

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

**CITY COUNCIL MEETING**

**MINUTES**

**July 28, 2009**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, July 28, 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 York, Lyle Berntsen, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. Mike Justice, Mayor, was absent. 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 Donald Schauf, Clearwater Emergency Services; Mary Schauf, Clearwater Volunteer Fire Department.

---

Council President York called the meeting to order at 6:30 p.m. York 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 July 14, 2009**

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

**2. Mayor's Recommendations**

There were no appointments or resignations.

**3. Public Forum**

No one addressed the Council.

**4. Ordinance Authorizing the Operation of Micro Utility Trucks, Work-Site Utility**

## **Vehicles and Golf Carts on the Streets within the Corporate Limits of the City**

City Attorney Amerine stated the ordinance authorizing the operation of micro utility trucks, work-site utility vehicles and golf carts on the streets within the city limits was tabled at the last meeting so the Police Department could research what the license stickers would cost so a licensing fee could be reached. City Administrator Brown stated that Acting Police Chief Garcia found that the stickers would be a minimal cost. Council agreed that the \$10 license fee that Amerine suggested was sufficient. City Clerk Wright asked if the City would be exempt from the license fee. Amerine stated that the ordinance doesn't state that city vehicles are exempt from the fee. Wright assigned ordinance number 907.

**MOTION:** Council Member Berntsen made a motion to accept Ordinance 907 Authorizing the Operation of Micro Utility Trucks, Work-Site Utility Vehicles and Golf Carts on the Streets within the Corporate Limits of the City. Council Member Whitney seconded the motion and it passed on a roll call vote of 5-0.

### **5. Review Water and Sewer Rates Ordinance for Commercial Establishments that have Multiple Offices with Multiple Facilities**

City Administrator Brown stated a citizen addressed Council at the last meeting requesting the water and sewer rate structure for an establishment with multiple offices be reviewed. The building at 130 E. Ross is the establishment that requested the review. In researching the rates, staff discovered an error on the City's part. According to the ordinance, the sewer rate for a multiple office establishment is two times the amount of a single residential connection. After the ordinance was passed, the charge was correct for two years but then was increased from 2 times to 5 times the single residential connection. Brown stated that there is no reason to change the ordinance. The billing to 130 E. Ross needs to be adjusted to correct the errors. Brown went on to discuss how water and sewer rates are charged and the differences between residential and commercial charges. Council Member Frischenmeyer suggested writing a letter to the owner of 130 E. Ross to notify him of the billing error and to inform him of an impending refund of charges.

### **6. Review Training Reimbursement Contract for EMT Candidates**

City Attorney Amerine stated she used the information that EMS Director Donald Schauf supplied to her to write the training reimbursement contract for EMT candidates. Amerine stated that if action is taken she would recommend that the motion allow the mayor to sign each contract as Schauf presents it. Then each contract won't have to be brought before Council. The contract states the City will pay half the candidates cost of tuition and

books for the EMT class at time of enrollment. The candidate then must complete the course and serve at least one year for the Clearwater Emergency Medical Service to receive the second half of the class reimbursement. If this is not completed the candidate must reimburse the costs paid at enrollment back to the City.

**MOTION:** Council Member Keeler made a motion to give the Mayor discretion and authorization to sign the Training Reimbursement Contracts for EMT Candidates. Council Member Frischenmeyer seconded the motion and it passed unanimously.

**7. Annual Review of Water Emergency Plan**

City Administrator Brown stated Council must review the water emergency plan annually. Brown stated the only changes from the previous year are the number of meters, usage, and number of customers that are involved with the water system. The rest of the plan is an inventory of our equipment, what happens during certain situations, and how the City works through a water supply emergency. Council Members Keeler and Frischenmeyer requested phone number corrections. Keeler noted the back signature page still referred to previous Council Members. Donald Schauf asked that his title be changed in the document from EMT Director to EMS Director. Brown stated staff would make the appropriate changes.

**MOTION:** Council Member Keeler made a motion to approve the Water Emergency Plan with the changes identified. Council Member Berntsen seconded the motion and it passed unanimously.

**8. 2010 Budget & Set Date for Budget Hearing**

City Administrator Brown stated that all the adjustments have been instituted for the 2010 Budget that were made at the last council meeting. Brown reviewed the budget and stated that no changes were made to the mill levy. Brown stated that if there are no changes, the next step is to set the date for the public budget hearing. Council Member Frischenmeyer dispersed a budget comparison that he created from 2007 budget to the 2010 proposed budget. Frischenmeyer stated he created the comparison to help review the budget from a year when the economy was stable. Frischenmeyer stated he saw areas in the budget where spending had increased and his analysis might pin point areas that could be reviewed to find some cost cuts. Frischenmeyer identified a few areas where the budget had increased and asked if the increases were necessary. Frischenmeyer stated that a hard look needs to be taken at what the real necessities are to run the City and what areas can and cannot be reviewed for possible changes in expenditures. Brown reviewed the analysis, discussed

differences between actual and budget figures, and explained reasons behind the increase in spending in specific funds. Council Member Whitney stated that since he has been on Council they have worked hard to keep taxes level. Whitney continued that when the State keeps taking funding away from cities, there is no other way to raise money other than to increase the mill levy. Council discussed what it takes monetarily to run the City. Whitney commented how the City has to keep funding areas that don't generate income in order to keep the community running in a fashion that is appealing to current and future residents. Council Member Keeler stated that she believed this is a good budget. Keeler continued that Staff and Council both have worked hard to work with what we have and meet the needs of the City. Council Member Berntsen stated that there are cuts in the budget that can still be made even after the budget is set if the Council sees fit to make those changes. City Clerk Wright stated that at the end of each year, adjustments are made to the budget for the purpose of showing actual money coming in and going out instead of estimated figures. Brown stated that a previous recommendation to change how the City Administrator and City Clerk are paid was not included in the budget. Brown stated that the Administrator and Clerk are paid half out of the General and a quarter out of the Water Fund and Sewer Fund. Brown stated that a recommendation had been made to change that to a third out of each fund. Wright explained they decided against the change because water and sewer rates have just been increased to help build up those funds. Wright stated that one of the reasons for the increase in rates was to create a reserve for future water and sewer projects. Wright reviewed what the income is from the increases and stated that currently staff doesn't feel comfortable enough to allow more expenditures from those funds. Brown stated that the rate increases brought the funds out of a loss but the gains are not enough to support the change in pay.

City Clerk Wright distributed a listing of pool employee wages. Because the pool employees are seasonal, their wages didn't have to be increased this year due to the increase in minimum wage. The State will implement the \$7.25/hour minimum wage January 2010, so the pool employees minimum wage will need to be increased next summer. Wright explained no action needs to be taken at this time, but this is something that will have to be dealt with in the spring of 2010.

**MOTION:** Council Member Frischenmeyer made a motion to set publication for public hearing for the 2010 budget. Council Member Berntsen seconded the motion and it passed unanimously.

## **9. Consent Agenda**

Council gave consensus to pay Caro Construction \$22,202.10 for the City Hall

remodel project.

## 10. Reports

City Attorney Amerine stated she has begun researching the fireworks issue that was requested at a previous council meeting. Amerine stated she would have something to present at an August meeting.

City Attorney Amerine stated the State passed legislation that was intended to allow cities not to have to hold primaries when more than two people are running for a position. The legislation was written in a manor that no one can decide what it says exactly. Therefore, the League of Kansas Municipalities is recommending cities pass a charter ordinance to opt out of the legislation. Council directed Amerine to draft the ordinance for the next meeting.

City Administrator Brown stated some City property was damaged in the storm Monday night. The fences at the tennis courts were blow over. One of the skateboard ramps was damaged. The scoreboard and the press box window were damaged at the sports complex. Brown stated he is waiting from a report from the insurance company. Council discussed other damages to areas of town. Brown explained that the brush dump is open because the north end fence has been cut to allow construction equipment in where the cell tower is being constructed.

City Administrator Brown stated that the road leading to the Verizon tower is to start construction next week according the property owner.

City Administrator Brown stated that he received a cost estimate from Protection Shelters for the proposed storm shelter near the Emergency Volunteer Services (EVS) building. The second grant proposal for the shelter is due soon. The grant is a 75/25 grant, meaning the City would have to come up with 25% of the cost of the project. The estimate is for \$149,000 for the building and generator. The City's share would be approximately \$37,250. Council Member Whitney stated that the proposal is for a freestanding building not attached to the EVS building. If in the future the EVS building was added on to, the addition could be built right over the top of the shelter. Brown reviewed the plans for the building. Whitney stated he understood that the generator would only be attached to the shelter and not the EVS building. Brown stated that Dale Zoglman with Protection Shelters told him the generator would serve both the shelter and the EVS building. Council Member Frischenmeyer requested it be noted in the quote that the generator would serve both the shelter and the EVS building. Council agreed to have staff move forward with the grant application.

City Administrator Brown stated that 135<sup>th</sup> St. S. is going to be closed for a couple months near the sewer ponds while Sedgwick County repairs a bridge.

City Administrator Brown stated a bridge is being replaced at 103<sup>rd</sup> W., which is Maize Road. The City's water line that feeds the Girl Scout camp runs right next to the bridge. The City has had to dig up the line and mark it for Sedgwick County.

City Administrator Brown stated that a sidewalk at Second and Kansas had to be removed because it was caving in over a culvert. Some drainage culverts are going to be replaced at the alley between Second and Third on Kansas to relieve some drainage issues.

City Administrator Brown stated that the local bar is requesting having a benefit on Saturday, August 22. Brown stated he talked to City Attorney Amerine regarding a special event permit. Brown explained that two things need to happen before the City will issue a special event permit to the bar. First, the bar needs to obtain their city liquor license for this year. Secondly, they need to get a special event permit from the State.

Council Member Frischenmeyer asked if the new dump truck the City purchased is up and running. Brown stated that it is in the City's possession and in working order. Frischenmeyer asked what was going to be done with the old truck. Brown stated currently it stored in the City shop. Council agreed the City should try to get bids locally. If there isn't any interest, then take the truck to auction.

Council Member Berntsen asked if all skate park equipment has been bolted down. Brown stated that the ramp that blew over during the storm hasn't been bolted down. It needs some repairs before it is attached to the concrete. Berntsen also requested a portable restroom be placed at the skate park.

**11. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member Keeler 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 July 28, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 11<sup>th</sup> day of August, 2009.

---

Jodi McBee, Deputy City Clerk