

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

March 24, 2009

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 24, 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, Sandi Keeler, and Jim Whitney, 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; Marvin Schauf and Mary Schauf, Clearwater Fire Department; Paul Rhodes, Times-Sentinel Newspaper; Brad Mize, Mize's Thriftway; Jim Frischenmeyer, Jerry Mertens, Sheri Mertens, Dru Mertens, Cora Mertens, Haley Mertens, J.R. Howell, Carol Howell, Cody Stacey, Thomas Williams, and Steven Coorson, citizens; Tate Bowman, Jordan Luckert, Kaci Wells, Alexandra Friday, Emily Ladd, Alyssa Shinn, Tyler Spencer, Jared Wise, Kyle Smothers, Luke Westbrook, Wesley Pfanenstiel, Braden Taylor, and Zach Vaughn, 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 March 10, 2009

MOTION: Council Member York 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 appointments or resignations.

3. **Public Forum**

No one addressed the Council.

4. **Discussion of Possible Additions to Current Skateboard Park**

City Administrator Brown stated Council Member FitzGerald requested at the last meeting that the discussion regarding possible additions to the current Skateboard Park be added to the agenda. Included in the agenda packets are some possibilities of equipment and design from the American Ramp Company (ARC). Brown stated that over the years the skateboard park has been an item discussed and no action had ever been taken. One item was donated at the Park's inception and that has been the only addition to the park as it sits now. Council Member FitzGerald stated he and others have been to several area skateboard parks to get ideas of what equipment is necessary to make a nice park. FitzGerald continued that the skateboard park would not only be used by the skateboarders, but also by bike riders. FitzGerald stated that he had been in contact with the representative from ARC and the most inexpensive route to go is the wooden options. The more popular options are a line of ramps called the Pro Series, which are made of metal. They are more expensive but come with a 20-year warranty with proper installation. The design that FitzGerald is proposing is a set of ramps and other equipment in the Pro-line Series with cost of \$11,695.97. An additional concrete pad would need to be poured, which FitzGerald recommended being 50 X 50, at an estimated cost of \$4,500. FitzGerald stated that ARC has a 30-45 day turn around after the equipment is ordered. The design of the park is included in the price and ARC could incorporate the existing piece of equipment into the new design. FitzGerald stated that the skateboarders lose out on support from the community because skateboarding isn't an organized sport. The City has put a lot of money into other organized sports. FitzGerald stated he believed that this is a recreational sport like any other in town and it deserves some financial support. Mayor Justice asked for any comment from the audience. Sheri Mertens stated she has a child that goes to other community parks to bike and she understands that it is not an organized sport, but these kids take it very seriously. There are scholarships that are available for bike riding and skateboarding. Mertens continued that as a parent she would like to see a place for kids to go skate and bike locally. Justice asked the kids in the audience if they had any apparatuses they would like to see installed at the skate park. Cody Stacey stepped forward and stated that a quarter pipe would be a good addition to the park. J.R. Howell stated that if the Council is going to build the park they need to build it to where it is interesting and fun for the kids. Then the kids will hopefully be out of the downtown area and out of City Park destroying property. FitzGerald stated the City would have to start out small and add on over time. Council Member Berntsen asked if there would be enough room to add the initial design equipment plus the quarter pipe. Justice stated the design shows a 60 x 70 area. If an additional 50 x 50 pad is poured, the area will be 50 x 100 and there should be plenty of room. Mertens asked if there would be opportunities for kids to do

some fundraising. Justice stated the problem in the past has been lack of organization by supporters of the skate park. Justice continued that the Council is never against individuals raising money for improvements to the City. Someone just needs to step up and be the organizer and follow through. Council Member Whitney stated there needs to be a spokesperson for the City to communicate. Whitney emphasized to the supporters of the skate park in attendance not to let the issue die. Keep coming back to Council meetings and giving feedback so the Council knows they are putting money into an activity that people will use. Jim Frischenmeyer addressed the Council stating that growing Clearwater is what he is interested in seeing happen. Frischenmeyer stated the suggested improvements to the skate park will help Clearwater be competitive with surrounding communities.

Mayor Justice asked City Administrator Brown what was in the budget for Parks. Brown stated that there is approximately \$30,000 left over from the \$100,000 the Clearwater Recreation Commission donated to the City. There is also \$25,000-\$30,000 in the 2009 Park Capital Improvement Budget. Although, there are other projects that need to be completed from these funds, such as the bathroom/concession building in City Park, according to past Council discussions. After a brief discussion regarding cost estimates, Council Member Whitney stated \$25,000 would be a good start to get concrete and equipment installed. Justice stated Clearwater doesn't have the money to do what Wichita and Haysville have installed in their skateboard parks. Justice continued that he hoped this would be a good starting place and with fundraising maybe more could be added later. Justice stated the other thing he would like to emphasize is for the kids to assist in keeping the park in good condition. Council Member Berntsen stated he would like to make sure any improvement made to the skate park are not wood, but steel items. Council Member York stated he want to make sure the design includes room for equipment to be added in the future.

MOTION: Council Member Whitney made a motion to approve the purchase of concrete and equipment for the Skate Park in the amount of \$25,000. Council Member FitzGerald seconded the motion and it passed unanimously.

City Administrator Brown asked if the Council wants a single quote or bids for the concrete work. Council agreed bids would be best to get the fairest price on the concrete. Council Member Whitney again stressed to the kids in attendance the importance of using the facility and keeping it in good condition. Mayor Justice stated the next item on the park plan that needs to be looked at is rebuilding the restrooms.

5. **Ordinance Authorizing Sunday Sales of Cereal Malt Beverage in the Original Package and Establishing the Days and Hours of Sales Within the City of Clearwater, Kansas**

Mayor Justice stated the Council had authorized City Attorney Amerine to draft the ordinance authorizing Sunday sales of cereal malt beverage and alcoholic liquor in the original package and establishing the days and hours of sales at the last Council Meeting. City Attorney Amerine stated she had to draft two separate ordinances, one for cereal malt beverages and the other of alcoholic liquor, because of the way the topics appear in the City Code. City Clerk Wright assigned ordinance number 902.

MOTION: Council Member FitzGerald made a motion to adopt Ordinance 902 authorizing Sunday Sales of Cereal Malt Beverage in the Original Package and Establishing the Days and Hours of Sales Within the City of Clearwater, Kansas. Council Member Keeler seconded the motion and it passed on a roll call vote of 5-0.

6. Ordinance Authorizing Sunday Sales of Alcoholic Liquor in the Original Package and Establishing the Days and Hours of Sales Within the City

City Administrator Brown stated there currently isn't a liquor store in the City but there has been contact made with some individuals who are interested in opening one up in a short time frame. Council Member FitzGerald asked if one of the businesses in town which sells cereal malt beverages had to come to Council to ask for Sunday sales, shouldn't the business that wants to sell packaged liquor have to come before Council and ask for Sunday liquor sales. City Attorney Amerine stated that Council did not have to pass this ordinance, but when researching other cities, the ordinance allowing Sunday sales of packaged cereal malt beverages and liquor were passed at the same time. City Clerk Wright assigned ordinance number 903.

MOTION: Council Member Berntsen made a motion to adopt Ordinance 903 authorizing Sunday Sales of Alcoholic Liquor in the Original Package and Establishing the Days and Hours of Sales within the City. Council Member Whitney seconded the motion and it passed on a roll call vote of 5-0.

Mayor Justice explained with the passing of the ordinance, state law requires that the ordinance be published 2 weeks in a row in the City's official newspaper. After publication, a 60-day protest period must pass before the ordinances become effective. If no protest is filed with the Sedgwick County Election Office, the ordinance takes effect on the 61st day. If there is a protest with enough registered voters filed, each item will be placed on the ballot in the November election. City Clerk Wright stated the City would contact the businesses affected when the ordinances become effective.

7. Bids for Installation of Storm Siren

City Administrator Brown stated he and Fire Chief Schauf have been working on getting bids for installation of a storm siren at the Chisholm Trail Sports Complex. Brown stated at last Council meeting there was a question regarding what the difference is between class one and class two poles. The difference is girth of the pole. The bid from Zenor that needed clarification at the last meeting has been resubmitted with a class two pole. The bids received are as follows:

Zenor Electric	Class II pole	\$5,450.00
Reeves Electric	Class I or II pole	\$6,527.00
Phillips Southern	Class II pole	\$5,618.53

City Administrator Brown stated Council Member York contacted Westar Energy about getting a pole directly from them to save on cost. Westar contacted City staff and the cost estimate was in the same range as what was received in the bids. Fire Chief Schauf stated he had contacted an individual with SKT in Burden and they informed him a company called Diamond could get a pole and place it for \$1,000. Mayor Justice asked Schauf if other arrangements would need to be made to install the pole. Schauf stated another electrician would need to be contacted to wire the siren. After a brief conversation regarding discrepancies in bids, Council agreed that in effort to save time and get the pole installed quickly, Council should go with the low bid that is in hand currently.

MOTION: Council Member York made a motion to accept the bid from Zenor Electric for installation of a 60 foot class II pole and mounting & installation of the storm siren in the amount of \$5,450.00. Council Member FitzGerald seconded the motion and it passed unanimously.

8. Discussion about Community Shelter

City Administrator Brown stated work has been going on for several weeks trying to get a community shelter in place at the Family Life Center at the Methodist Church. Brown stated he has tried to work with the Methodist Church to reach an agreement between the church and the City of Clearwater to place a generator for back up power in case of an emergency. Council Member Whitney stated his initial goal to have a community shelter in Clearwater was to place it at the Family Life Center at the Methodist Church. The church is already a designated Red Cross Shelter other than it has no back up power. Whitney stated he had hoped to work with the church to place a generator there and create a community shelter at that location. Whitney continued that no example of an agreement could be found where a city places city owned property on church property. Whitney stated he concluded an alternative location could be the EVS building. The EVS building could be added on to the east in future years to create an actual shelter. Whitney continued that for now a stand by

generator could be purchased and placed on the west side of the building. During storms, trucks could be moved to allow for people to use the EVS building as a storm shelter. The EVS building needs a generator anyway to run radios and other equipment in case of loss of power. The shelter would then be City owned and operated. Mayor Justice stated he was also in favor of using the EVS building as the community shelter. Start with installing the generator and in the future look at adding on to the building to create an actual storm shelter.

Brown stated a positive with using the EVS building as a community shelter is that the Emergency Volunteers are usually on scene during storm warnings anyway. Brown stated more decision regarding structure and needs will have to be reviewed at a later time. Council Member FitzGerald stated he agreed that having the shelter solely owned and operated by the City was the best option. Justice asked where the power came into the building. Whitney stated the power comes in on the south side of the building so the generator could be placed between the EVS building and the alley. Whitney also stated that he has contacted the Red Cross and the City building a community shelter in no way jeopardizes the Methodist Church's standing as a Red Cross Shelter.

City Administrator Brown asked for Council direction regarding what kind of generator is needed. There are several options regarding size, model, and new vs. used. Brown presented a possible generator, a used Cummins 250 KW generator for \$11,950. Whitney stated he has contacted Foley Equipment to price a new generator. A new 250 KW generator can cost approximately \$55,000. Council Member York stated that a standard house operates at approximately 15-20 KW, for comparison purposes. York stated he spoke to George Rudy, with Tri County Electric. The 250 KW generator would be more than enough to run everything in the fire station. Brown stated the 2009 budget includes \$25,000 for a generator. After a brief discussion regarding used generators, Council directed staff to look into a used generator to possibly place at the EVS building to create a community shelter.

9. Policy for Naming and Renaming of City Facilities and the Placement of Memorials on City Property and Donor Recognition

City Administrator Brown stated at a previous meeting it was requested that Council review the policy for naming and renaming City facilities and the placement of memorials on city property and donor recognition. City Attorney Amerine stated the policy was written in 2005 and it needs to be reviewed. Brown stated an application must be submitted and it goes initially through Park Board or Public Building Commission with the final decision to be made by City Council. Having a written policy gives the City procedures to follow. Council gave consensus that they reviewed the policy and has no changes at this time.

10. Application for Visa Business Credit Card with First State Bank

City Administrator Brown stated that currently the City has a credit card with Bank of America, but would like to look at opening a credit card with First State Bank. City Clerk Wright explained that currently the City has one credit card with Brown's name on it. First State Bank has the option of distributing several cards to whichever staff members Council deems to assign cards, possibly department heads. Then each card could be set its own limit. Then one bill is issued for all the cards. Each card can be monitored and accounted for what each person is spending. Brown stated it is inconvenient to have one card for all City staff. Brown stated he has been contacted in off hours to come pay for items with the credit card. For example, paying for gas for police officers when the Co-Op is out of fuel and the only other option is the local service station. Wright stated there is no cost to the City for switching credit cards. The City will pay the card in full each month, as is done currently, so no interest charge will be incurred. Council directed staff to create a purchasing policy to allow for multiple credit cards to be issued to City staff with one statement for accounting purposes.

11. Reports

City Clerk Wright stated badges have been completed for Council, Staff, and most Volunteers. Wright asked Council if staff is to wear them during working hours. Brown stated there are times when it isn't feasible for employees to wear them. Mayor Justice stated that he can see when maintenance workers don't need to have them on if they are in a ditch or working on a water line. Justice continued that staff wearing them so they can be identified by the public was a good thing. Brown stated that the other reason for creating the badges was for identification as a City Employee in case of a disaster. Council agreed that if the employee is identified by wearing a city shirt or name tag other than the badge then the badge doesn't need to be worn, but if they don't have other means of being identified then the badge needs to be worn during working hours, unless it causes a hazard while working.

City Attorney Amerine stated that City Clerk Wright had been to a training session given by Gilmore & Bell, the City's Bond Attorneys. Wright discovered during the training that the City needs to pass a charter ordinance to allow the City to enter into lease/purchase agreements. Amerine stated she has found the information she needs to draft the ordinance and is requesting Council authorization to do so. Council directed Amerine to draft a charter ordinance to authorize the City to enter into lease/purchase agreements.

Public Works Director Misak dispersed a list of items his department had been working on recently. Misak stated he would like to thank the Public Works Employees for their hard work while he was on medical leave. Misak also thanked Council for allowing Public Works to keep the old fire tanker and purchase the sewer jetter. Misak stated they would be putting them on a schedule for use cleaning the sewer. The work at the Sports Complex with the water lines and fencing has been completed. The temporary fence at the

City Park ball fields still needs to be placed. In the Water Department, they are working to change out old meters. They have also been exercising water valves. Misak also spoke about hydrant replacements throughout town. In the Sewer Department, Misak stated that Total Suspended Solids (TSS) & BOD levels in the sewer ponds have gone back down since the fish were removed from the sewer ponds. Prior to that, the ponds tested over permitted levels every month. Maintenance will be installing a barley rope in the sewer ponds to help control the algae. In the Street Department, they have been using the street sweeper 2-3 times a week to keep the streets clean. They have been putting millings on the unpaved portions of Wood and Grain to help keep them maintained. Council Member FitzGerald stated that he spoke to Ken Chambers of Ninnescah Township and he would be happy to help maintain Wood and dig out the drainage ditch on the north side of the road. Misak stated they would work to get that road and ditch maintained.

Council Member York asked Public Works Director Misak how the shoring up of the beams in the shelter house is holding up. Misak stated that the beams are holding up but the shelter needs some more work done to it. Mayor Justice stated he agreed that the shelter needed some attention, but in the park the bathrooms need to be replaced first. Misak stated he has been working on some plans for the restrooms. Council reviewed Misak's drawings and discussed possible restroom/concession stand design options. Council agreed that the design with bathrooms on one side of the building, the concessions and storage area on the other, and a breezeway separating them was the option they liked. Council discussed time frame for the building to be built and agreed if construction could get started in mid July, then building could be completed in time for Fall Festival in October. Council directed Misak to start looking into quotes for the building.

City Administrator Brown stated that Police Chief Demars is out on injured leave.

City Administrator Brown stated that the application to KDOT for economic stimulus money of improvements to 135th/4th Street was rejected due to the project being too large.

City Administrator Brown stated the April 14 Council Meeting will be pushed back to 7:30pm to allow for a joint Council/Chamber Meeting at 6:30pm.

12. Executive Session-Legal

MOTION: At 8:50, Council Member Berntsen made a motion to enter into executive session for 25 minutes for legal reasons. Council Member FitzGerald seconded the motion and it passed unanimously.

At 9:15, Council returned to regular session with no action taken.

13. 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 March 24, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 14th day of April, 2009.

Jodi McBee, Deputy City Clerk