

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

FEBRUARY 14, 2012

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 14, 2012, 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, Mayor; Jim Whitney, Lyle Berntsen, and Sandi Keeler, Laura Papish, Council Members. Council Member Jim Frischenmeyer was absent. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Marvin and Mary Schauf, Clearwater Fire Department; Donald Schauf, EVS Director; Harlan Foraker, Certified Engineer Design; Don and LaDonna Lawrenz, Rick Weidman, James Wells, Lee Street Homeowners; Megan Mitchell and Michaela Youngers, Clearwater High School Government students.

Mayor 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 January 31, 2012

Council Member Laura Papish noted a name change on page 11.

MOTION: Council Member Laura Papish made a motion to approve the minutes of the 1-31-12 City Council Meeting with noted correction. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

2. Consent Agenda

MOTION: Council Member Jim Whitney made a motion to approve the Consent Agenda as presented. The motion was seconded by Council Member Lyle Berntsen and passed unanimously.

1. Authorize signature on engagement letter to George, Bowerman & Noel, and P.A. for preparation of City's 2011 financial statements to not exceed \$9,975.
2. Authorize Spring and Fall Cleanup to take place on April 20-21, 2012 and October 19-20, 2012.

3. Mayor's Recommendations

Mayor Mike York made the following recommendations:

Accept Scott Goforth's resignation as a Clearwater Police Officer.

Appoint Gary Enos, Clearwater EMS & Fire Department, Paramedic and Fire Fighter.

Council Member Laura Papish asked if the City pays an employee for unused vacation as they leave the City. City Administrator Brown stated yes. The employee has earned the vacation time according to the Personnel Policy.

The above appointment of Gary Enos and resignation of Scott Goforth was accepted with Council consensus.

4. Public Forum

No members of the public addressed the Council.

5. Department Head Reports

Donald Schauf, EMS Director, stated that they will have to replace the tires on the 400 ambulance. Schauf has waited until this year to do it and will want to use 2012 budget dollars to make the repairs.

Police Chief Gene Garcia stated that mailbox thefts have increased since the last Council meeting. Lieutenant Gearhardt stopped a mailbox theft in action. Gearhardt and other officers have prevented additional mailbox theft from occurring. Garcia spoke about how this was a result of other communities sharing information regarding local crimes.

Public Works Director Ernie Misak stated that well #6, which was down since December, is now in operation. The well was pulled for maintenance and it was found that the pipe was rusted. The well was running 260 gallons per minute, and is now up to 330 gallons per minute.

Public Works received estimates on the two pumps for the wet well in Park Glen. A repair estimate was received for \$1,400 for one, and \$2,500 for the other pump. Since the last Meeting he received pricing on a new pump which would cost \$2,682. Misak stated that he would recommend purchasing a new pump and repair one of the pumps for \$1,400. Council Member Whitney asked if Misak would mark the \$1,400 rebuilt pump so that the City could track the effectiveness of the used pump. Misak stated that his Department has been inventorying the pumps for tracking purposes.

Ernie Misak, Public Works Director, stated there was a water main break at 150 S. Lee. It was on the service main and was repaired at the leak.

6. Review Curb & Gutter Specifications for Lee Avenue – Property Owners Invited

City Engineer Harlan Foraker, Certified Engineering Design, reviewed the project

specifications and discussed curb options. Foraker noted concerns from the residents to alleviate drainage issues. After discussion, Foraker stated that he is willing to field engineer the project to meet the needs of the residents.

7. Bid Award on Curb & Gutter Project for Ross & Lee Avenues

City Administrator Kent Brown stated that this agenda item was tabled at the 1-31-12 Council Meeting. The purpose was to solicit input from the property owners. There were three bids received for the project: Cornejo & Sons, PP&J Construction, and Barkley Construction. PP&J submitted a bid for \$30,985. A change order could be drafted for acceptance at the next Council Meeting. Harlan Foraker with C.E.D. stated that if the City were to enter into a contract with PP& J based on the bid the City received, the City can order a change. If the contractor does not want to do the work, then the project would be offered to the second lowest bidder. The first step would be to enter into a contract with PP&J since they were the lowest bidder. City Attorney Amerine stated that the process does not make sense to her from a legal standpoint since a contract has not been entered into. Foraker stated that it is common for change to occur in a project, hence the formal process of a change order process.

City Attorney Janet Amerine stated that the curb height is a critical piece of the project. Foraker stated that he could check with the contractor to determine if they would be willing to accept the change prior to the award of the contract. Foraker stated that the bid is good for 60 days or the contractor has an opportunity to back out and not honor their price. The bids were opened on 1-23-12. Foraker stated that the formal process would be to get the contractor under contract. PP&J earned that right because they bid the project as designed. This is the proper bid procedure. Foraker suggested making the contractor aware of the change and giving PP&J the opportunity to keep the contract. Council Member Papish stated that she is in favor of going with Foraker's recommendation. Foraker stated that he will be back at the 2-28-12 Council Meeting with an update.

Mayor Mike York stated that the item is tabled. Foraker will discuss the proposed change with PP&J Construction with a hope to approve the contract at that same meeting.

City Administrator Brown asked the Mayor if he would approve a change in the agenda. Brown requested that the next agenda item to be discussed is the public relations vehicle for D.A.R.E.

10. Proposal to Acquire Public Relations Vehicle for D.A.R.E.

Police Officer Harp and Police Chief Garcia presented a proposal to acquire a public relations vehicle for D.A.R.E. at a reduced cost and through donated funds. Officer Harp described a purchase agreement that the Police Department has with the Law Enforcement Surplus Operation (LESO) to purchase used military equipment at garage sale prices. The Clearwater Police Department has been presented with an opportunity to

purchase a Hummer for \$1,700. A local company has offered to donate funds to purchase the vehicle as a donation. The vehicle would be driven in parades, and would be the basis of marketing the D.A.R.E. program in Clearwater. Companies would be asked to donate funds for the logos and paint on the vehicle. Additional donated funds would be used to outfit the vehicle. The Hummer is a military grade vehicle, with low mileage and use. The vehicle is valued at over \$100,000. LESO has graded the vehicle on its mechanics. It was graded high. This is a heavy-duty diesel vehicle. It has low miles to the gallon. Officer Harp reported the vehicle is on hold in Topeka for 10 days.

Council Members discussed the proposal and decided to try this Federal program since the vehicle would be purchased with donated money and could be given back at any time if the City was not happy with it. Council consensus was to direct staff to obtain the vehicle.

8. Bid Award on Paving, Water, Sewer & Drainage Projects in Indian Lakes Phase I

City Administrator Kent Brown stated that the bids were received on 2-09-12 for the paving, water, sewer, and drainage projects at Indian Lakes. There were seven bidders. The lowest bidder was Mies Construction at \$479,569.01. PEC does recommend awarding the project to Mies who will be doing approximately 70% of the work. APEC is the subcontractor who would be doing the paving portion of the project. The notice of award is in front of the Council for their approval.

MOTION: Council Member Lyle Berntsen made a motion to award the bid to Mies Construction for the paving, water, sanitary sewer, and storm water drain improvements for the Indian Lakes project. Council Member Laura Papish seconded the motion. The motion carried unanimously.

Brown stated that a pre-construction meeting will take place on 2-17-12. The contractor will begin the work within a couple of weeks.

9. Agreement for “Automatic Aid” Response Between Clearwater Emergency Services and Conway Springs Fire Department

City Administrator Brown stated that Fire Chief Marvin Schauf spearheaded this agreement. This automatic aid agreement shall primarily govern structure fires. Council Whitney stated that sections A and B of “Response Area” should both state that automatic response and aid shall be provided “if available.” This is a standard procedure on automatic aids. The wording needs to be changed as part of the wording of the motion.

MOTION: Council Member Lyle Berntsen made a motion to authorize signing and entering into the Agreement for Automatic Aid, with the changes as discussed, with Conway Springs Fire Department. Council Member Sandi

Keeler seconded the motion. The motion carried unanimously.

11. City Website Development

City Administrator Brown presented a Memorandum of Engagement and an invoice from Spinnaker. Brown stated that the agreement is between the City and Spinnaker LLC. The memo outlines the website development costs and the annual maintenance fee. The website development is \$1,500 now and \$1,500 after the website is complete. The annual maintenance costs will be \$1,000. Currently, the City pays \$3,000 a year for website hosting with Civic Plus. The website development process has already begun. It is anticipated that the new website will launch within 3-4 months.

MOTION: Council Member Sandi Keeler made a motion to authorize entering into the Memorandum of Engagement with Spinnaker LLC. Council Member Lyle Berntsen seconded the motion. The motion carried unanimously.

12. Work Well KS Initiative

City Administrator Brown introduced the Work Well program as presented by South Central Kansas Education Service Center (SCKESC). The program is to engage or encourage City employees in healthy living. Brown stated that this is a statewide initiative put together by Kansas Health Foundation and the Wichita Business Coalition on Healthcare. The SCKESC on Diagonal Road will assist local businesses in providing programs to lead healthy lifestyles. It does not cost anything for the City to be a part of the project. Council Member Papish stated that a \$1,000 grant is provided to businesses for incentives and program costs. Brown stated that there is a day and a half of training for a representative of the City.

MOTION: Council Member Laura Papish made a motion to authorize signatures on the Worksite Pledge of Commitment with Work Well KS and authorize appointed staff to attend training. Council Member Lyle Berntsen seconded the motion. The motion carried unanimously.

The Mayor appointed Liza Donabauer as the City representative for the Work Well KS project.

13. Dress Code Policy

City Administrator Kent Brown distributed the initial draft of the City's dress code policy. Brown shared the old policy with the Council. Public Works raised the question of being able to wear shorts during hot weather conditions. Brown stated that he referred to other city policies to draft the policy. Brown provided additional examples of policy guidelines that could be considered and included in the City's uniform and safety dress code

policy. City Attorney Amerine stated that it is the Council's responsibility to set the policy. Then the policy must be enforced. City Administrator Brown noted that ear, eye, and head protection are available where needed. Council Members Whitney and Papish noted that the pants selection should be a personal choice.

City Administrator Brown stated that there are a few hundred dollars budgeted in each department for water, sewer, and parks for uniforms. Brown stated that to equip 4-6 employees would not break the budget. Council Member Whitney stated that the City can provide the uniform and safety equipment. The question is what to provide each employee.

City Administrator Brown took the Council's direction and will return with a second draft at the 2-28-12 Meeting. City Attorney Janet Amerine stated that she would propose moving the purpose, definition, and guidelines to the front of the entire policy.

A consensus was made to not allow employees to wear shorts.

14. Committee Reports

No meeting minutes were distributed in the Council Packets. The Planning Commission met on 2-07-12. The minutes will be drafted and put in the Council's next agenda packet. The Park Advisory is scheduled to meet on 2-20-12. .

15. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 2-14-12 for \$38,384.05. Donabauer requested to amend the claims listing and add a claim from Emprise Bank for the Senior Center in the amount of \$97.43.

MOTION: After discussion, Council Member Whitney moved to authorize the claims and warrants to include the claim from Emprise Bank for \$97.43. The motion was seconded by Council Member Laura Papish and passed unanimously.

16. Old Business

Council Member Papish asked Public Works Director Misak if he's had a chance to obtain a quote on the dump truck. Misak stated no.

Council Member Papish noted that the agreement with Grubb & Ellis expired in 2010. Council Member Whitney asked if Weigand Commercial Group would be interested in representing the City's industrial park.

Mayor Mike York asked if there has been any follow up on the garage at the house by Walt's. City Administrator Brown stated that Sedgwick County Building Inspector Willie was going to contact the person who is living in the house. Brown had no additional updates. The notification of the hearing was published in the paper.

Mayor Mike York asked if there is any update on Cole Mill's building. Brown stated

that Mills asked for a variance request. The intent is to build a new building. However, Mills would like a variance first before proceeding with the project. Mills knows the deadlines in order to be heard at the Planning Commission.

City Attorney Janet Amerine stated that maybe in 2012 the Merten's case may be finalized or resolved.

17. Staff Reports

City Clerk Liza Donabauer stated that Emprise Bank brought over some paperwork this week that require signatures for a Certificate of Deposit and Safety Deposit Box.

City Attorney Amerine stated that she would like to take an inventory of ADA requirements and get a plan going even if it is \$1,000 a year. Amerine would like the City Council to look at this in preparation of future budget processes. Amerine stated that if the City could get an assessment of what ADA requirements are needed to meet budget and audit procedures.

City Administrator Kent Brown stated that the planter containers were removed from Ross Street. After consultation with Council Member Papish, four containers were purchased for replacement at \$115. A business owner across the street purchased them for other businesses. The new containers are plastic composite.

City Administrator Kent Brown distributed examples of car decals. Kate Kincaid-Brinkerhoff has proposed to do the decal. The decal would be the side windows of the rear seat. Council Member Keeler asked if a tag could be transferred from car to car. Brown stated that he did not look into that.

City Administrator Kent Brown stated that a temporary note will be needed for the Indian Hills project. The bond attorney typically asks the local banks to finance the temporary note and the permanent financing would go for bid. The Council reached consensus to use a local bank to hold the temporary note.

City Administrator Brown stated that another letter has been sent on the house across the street from the superintendents' building at 151 S. Prospect. There are holes in the house. The house is not secure.

18. Council Reports

Council Member Lyle Berntsen stated he had nothing to report.

Council Member Laura Papish stated that she would like to thank the City for clearing snow and ice from the front of the building. Council Member Papish asked if there is a policy on snow removal in front of the library. City Administrator Brown stated that it should be done in coordination between the Public Works employees and the Library. Council Member Papish attended court and was impressed with the judge.

Council Member Sandi Keeler stated that she had nothing to report.

Council Member Jim Whitney had nothing to report.

20. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Sandi Keeler moved for adjournment. The motion was seconded by Council Member Berntsen and passed unanimously.

The Meeting adjourned at 9:45 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Liza Donabauer, 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 14, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 28th day of February, 2012.

Liza Donabauer, City Clerk