

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

September 22, 2009

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, September 22, 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 Mary Schauf, Clearwater Volunteer Fire Department; Kim Demars and Gene Garcia, Clearwater Police Department; Nick Pierce, A.J. Lauer, Kelsie Wade, Megan Fisher, Caitlyn Wilhelm, Tyler Wise, Amanda Allen, Cole Slates, Rachel Cordell, Kathleen Maus, Shelbie Serpan, Benjamin Gultner, Paula Nestor, and Kaleb May, Clearwater High School Government Students.

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 September 8, 2009

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

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. **Executive Session-Personnel**

MOTION: At 6:35, Council Member Keeler made a motion to enter into Executive Session for matters of personnel for 5 minutes. Council Member Frischenmeyer seconded the motion and it passed unanimously. Council, City Administrator Brown and Kim Demars entered into Executive Session.

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

5. **Agreement with Apac-Kansas for 2009 Street Maintenance Project**

City Administrator Brown stated that the bid from APAC-Kansas for 2009 street maintenance project was approved at the last meeting. Brown stated that agreement between the City and APAC is being presented for the Council to accept and authorize the mayor to sign.

MOTION: Council Member Frischenmeyer made a motion to accept and authorize the Mayor to sign the agreement with APAC-Kansas, Inc., Shears Division, in the amount of \$153,366.60 for the 2009 Street Maintenance Project. Council Member Whitney seconded the motion and it passed unanimously.

6. **Bids for Fencing at City Park Around Windmill**

City Administrator Brown stated that Council had directed staff to obtain bids for the fencing around the windmill to be placed at City Park. The bid request was for 8-ft x 8-ft commercial-grade wrought iron ornamental fencing, with no alternate bids. Brown reviewed the bids as follows:

Wichita Fence	3 rail classic Aegis Plus fence	\$2,420.00
Kansas Fence	3 rail classic Aegis Plus fence	\$2,171.00
Kansas Fence	3 rail Montage Plus fence (Alt. #1)	\$1,609.00
Kansas Fence	2 rail, larger posts, Aegis II fence (Alt. #2)	\$1,480.00

Council Member Whitney stated that if money can be saved in using the 2 rail fence verses the 3 rail fence, then that would pay for a portion of the concrete.

MOTION: Council Member Frischenmeyer made a motion to accept Kansas Fence alternate bid #2 in the amount of \$1,480.00 for fencing around the windmill

at City Park. Council Member Berntsen seconded the motion and it passed unanimously.

Council Member Berntsen abstained from the conversation regarding concrete bids. City Administrator Brown stated he has information regarding the concrete that is to be at the base of the windmill. Brown stated that a price estimate for the pad from Triple B Construction is for \$424.00. After a brief discussion, Council gave consensus to accept the bid of \$424 from Triple B Construction for the 9-ft x 9-ft concrete pad for the windmill at City Park. Brown stated that Triple B Construction, Flint Hills Windmill, and Kansas Fence will have to coordinate the timing of all the necessary steps to get the concrete, windmill, and fence placed.

7. **Addendum to Exclusive Right to Sell Agreement**

City Administrator Brown stated that the City has signed a contract with Steve Martens of Grubb and Ellis to market the industrial park property. The contract has expired and the addendum is to extend the term of the contract. Brown stated staff recommends the addendum to the exclusive right to sell agreement be signed by the mayor. Brown stated that Martens will attend the next meeting to address the Council. Council Member Frischenmeyer asked why an exclusive right to sell agreement was signed. Brown stated the Council chose to sign with Martens so the flow of information could be controlled by a single source, and also because of Martens connections to commercial development and economic groups in the greater Wichita area. Frischenmeyer asked to review the right to sell agreement. Frischenmeyer stated that he would like to see some development in the business park. Council Member York stated that many area business parks owned by cities have taken years to grow. York continued that the park is a long-term investment and that they will have to wait to see the returns. Brown stated that future decisions to be made are to whether to keep the option to sell the property as a whole or to sell smaller lots. Council agreed to table the addendum to exclusive right to sell agreement until the next meeting when Steve Martens is available to answer any questions the Council might have.

8. **Ordinance Concerning Compensation for Fire Fighting Services Rendered in Ninnescah Township**

City Administrator Brown stated that the ordinance concerning compensation for fire fighting services rendered in Ninnescah Township is being brought to Council to document the increase in mills that Ninnescah Township pays to the City. The City increased the payment from the township from 4 to 6 mills when the City purchased the pumper tender fire truck. City Clerk Wright assigned ordinance number 911.

MOTION: Council Member Berntsen made a motion to adopt Ordinance 911 Concerning Compensation for Fire Fighting Services Rendered in Ninnescah Township. Council Member Whitney seconded the motion and it passed on a 5-0 roll call vote.

9. **Ordinance Concerning Compensation for Fire Fighting Services Rendered in Illinois Township**

City Administrator Brown stated that the ordinance concerning compensation for the fire fighting services rendered in Illinois Township is being brought before Council to document the increase of mills being paid to the City from 4 to 6 mills when the pumper tender fire truck was purchased. City Clerk Wright assigned ordinance number 912.

MOTION: Council Member Keeler made a motion to adopt Ordinance 912 Concerning Compensation for Fire Fighting Services Rendered in Illinois Township. Council Member Whitney seconded the motion and it passed on a 5-0 roll call vote.

10. **Consent Agenda**

Council gave consensus to pay Clearwater Area Chamber of Commerce Annual Dues for a Gold Membership plus one associate member in the amount of \$675.

11. **Reports**

City Administrator Brown stated that he went over the punch list for the City Hall remodel project with Caro Construction and Randal Steiner, Architect. Brown stated he also received cost estimates on two requests from the Council. An automatic ADA door opener is estimated to cost \$4,920. The other estimate is for lights to be installed inside the awning above the front door in the amount of \$595. Council agreed not to pursue either option at this time. Council directed staff to contact local electricians to get bids to install a light inside the awning above the front doors at City Hall.

City Administrator Brown stated that tennis courts fence and the scoreboard at the Sports Complex that were damaged during the windstorm are going to be fixed soon. The City has received compensation from EMC insurance to pay for the damages.

City Administrator Brown stated that persons responsible for mowing and removing the trailer on East Janet have contacted city staff. The trailer will be moved in a few weeks and the mowing hasn't been done yet. Council agreed that if the mowing and trailer removal

have not been done by the next Council meeting, staff may contract the work out and charge it to the property owner.

City Clerk Wright stated that staff maybe looking for a new auditor. The 2008 audit has not happened yet. Wright has been trying to contact the auditor for months with no response. Wright stated she sent an email Monday to verify whether George, Bowerman, and Noel were still interested in doing the City audit. If there is no response within a week, staff will begin looking for new audit services.

Council Member Whitney stated Council had authorized an edger be purchased for the Public Works Department several months ago. Whitney requested that Public Works purchase the edger and use it instead of weed eaters to edge around sidewalks and streets.

Council Member Whitney stated the tree farm has become over grown. Whitney suggested cleaning it out and planting grass.

Council Member Whitney stated there is a large pothole at 4th and Ross. Whitney requested Public Works fill the hole.

Council Member Whitney requested APAC look at the corner of Streamside and Streamside Ct. to see if the drainage can be fixed at that corner.

Council Member Berntsen stated that the house at the southeast corner Tracy and Hellar still has brush piles in the yard that need to be cleaned up.

12. **Executive Session-Personnel**

MOTION: At 7:45, Council Member Berntsen made a motion to enter into Executive Session for a period of 25 minutes for Personnel. Council Member Keeler seconded the motion and it passed unanimously. Council, City Administrator Brown, and Acting Chief Garcia entered the session.

MOTION: At 8:10, Council Member Berntsen made a motion to enter into Executive Session for a period of 10 minutes for Personnel. Council Member Keeler seconded the motion and it passed unanimously. Council, City Administrator Brown, City Attorney Amerine, and Acting Chief Garcia entered the session.

At 8:20, Council returned to regular session with no action taken.

MOTION: Council Member Frischenmeyer made a motion to offer employment to Jeremy Watts as a Police Officer, pending Mayoral Appointment. Council Member Berntsen seconded the motion and it passed unanimously.

13. Executive Session-Real Estate

MOTION: At 8:20, Council Member Berntsen made a motion to enter into Executive Session for a period of 20 minutes for matters of Real Estate. Council Member Keeler seconded the motion and it passed unanimously.

At 8:40, Council returned to regular session with no action taken.

14. 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 September 22, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 13th day of October, 2009.

Jodi McBee, Deputy City Clerk