

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

**CITY COUNCIL MEETING**

**MINUTES**

**February 8, 2011**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 8, 2011, 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, Jim Whitney, Lyle Berntsen, and Sandi Keeler, Council Members. Jim Frischenmeyer, Council Member, was absent. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were Marvin Schauf & Mary Schauf, Clearwater Fire Department; Cody Horsch and Adam Heppler, Boy Scouts; Steven Heppler, citizen; Laken Sommer, Thomas Kautz, and Austin Adams, Clearwater High School Government Students.

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Mayor 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 25, 2011**

**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 recommendations at this time.

**3. Public Forum**

No one addressed the Council.

**4. Department Head Reports**

There were no department head reports.

**5. Draft Ordinance of Westar Energy Electric Franchise**

City Administrator Brown stated that the franchise agreement with Westar Energy is about to expire and needs to be reviewed for possible changes. The franchise fee is set up so the electric company can use the city right-of-ways and utility easements in order to get power to their customers. In 2001, the franchise agreement between the City and Westar Energy was implemented for a 10-year term with a 3% franchise fee. Brown stated that there are two items for consideration in the agreement, which is length of time and the pricing structure. Brown stated he would recommend a 20-year term with a review period every 5 years. Brown mentioned that the gas franchise fee is set at 5% and the telephone and the cable franchise fees are at 3%. Brown stated that a 5% franchise fee is the maximum allowable and is the common level charged in the area communities. Brown stated that one of the reasons cities consider franchise fees is that the revenue is generated from a different customer base. Property taxes are paid by the property owners and franchise fees are paid by who pays the electric bill, which is often the tenants. Mayor Justice stated that the budget year was tough this year and increasing the franchise fee from 3% to 5% would generate revenue that equals about 2.5 mills. Council Member Whitney stated that he understood the City is in a budget crunch, but water rates, sewer rates, and possibly trash rates, have all gone up recently. Whitney stated that he didn't like raising the franchise fee, but increasing the franchise fee might keep Council from having to increase the mill levy for the 2012 budget. Council Member York stated that if Council doesn't raise the franchise fee now, there won't be an opportunity to increase the franchise fee for another 5 years. Council Member Berntsen stated it was his opinion that the electric franchise fee should be increased. The question was whether to increase it to 4% or 5%. City Attorney Amerine stated that the franchise fee also affects the tax-exempt properties. Amerine went on to state that a future budget item of concern is the radio conversion. Increasing the franchise fee could generate income for the purchase of new emergency radios. Whitney stated that taking the radios into consideration, he would support increasing the franchise fee from 3% to 5%. Council agreed that increasing the franchise fee to 5% is a fair way to generate income because it affects a different pool of customers that don't pay property taxes but do pay electric bills.

**MOTION:** Council Member Berntsen made a motion to authorize Westar Energy to provide an ordinance to increase the franchise fee from 3% to 5% for 20 years with a review period every 5 years. The motion was seconded by Council Member Whitney and passed unanimously.

**6. Proposal from Pro Com to Update City Radios**

City Administrator Brown stated that staff received the proposal from Pro Com to update city radios. Allan Hayworth with Pro Com would like to explain his proposal but is unable to make it to tonight's council meeting due to the weather. Brown requested the topic be tabled until the next council meeting.

**7. Contract Nowak Construction Company for Sanitary Sewer Improvements in Clearwater Business Park**

Mayor Justice reviewed the contract with Nowak Construction Company for sanitary sewer improvements in Clearwater Business Park. The contract is to extend sanitary sewer service to a portion of the lots in the Clearwater Business Park for a cost of \$39,062.50.

**MOTION:** Council Member York made a motion to authorize the Mayor to sign the contract with Nowak Construction Company for sanitary sewer improvements in Clearwater Business Park in the amount of \$39,062.50. The motion was seconded by Council Member Keeler and passed unanimously.

**8. Clarify Personnel Rules & Regulations**

City Administrator Brown stated that staff is requesting some clarification of personnel rules and regulations regarding pre-employment medical evaluations. The personnel policy states that, "After a probationary period is completed satisfactorily, the City will reimburse the employee for half of the costs of the required pre employment medical evaluations." Brown stated that staff needs clarification on what the probationary period should be for full time employees and whether part time employees should be required to have a pre employment physical too. Then if Council decides to require part time employees to get pre employment physicals, what would the probationary period be? Mayor Justice stated that he thought it was wise to have all employees get a pre employment physical to get a base line physical condition. A part time employee should have a shorter probationary period. After a brief discussion, Council agreed a probationary period for full time employees should be 90 days and part time employees should have pre employment physicals. Part time employees whose employment is to be less than 6 months should have a probationary period of 30 days. Council also discussed requiring volunteer Fire/EMS staff to get physicals to get a baseline health evaluation in case of a workman's comp. claim. Brown stated that staff will have to get more information from the workman comp. provider and the local physician before Council can make a final decision whether to require volunteers to get a physical.

**9. Acknowledge Receipt of Donations Sports Complex Baseball Field**

City Administrator Brown stated donors to the improvements of the sports complex baseball field are requesting acknowledgement from the City of receipt of donations. According to the city auditors, the City is not required to acknowledge specific donation values, only acknowledge what property improvements have been made. It is then up to the business/individuals to break out those expenses on their own tax return. Brown reviewed a sample acknowledgement letter. Council gave consensus for the Mayor to sign the letters of acknowledgement of donations for the field #1 at the Chisholm Trail Sports Complex.

**10. Consent Agenda**

Council gave consensus to pay Kansas Municipal Utilities 2011 membership dues

for \$556.00.

**11. Reports**

City Administrator Brown stated the booster pump station went out last week and has been repaired.

City Administrator Brown stated that a meeting with the school, recreation, and city staff is scheduled for tomorrow regarding maintenance of field #1 at the sports complex. Council Member Whitney stated he has drawn up some guidelines regarding the maintenance of the field based off of research from Kansas University and Kansas State University regarding turf maintenance. Whitney stated that it is his opinion that the maintenance should be the City’s responsibility since the sports complex is a city owned facility. The City would have no recourse if they gave up control of the maintenance. The other entities using the fields then should chip in to help cover maintenance costs, such as chemicals. Whitney went on to state that he would be responsible for fertilizing for the first year to establish the correct ratios for the fertilizer. Mayor Justice stated that other field maintenance such as dragging the field and maintaining the mound and batters box can be worked out between the Recreation Director and the High School Baseball Coach.

**12. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Whitney 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 February 8, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 22nd day of February, 2011.

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Jodi McBee, Deputy City Clerk

