to see what the transportation needs of the area are, and then review costs to see if those needs can be realistically met. Goals will then be set to drive the plan, encompassing all modes of transportation. WAMPO hopes to build those goals with public involvement. Clark went on to review anticipated revenue towards transportation projects of 4.1 billion dollars coming from 60% local government, 20% state government, and 20% federal government. Clark stated that tonight he would like the Council to prioritize the types of projects they would like to see done. Clark dispersed an exercise to each Council Member for them to allocate where each Council Member thought spending should be concentrated. The choices are between large projects, small projects, maintenance, technology or a combination. Clark stated that several open house meetings are scheduled for the public to get information regarding the Metropolitan Transportation Plan with the closest to Clearwater being at Goddard City Hall on February 5. Clark thanked the Council for their time.

5. **Update on Draft Lease and Site Location from Telecom Realty Consultants, LLC**

City Administrator Brown stated that the updated lease agreement from Telecom Realty for a proposed cell phone tower at the brush dump includes all the requested changes from the Council and City Attorney Amerine. The main concerns that the brush dump still be useable if the tower is erected are not a problem for the cell phone company. The cost to them was accepted at the rate the Council suggested of \$600.00 per month. Brown stated that no action needs to be taken tonight. This version of the contract is for review for any other recommended changes. Council directed staff to have City Attorney Amerine review this version of the contract before they make any final decisions. The Telecom representative plans on attending the Council Meeting on February 10.

6. **Agreement Between the City of Clearwater and Clearwater Area Chamber of Commerce for Funding of an Additional \$7,000 Annually**

City Administrator Brown stated that an agreement has been drawn up and reviewed by City Attorney Amerine and the Clearwater Area Chamber of Commerce for a \$7,000 donation from the City of Clearwater to the Chamber. The contract is only for a donation in 2009. Donations for future years will be looked at during budget preparation. Lonnie Stieben, Chamber Board Member, addressed the Council with a couple concerns regarding the contract. Chamber was concerned that the Executive Director, per the contract, was going to be expected to attend conferences and seminars that might take away from her work at the Chamber. Mayor Justice stated that the contract was purely a guide for what the Chamber Director should be involved with in regards to economic development for the City. The City had no plan to instruct the Director how to do her job. Stieben then asked whom the Chamber Director was to take direction from within the City. Justice stated that the City isn't looking to take on another employee, but any communication or suggestions from the City would be from the City Administrator. City Administrator Brown stated that the only thing new coming out of this contract that the City is expecting from the Chamber is a quarterly accounting of contacts in the categories of business, industrial, residential and visitor.

MOTION: Council Member FitzGerald made a motion to authorize Mayor Justice to sign the agreement with the Clearwater Area Chamber of Commerce for Donation of \$7,000 in 2009. Council Member Keeler seconded the motion and it passed unanimously.

7. **Revised Bid for Repairs on Field #3 at the Sports Complex**

City Administrator Brown stated that the revised bid from Kansas Fence Co., Inc. for repairs on Field #3 at the Sports Complex now includes a bottom retention bar. The bid adds in \$500 from the previous quote, which brings it to \$5,025. Council Member FitzGerald asked if this is the project that the Recreation Commission was assisting in paying. City Clerk Wright stated that this is a joint effort with the Recreation Commission, Clearwater School District and the City. Each would pay a third with a maximum of \$8,000 each.

MOTION: Council Member FitzGerald made a motion to accept the bid from Kansas Fence Co, Inc. for \$5,025 for the fence repairs at Field #3 at the Sports Complex. Council Member Berntsen seconded the motion and it passed unanimously.

8. **Review Memo of LKM on the Governor's Proposed Decreases Across the State**

City Administrator Brown reviewed the memo from The League of Kansas

Municipalities regarding the Governor's proposed decrease in budget across the State. Brown stated these are the initial suggestions from the Governor and are not a final cut. These cuts are mostly for the State's fiscal year 2010. The first suggested cut is 100% of the liquor tax monies, which is approximately \$5,200 for the City. The next cut is 6.6% of the Special City-County Highway fund, which is gas tax money. The impact on Clearwater would be a loss of \$7,000 to \$8,000 each for both fiscal years 2009 and 2010. The State granted an exemption for businesses on taxes paid on new machinery and equipment. A slider payment was supposed to be issued to Cities to help ease the loss of that property tax revenue. Those payments have been suspended in 2009 and 2010. The State had talked about reintroducing Local Ad Valorem Tax Reduction (LAVTR) in 2010, which has not been received since 2001. The LAVTR has now been cancelled per the Governor's proposal. This year's impact on the City could be about \$14,000 to \$15,000. And next year's impact could be much higher depending on the machinery and equipment payment.

9. Update on Status of Project to Redo City Hall Entrance and Windows

City Council reviewed plans to redo the City Hall Entrance and Windows. City Clerk Wright stated that a pre-bid meeting was held and 6 contractors were in attendance. Bids are to be turned in by 4:00 p.m. Friday, February 6.

10. Agreement for City Prosecutor Catherine Zigtema

City Administrator Brown stated the agreement for City Prosecutor Catherine Zigtema is almost identical to the agreement the City had with former City Prosecutor Becky Hurtig. The only difference is Zigtema works for a law firm so all references throughout the agreement refer to Zigtema, through the firm Maughan & Maughan. Also, the only change to the contract is 30 days written notice for termination by either party where previously was listed as 60 days.

MOTION: Council Member FitzGerald made a motion to authorize the Mayor to sign the Contract for Legal Services City of Clearwater Prosecuting Attorney between the City of Clearwater and Catherine Zigtema, through the firm Maughan & Maughan. Council Member Berntsen seconded the motion and it passed unanimously.

11. Review Generator RFP for Community Shelter and Other Developments

City Administrator Brown reviewed the previous bid for the generator at well #7 east of Clearwater as a first step in looking at getting a generator for the Community Shelter in

the United Methodist Church. Brown stated there is a problem with the generator at well #7. There have been problems with the generator kicking off at the wrong time. The problem goes back to the installation of soft starts, which ramp up the pumping of water to reduce the water hammer effect. Brown suggested an outside possibility of bringing the generator from the well to the Community Shelter and purchasing a new generator for the well. This would only be a fall back situation. Brown continued that there is another issue. Sedgwick County Emergency Management has been installing generators at all the Sedgwick County fire stations through a grant from the federal level. Council Member Whitney had asked at a previous meeting if Clearwater could obtain a generator through that grant. Brown stated that the generators in the fire stations aren't in the same category as the generator proposed for the Community Shelter, but it is worth looking at to possibly save some costs.

Don Fitch, Disaster Shelter Chairman, addressed Council with his concerns regarding the generator for the Community Shelter in the Family Life Center of the United Methodist Church. Fitch suggested putting together a study to find out what it will take to get the generator installed. Another thing Fitch suggests is having a Memorandum of Agreement between the Church and the City to line out how the shelter will be run and who will pay for what. Mayor Justice stated that the City needs to look into the grant money and if the generator at well #7 needs to be replaced before anything else gets done. Justice continued that once those issues are figured out, then the City could start looking into bids for the installation of the generator at the Community Shelter. City Administrator Brown agreed that an agreement with the church was important, but more information regarding needs and costs has to be obtained before doing so. Brown asked for authorization from the Council to contact a professional to come into the Family Life Center at the Methodist Church to find out what size generator is needed. Justice asked if Sedgwick County Emergency Management would refer someone to take a look at the building to estimate costs. Brown stated he would contact the County to see if they would make a referral. After continued discussion regarding the generator size and costs, Council directed Brown to contact Sedgwick County Emergency Management regarding getting cost estimates for the generator at the emergency shelter and the possible grant money for a generator.

12. Resolution Authorizing and Providing for the Making of Water Improvements In the Clearwater Business Park

Kevin Cowan of Gilmore & Bell reviewed the resolutions authorizing and providing for the making of water and sewer improvements in the Clearwater Business Park together since they are similar in form. Cowan explained passing the resolutions made it possible to move forward with obtaining financing with temporary notes for construction of the water and sewer improvements in the Clearwater Business Park. The resolutions state that the City finds it advisable that the improvements be made, estimates the probable cost of the improvements, identifies the improvement district, and sets forth the method of assessment

as divided equally between all lots. Cowan stated if the resolutions are passed, they are required by State statute to be published and then recorded with the Register of Deeds to give notice to a potential purchaser that there are special assessments.

MOTION: Council Member FitzGerald made a motion to adopt resolution 02-2009 Determining the Advisability of Making Water Improvements in the Clearwater Business Park. Council Member Berntsen seconded the motion and it passed unanimously.

13. Resolution Authorizing and Providing for the Making of Sewer Improvements in the Clearwater Business Park

MOTION: Council Member Berntsen made a motion to adopt resolution 03-2009 Determining the Advisability of Making Sewer Improvements in the Clearwater Business Park. Council Member York seconded the motion and it passed unanimously.

Kevin Cowan, Gilmore & Bell, stated he wanted to assure Council that with the state of the economy the bond market in Kansas was good for this size of project.

14. Section VII-6 Working Past Mandatory Retirement

City Administrator Brown stated the City's personnel policy has a mandatory retirement age of 70. There is an employee that has past that age and would like to keep working. City Clerk Wright stated that this will become an annual review at the beginning of each year. Council gave consensus to extend the mandatory retirement age for Jim Vulgamore.

15. Consent Agenda

Council gave consensus to pay 2009 Kansas Municipal Utilities Non-Electric Membership dues in the amount of \$520.00, Clearwater Chamber of Commerce sponsorship

of the booth at the 2009 Home Show in the amount of \$100.00, and Steve Swift Construction for the labor and material for installation of sidewalk at the Chisholm Ridge ponds in the amount of \$3,650.

City Administrator Brown stated the final request for payment from Reeves Electric for installing the lights at City Park is \$12,029.27. Brown suggested retaining 10%, or

\$1,200, until the representative from Musco Sports Lighting came to burn the lights to insure they are in working order. Council gave consensus to pay Reeves Electric \$10,839.27. Brown stated there was some additional work to feed some wiring under ground to a light post near the concession stand and to replace a light post that was about to fall down. A change order and an invoice will be submitted for payment of that work.

16. Reports

City Administrator Brown stated Public Works Director Ernie Misak is on medical leave for a few weeks.

City Administrator Brown stated that he had spoken with Sedgwick County Road Department regarding the crosswalk at Chisholm Ridge, but no decisions have been made at this time.

City Administrator Brown stated that City Hall Day and the Kansas Downtown Development Conference are in Topeka tomorrow. Brown and Chamber Director Jennifer Arnold will be attending.

City Administrator Brown stated the plans for the depth of the sewer line for the Business Park have been changed to allow the minimum rate of fall for the south half of the system. That is to allow the north end of the sewer line to keep moving with gravity flow, even with future expansion to a point north of 95th St. S.

City Administrator Brown stated that the water system study has been received and Brown is waiting for some clarification, and then will release it to the Council.

Council Member Berntsen stated he had received several citizen complaints of the condition of Fourth and Ross during the icy weather.

Council Member Keeler asked what the status was of fixing the guardrail at Tracy and Wood. City Administrator Brown stated he knew the rail was on a fix list with the County.

Council Member FitzGerald asked if there has been any progress made with getting the Township to assist in maintaining the dirt roads in Clearwater. Brown stated he has spoken with the township but no agreement has been worked out.

Council Member FitzGerald asked if a drip system was going to be installed at the Welcome Sign on north 4th. Brown stated Council has never approved a drip system. FitzGerald stated that if the Sorority is not willing to do the landscaping up keep the Lions

Club would be willing to do it. Mayor Justice stated some shrubbery needed to be removed because it was in front of the light that shines on the sign creating a shadow.

Council Member FitzGerald asked if the surveying Sedgwick County did on 4th street could be used by the City to ease the cost of improving the street someday. Brown stated that Harlan Foraker, City Engineer, received the report and it could be used by the City.

Mayor Justice stated the fountains in the Chisholm Ridge ponds are not running properly. Justice stated he would also like to see something done about the clarity of the ponds.

City Clerk Wright stated that three council seats are up for election. Three filings have been received to run for the positions, Mike York, Lyle Berntsen, and Jim Frischenmeyer.

15. Executive Session-Personnel

MOTION: At 8:25 p.m., Council Member FitzGerald made a motion for the Council and Mayor to enter into executive session for personnel reasons for a period of 5 minutes. Council Member York seconded the motion and it passed unanimously.

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

16. 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, 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 January 27, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 10th day of February 2009.

Jodi McBee, Deputy City Clerk