

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

March 22, 2011

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 22, 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, Sandi Keeler, and Jim Frischenmeyer, Council Members. Council Member Lyle Berntsen was absent. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Ernie Misak, Public Works Director; Gene Garcia, Police Chief. Others present at the meeting were Brenda Hastings, Clearwater Golf Course/Clearwater Area Chamber of Commerce; Paul Rhodes, Times Sentinel Newspaper; Danielle Brown, Emily Tuxhorn, Justin Alexander, and Jon Mumma, Clearwater High School Government Students.

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 March 8, 2011

MOTION: Council Member York 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

With Council consensus, Mayor Justice accepted the resignation of Reece Pulliam as EMT.

3. Public Forum

Brenda Hastings representing the Clearwater Golf Course addressed Council to request the use of windmill in the City logo as part of their sign on 135th St. City Administrator Brown stated that the City does not have a copyright on the logo. Council gave consensus for the Clearwater Golf Course to use the windmill on their advertisement sign at 135th & 95th.

4. **Quad City Chamber Breakfast Held in Clearwater on May 19**

Brenda Hastings, President of the Clearwater Area Chamber of Commerce, stated that Clearwater is hosting the Quad City Breakfast on Thursday, May 19 at 7:00 a.m. at the Clearwater Methodist Church. This breakfast is an annual event with Haysville, Mulvane, & Derby. The speaker will be Becky Tanner from the Wichita Eagle and possibly a representative from the new casino near Mulvane. The cost is \$10 per person and the Chamber requests RSVPs by May 1st. Hastings went on to review upcoming Chamber events including the YEK trade show in April and the night golf tournament on July 16.

5. **Department Head Reports**

Public Works Director Misak reviewed the activities in the Public Works Department including work at the sports complex, cleaning and painting of the city shop, installation of new stop signs and yield signs, cleaning of leaves in ditches, trimming of trees in the alleys and streets, and cleaned the sewer lines. Public Works poured the sidewalk and a small pad to the City Park baseball field. Misak stated that the pad needs to be designated as handicap seating. Mayor Justice suggested painting the handicap sign on the concrete like on a parking space. Misak went on to explain that as the concrete truck was leaving it hit the scoreboard behind the backstop. Misak stated it was his preference to remount the scoreboard on the east side of well house #3 so it would be out of the way. Misak stated that if the scoreboard was mounted on the well house, Public Works could install lights on the soffit of the building to light the scoreboard. City Administrator Brown stated that a family donated the scoreboard and the family needs to be contacted to make sure they are fine with the scoreboard being moved. Misak stated that the concrete company is aware of the damage and they will be paying for the repairs. Council agreed to move the scoreboard pending the authorization by the family that donated the sign.

Police Chief Garcia stated the cameras that the police officers are wearing have been very useful in working with the public. Garcia asked the Council if they were in favor of having a "Seatbelt Enforcement Day" near the High School. Council agreed to the Seatbelt Enforcement Day" as long as it didn't disrupt normal traffic. Garcia requested to trade in some shotguns the Police Department has in storage to equip the patrol cars with patrol rifles. The patrol rifles are designed for law enforcement use. Council gave consensus for the shotguns to be traded in for patrol rifles.

6. **Bids for Street and Storm Water Sewer Construction in Clearwater Business Park**

City Administrator Brown stated that requests for bids were sent out for streets, storm water drainage, and curb & gutter in the Clearwater Business Park. The bid also includes the valley gutter drain at First & Ross. The bids include APAC Construction for \$135,793.85, Cornejo & Sons for \$143,395.40, Kansas Paving for \$137,354.25, and LaFarge NA for \$157,746.35. The recommendation from Harlan Foraker, City Engineer, & City Staff is to go with the bid from APAC Construction.

MOTION: Council Member Keeler made a motion to accept the bid from APAC Construction in the amount of \$135,793.85 for street improvements at Clearwater Business Park and First & Ross and authorize the Mayor to sign the agreement with APAC. The motion was seconded by Council Member Frischenmeyer and it passed unanimously.

7. **Bids for Concrete Pad under Lion's Club Shelter and Sidewalk in City Park**

City Administrator Brown reviewed the bids for the concrete pad and sidewalk under the small shelter at City Park. Steve Swift Construction had a bid of \$2,320 for the pad and an additional \$1,740 for the sidewalk from the pad to the windmill. Triple B Construction had a bid of \$2,400 for the pad and additional \$1,800 for the sidewalk. Brown stated that the Lion's Club has \$1,500 to donate for the project and that they would reconsider what they could donate after the bids were submitted. After a brief discussion, Council agreed that the City would pay no more than \$2,160 towards the project.

MOTION: Council Member Whitney made a motion to accept the bid from Steve Swift Construction in the amount of \$4,060 for concrete pad under the small city park shelter and sidewalk from the shelter to the windmill pending the donation from the Lions Club in the amount of \$1,900. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

8. **Shared User Agreement with KDOT to allow Operation of Communication Equipment on State of KS 800 MHz Digital System**

City Administrator Brown stated that radios that the Police Department and EMS/Fire Departments received from a grant require an agreement with KDOT to allow operation of communication equipment on the State of Kansas 800 MHz digital system.

MOTION: Council Member Whitney made a motion authorizing the Mayor to sign the agreement with KDOT to allow operation of communication equipment on State of Kansas 800 MHz digital system. The motion was seconded by Council Member York and passed unanimously.

9. **Follow Up on Options for Handicap Ramp on Tracy near Ross**

City Administrator Brown stated that at the previous Council meeting, Council discussed better options for a handicap parking space at the southeast corner of Ross & Tracy. Council requested that staff look at improving the current handicap parking space rather than moving it to the south on Tracy. Brown stated that staff now has come up with a design where the curb is cut out at the current handicap parking space, the asphalt is torn up, and concrete is poured to make a flat surface. There would be a 30-inch gutter for water drainage. Council Member Whitney asked if there was an individual that could do an ADA review of the concept that staff has recommended to make sure that it is ADA compliant. Brown stated he could contact the individual that did the ADA inspection at the concession

stand building at City Park. Council Member Keeler suggested putting metal grating over the drainage area so it wouldn't be a hazard. Public Works Director Misak stated he was hesitant placing a grate over the drainage because it traps leaves and might cause larger drainage issues. Misak stated he could come up with some resolution that would keep people from having to go over the drainage area. Brown also suggested installing poles at the sidewalk to prevent traffic from cutting the corner. After further discussion, Council agreed to go ahead with the design pending ADA review.

10. Economic Development/Kansas Department of Commerce Discussion

Mayor Justice stated that he has concern that the City of Clearwater is not getting the fair share of information concerning economic development from the Kansas Department of Commerce. Justice stated that information from the Kansas Department of Commerce for economic development for the area goes to the Greater Wichita Economic Development Commission (GWEDC). Then, the GWEDC disperses it where they see fit. Justice suggested creating a small economic development committee to be a point of contact for economic development opportunities. Justice offered to be a part of the committee since he will be vacating the Mayor position after the election. Justice recommended the committee consist of the City Administrator, a Chamber Representative, a local business owner, and an at-large member. City Attorney Amerine suggested that the committee consist of an odd number of people. Amerine also stated that the Mayor has the power to create the committee and appoint the members. Council agreed to consider developing the committee and would make a decision at the next meeting.

11. Destruction of City Records

City Clerk Wright reviewed the listing of the annual destruction of city records. Wright stated that currently the city does not have an official policy on destruction of records. Wright reviewed the items that are part of the five-year destruction cycle including Accounts Payable Warrants, Purchase Orders, Receipt Books, Customer Utility Receipts, Time Cards, Bank Statements, Insurance Policies, Payroll - Computer Bi-Monthly Computer Generated Reports, General Ledger - Monthly Computer Generated Reports, General Ledger – Posting Back-up, Accounts Payable – Bi-Monthly Computer Generated Reports, Utility Billing Register, Utility Billing Receipt Report, and Receipt Ledger. Wright explained that though there are items that are being disposed of annually, there are also reports and records that must be kept on a permanent basis. So destroying the records isn't destroying information, only the backups to master record of the pertinent information. Council gave consensus to adopt the policy of destruction of city records.

12. Pledge-E Agreement with Emprise Bank

City Clerk Wright reviewed a Pledge-E agreement that Emprise Bank is requiring

the City to sign to give to the Federal Reserve Bank. The agreement notifies the Federal Reserve what money the City has been pledged and who has authority to pledge the money. Wright requested that Council authorize Mike York to sign as Council President. Council gave consensus for York to sign the agreement.

13. Request for Payment – Sewer Installation at Clearwater Business Park

City Administrator Brown stated that he received a request for payment from Certified Engineering Design for Nowak Construction for the sewer installation at Clearwater Business Park. Brown stated that Staff and the Engineer have not reviewed the DVD to approve the final inspection of the work. Council gave consensus to pay Nowak Construction \$39,062.50 pending the approval of the DVD of sewer lines by City Staff and City Engineer.

14. Reports

City Administrator Brown stated that the Historical Museum did not receive their grant for restoring the Richmond Schoolhouse that is sitting behind the museum in the park. The Clearwater Historical Society has some money set aside to start working on a foundation for the building. They will continue to apply for grants to restore the building. Council Member Whitney asked what if their future grant requests get denied. Whitney expressed his concern that the building will continue to deteriorate. City Clerk Wright stated the Historical Museum says the building is structurally sound. Mayor Justice stated that the museum needs to start developing a contingency plan in case they never get any grant funding. Whitney stated that people in support of the schoolhouse project have mentioned placing a tarp on the roof to keep moisture out and that still has not happened. Council requested a representative from the Historical Museum attend an upcoming Council meeting to discuss plans for the schoolhouse.

Council Member Frischenmeyer asked for an update on the request for bench seating in the Emergency Shelter. City Administrator Brown stated that he received an email back from the Wichita ADA representative. He said that placing benches in the Emergency Shelter is not a requirement, but is a good idea.

Council Member Whitney stated that there are some electrical receptacles at the City Park near the basketball court that need to be repaired.

Council Member Whitney stated the driveways at the sports complex need some maintenance.

Council Member Whitney stated that he was contacted by the new management of the Park Glen Homeowners Association regarding a car that is parked on the street with expired tags.

Council Member Keeler stated that there is a car at Gorin & Park that needs to be

moved. The car has flat tires.

Council Member York stated he was contacted about the gravel road between Byers and Grant on Park. The resident complained that the road is washed out and needs to be maintained. City Administrator Brown stated that it would take a petition to have that road paved. The cost of the project is assessed to the residents along the street by special assessment tax. Council Member Whitney suggested getting the unpaved roads in town on a maintenance schedule.

15. Executive Session - Legal

MOTION: At 8:25 p.m., Council Member Keeler made a motion to enter into Executive Session for legal purposes for 5 minutes. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

At 8:30 p.m., Council returned to regular session with no action taken.

City Administrator Brown and City Clerk Wright explained that the City will have to enter into a lease agreement with the school to get reimbursed for the half of the fertilizer costs they agreed to pay. There will be four applications of fertilizer at \$650 per application. The City and the school will each pay \$1,300.

City Administrator Brown stated that at a previous Council meeting, there was a question as to whether the school zone lights needed to be active during 11:00am-1:00pm. Brown stated that he found out that the lights do not need to be active during those hours. Sedgwick County Traffic Division was contacted and they will be turned off.

16. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member York 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 March 22, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of April, 2011.

Jodi McBee, Deputy City Clerk