

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

**CITY COUNCIL MEETING**

**MINUTES**

**June 9, 2009**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 9, 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, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. 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 EMS; Gene Garcia, Clearwater Police Department; Lonnie Stieben, SKT; and Paul Rhodes, Times Sentinel Newspaper.

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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 May 26, 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**

With Council consensus, Mayor Justice appointed Monty Ray as MICT and Chad Sterrett as EMT-B with Clearwater Emergency Services.

With Council consensus, Mayor Justice appointed Travis Wise as Firefighter.

**3. Public Forum**

No one addressed the Council.

4. **Executive Session-Personnel**

**MOTION:** At 6:34, Council Member Berntsen made a motion to enter into Executive Session for personnel for a period of 20 minutes. Council Member York seconded the motion and it passed unanimously. The Executive Session included Council, City Administrator Brown, City Attorney Amerine and Acting Police Chief Garcia.

At 6:54, Council returned to regular session with no action taken

5. **Cable Television Franchise Agreement**

City Attorney Amerine reviewed the cable television franchise agreement. The franchise fee is the same as the previous agreement at 3% for 15 years. By statute, the franchise fee is allowable up to 5%. Amerine stated that the Kansas League of Municipalities recommends going a shorter term than 15 years. Mayor Justice suggested a review of the agreement every 5 years. Lonnie Stieben with Southern Kansas Telephone (SKT) addressed the Council. Stieben stated that SKT appreciates the franchise agreement and has worked hard to present the town with a quality product. Stieben explained that the franchise fee is a tax, which allows the cable company to use the easements to place their cable lines. The cable company passes the tax onto the customers. Stieben stated that increasing the franchise fee put SKT at a competitive disadvantage because dish companies don't have to pay the franchise fee. Amerine stated she has approved the agreement to form; the Council decisions were whether to change the fee and/or the term. After a brief discussion, Council agreed to keep the 3% franchise fee and include a 5-year review clause. The agreement will be brought back to the next council meeting for final review.

At 7:10, Mayor Justice excused himself from the meeting due to a conflict of interest in the next agenda item.

6. **Fireworks Application Permit from Senior Government Class and Wholesale Fireworks**

City Administrator Brown stated two firework applications for permits have been received, one from the Senior Government Class and one from Wholesale Fireworks. The Senior Government tent will be in the bus barn parking lot and Wholesale Fireworks tent will be in the lot north of Walt's. Both application were received by the June 1<sup>st</sup> deadline and included the proper application fee and insurance.

**MOTION:** Council Member Frischenmeyer made a motion to accept the firework application permits from Senior Government Class and Wholesale Fireworks.

Council Member Keeler seconded the motion and it passed unanimously.  
Mayor Justice returned to the meeting at 7:15.

**7. Quote from Caro Construction for Ceiling Remodel Design for City Hall**

City Clerk Wright stated the City has received a quote from Caro Construction for the ceiling remodel design for City Hall. The base quote is for the lobby and the north side of the Council chamber room from the room divider to the windows in the amount of \$9,700.

An alternate bid for the portion of the ceiling from the room divider in the chamber room to the south and the small conference area behind the chamber room is in the amount of \$8,402. Wright reviewed the expenses and funds available, with enough money to cover the base bid. Council discussed the possibility of asbestos being in the ceiling and if the bid could be accepted, but no work to be done until verification can be done as to whether there is asbestos in the ceiling. City Attorney Amerine stated that the ceiling bid is only a quote and not in contract form. The bid could be accepted with the stipulation of asbestos testing being done before the ceiling is demolished. Then if asbestos is found, Council will have to decide how to proceed at that time.

**MOTION:** Council Member Frischenmeyer made a motion to accept the base bid from Caro Construction in the amount of \$9,700 for the ceiling remodel in the lobby and north end of the Council chamber room with the requirement that an asbestos inspection is done before any work starts on the ceiling. Council Member York seconded the motion and it passed unanimously.

**8. Update on Generator and Shelter Information**

City Administrator Brown explained there are several different updates on the generator and shelter information. There is a round of fire station construction grants coming up through FEMA. The grant from FEMA is for new construction or addition to fire stations. Applications are due by July 10<sup>th</sup>. Brown stated that Sedgwick County Emergency Management is updating their mitigation plan. They are having a grant application process that could include funding for the generator, the fire station addition, and drainage. Applications are due at the end of July. Brown stated he was informed to wait to purchase the generator until the City was sure of the possibility of getting a grant to cover most of the cost. The grant for the generator would be 75% of the cost, with the City paying the other 25%. The City would be notified no later than October. Brown stated it would be worthwhile to the City to pursue both applications. Brown stated he currently has no idea what the cost of the addition to the fire station could be. Brown recommended getting a cost estimate for the fire station addition so he could plug the numbers into the grant applications. Mayor Justice suggested talking to Triple B Construction since they were company that built the original building. Justice stated Council also needed to get a general idea of what the

addition needed to be. Council Member Whitney stated he wasn't looking to do a basement because of all the ADA requirement and the cost that came with those. Whitney stated that an additional parking bay and concrete safe room with bathrooms would be what the City needs. Whitney stated he could wait until November to see if the City was going to get a grant to assist in the costs of the generator and the shelter. Brown stated he would stay in close contact with the grant coordinator to see if the City was in position to receive the grants. Then if the grants aren't a possibility, the City could move forward on its own. Brown stated that it was recommended to him to apply twice with the Sedgwick County grant. One application would be for the generator and one would be for the emergency shelter. After a brief conversation regarding grant applications, Council directed staff to continue pursuit of both grants and to get a rough estimate on the cost of the addition to the fire station from Triple B Construction.

City Administrator Brown stated there is a round of Community Development block grants that are being awarded this summer with the Recovery and Reinvestment Act. This is for water, sewer, community facilities and housing projects. The application is due at the end of June. The idea for the City to apply for this grant is to get prepared for possible growth with the Business Park. The City may need to have Harlan Foraker, City Engineer, draw up a proposal to get the sewer system ready for growth. Council Member Whitney asked if it would be possible to hire a grant writer at an hourly wage to assist Brown in all these grant applications that are needing to be applied for in the next few weeks. Brown stated that there is money in the General Fund for consulting fees that could be used to pay a grant writer. Brown stated the first step is to talk to Foraker to see if it is even worth applying for the grant to improve the sewer system. If Foraker agrees that the grant is something worth applying for, then Brown could contact the grant writer to see if they are available to assist with the application process. Council directed staff to contact Harlan Foraker to discuss the sewer project and his take on the grant application. Council then directed staff to contact a grant writer to assist in the grant application process for both the community development block grant and the generator/fire station grants.

## **9. First Review of General Fund for 2010 Budget**

City Administrator Brown stated that tonight is the first review of the general fund for the 2010 budget. The general fund includes everything that doesn't have a separate revenue source. Brown reviewed the administration portion of the budget including emergency shelter, generator, capital improvements, economic development, computer support and many other items. Brown reviewed increases in electricity and personnel budgets due to increasing expenses.

City Administrator Brown stated the Community and Senior Center budget might

have to be adjusted if they receive the increase in funding from Sedgwick County. The current budget includes a small increase for salaries, but is basically the same from the 2009 budget.

The Police Department budget includes increases for communication supplies, increase in computer support, purchase of a new video camera for a patrol car, and lease agreements for patrol cars. City Administrator Brown stated that the police department has cancelled a contract with a training network due to lack of use and would like to do training through a different source. The budget includes the cancellation of the LETN training and increases the budget in another training line item.

City Administrator Brown stated the Court budget includes jail fees, which have been a recent topic of discussion. This budget does not reflect the possible policy change to charge prisoners their jail fees. Jail fees could increase if prisoners are sent to the Sedgwick County Jail more often instead of Sumner County. Brown asked the Council if the jail costs budget should be increased. Council agreed that the budget should be increased \$2,500 to \$10,000.

The sanitation budget could see some changes. The trash franchise contract is up for renewal in the summer of 2010. City Administrator Brown stated that Sedgwick County might require curbside recycling in the next few years, so the City should definitely include that in the franchise bid request. City Clerk Wright stated another issue within the franchise agreement that may come up is the 2 free dump weekends. With the high volume of trash unloaded at the last dump weekend, if the City doesn't get the amount under control, that service may be lost. Council discussed different possibilities for monitoring dump weekends.

City Administrator Brown stated that Ambulance budget includes a cell phone for the Director, a computer and software to switch to digital patient care records, electrical plugs, and a public relations budget.

City Administrator Brown stated that the Fire budget includes purchase of new bunker gear and other fire equipment. The fire budget also includes the payment for the new pumper/tender truck.

City Administrator Brown stated that the park budget is very much a work in process. The park improvements have been left in bulk at \$25,000. Council will have to decide on a plan of action with the park projects.

City Administrator Brown stated that the pool salaries budget item is higher than necessary to leave room for possible maintenance items in the pool, but the pool salaries may

have to be increased next year due to the increase in minimum wage. City Clerk Wright stated she had spoken with several other cities regarding pool salaries, and we are on the low end. City Administrator Brown stated that the pool-cleaning machine is 4 years old and they normally last 3 years. No money has been budgeted for its replacement. City Administrator Brown asked Council if they wish to budget money specifically for the replacement of the pool-cleaning machine or just leave the extra money in salaries. Council agreed that pool-cleaning machine needed to be a budget item.

City Administrator Brown stated that the Historical Museum budget included Westar, telephone and insurance. Council Member Whitney asked why the Westar bill was so high at the Historical Museum. City Administrator Brown stated he would find out. Brown stated the hearing to get the schoolhouse on the national historical register is in August. If the school house gets on the national historical register, then grants are available to improve the school house.

## **10. Reports**

City Clerk Wright stated that City Park restroom/concession building has been the project the Council has wanted to see done next in the park. Wright stated she has sent two designs to the architect that designed the City Hall remodel. He is working on a concept and will hopefully have some ideas to Council by the next meeting. Wright asked Council to think about what they would like the functionality of the building to be for the next meeting.

City Clerk Wright stated that staff had contacted Verizon on the status of the cell phone tower to be installed to the west of the cemetery. The Verizon representative stated there were easement issues and it would be another 30 to 90 days before any construction may begin.

City Attorney Amerine stated that she had been to a City Attorneys meeting and would be bringing back a report to share with Council. Amerine stated that an item she came away with from the meeting is that golf carts, micro utility trucks and other work site vehicles have been made road legal again by the legislature. Amerine stated she would work to put together an ordinance making them legal in the City of Clearwater.

City Administrator Brown stated that there is a building permit issue with a new home being constructed in Chisholm Ridge. Don Mertens applied for a building permit for a custom home at lot 15, block 1. The house is too big for most lots in Chisholm Ridge. The front and side yard set backs are within guidelines, but the backyard set backs are at 21 feet and are supposed to be at 25 feet. City staff, including Brown, missed the fact that the backyard set back was incorrect and approved the building permit. Brown stated that the house has been put on stop order by the Sedgwick County building inspector. Now the

options are either to allow the rear setback due to administrative error or require Mertens to apply for a variance. After a brief discussion, Council agreed to allow the 21-foot setback on this house but draft a letter to Mertens stating that any other setback violations in the future will be subject to fines.

City Administrator Brown stated that Sedgwick County is soliciting for land to be used as an industrial park. The City could offer the land designated as the Business Park to the County. Brown stated that if we sell the land to the County we lose control of the property. The County would most likely ask the City to de-annex the property and the City would never see the tax revenue. Council agreed that they were not interested in selling the Business Park property to the County.

City Administrator Brown stated there is some confusion as to whom the windmill the Masons fixed up belongs. The Historical Museum believes it belongs to them. Council directed staff to contact the Masons to find out to whom they donated the windmill to clarify the misunderstanding.

City Administrator Brown stated the water consumer confidence report is mailed out at the end of June. Brown stated that last few years the City has sent out a newsletter along with the report. Brown asked for suggestions regarding items to include in the newsletter. Council suggested including new dump weekend restrictions, business park utilities update, skate park update, City Park improvements, City Hall remodel, and upcoming street project.

Council Member Whitney stated he received a complaint regarding an overgrown yard on south Byers. The house also has an old car with out of date tags in the yard.

## **11. Executive Session-Legal**

**MOTION:** At 10:00, Council Member York made a motion to enter into executive session for 5 minutes for legal reasons. Council Member Berntsen seconded the motion and it passed unanimously.

At 10:05, Council returned to regular session with no action taken.

## **12. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Keeler moved for adjournment. The motion was seconded by Council Member Frischenmeyer 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 June 9, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23<sup>rd</sup> day of June, 2009.

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Jodi McBee, Deputy City Clerk