

**MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
November 12, 2013**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 12, 2013, 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, Paul G. Clark, Chris Griffin, Laura Papish, Council Members; Council Member Burt Ussery was absent. The following staff members were present: Kent Brown, City Administrator; Barbara Salinas, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Gene Garcia, Police Chief; Ernie Misak, Public Works Director; Pamela Riggs, Senior Center Director; Lonnie Stieben, SKT; Andy Jacobs, Sherri Thomas, Fall Festival Committee; Darick Jones, Logan McFarland, Diana McDonald, Carly Wright, 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.

Approval of the Minutes of the Regular Meeting of October 22, 2013

Council Member Papish made a motion to approve the minutes of the October 22, 2013 City Council Meeting. The motion was seconded by Council Member Whitney and passed unanimously.

Mayor's Recommendations

Peggy Brockman was appointed to the Park Advisory Board with Council consensus.

Public Forum

No one came before the Council.

Recognition of Fall Festival Committee & Volunteers

Mayor York asked Andy Jacobs, President of the Fall Festival Committee, and Sherri Thomas, Fall Festival Committee member, to come forward. Mayor York expressed the Council's gratitude to the entire Fall Festival committee and all the volunteers that continue to spend their time, energy and effort to make the festival a success for Clearwater. Mayor York presented Andy Jacobs and Sherri Thomas with a certificate as a formal acknowledgement of the City towards the Fall Festival committee and volunteers. Andy Jacobs replied that the city helps in numerous ways to make the festival a success and each volunteer that handles a portion of the event makes it easier for all to enjoy the festival.

NEW BUSINESS

Consideration of the Engineering Proposal Plan for KDHE Order on Wastewater Treatment

City Administrator Kent Brown stated KDHE had signed an order requiring the city to hire an engineer to develop a plan to address the wastewater lagoons in order to meet state testing

Consideration of Engineering Proposal - *continued*

requirements for effluent. Brown stated that the City has received 3 proposals. The proposals are from PEC Professional Engineering Consultants, PA from Wichita, Earles Engineering and Inspection, Inc. with offices in Salina and Liberal, and EBH & Associates from Great Bend, Kansas. Representatives from each company have met with City Administrator Brown and Public Works Director Ernie Misak.

Staff discussed each proposal with Council. After discussion, Misak stated that all 3 firms could produce the plan that is requested. However, the strongest proposal is from EBH. Brown stated that EBH has provided the most material and went beyond what was expected in this initial proposal. In addition, Jim Kohman with EBH has already talked to KDHE and discussed the procedures in presenting a complete plan by the time required by KDHE. The Order had stated that an engineer needed to be hired within 60 days and a plan completed in 90 days. However, after discussion with KDHE, Jim Kohman proposed in the proposal documents that a preliminary plan to gain comments from KDHE be presented within the 90 days and then a complete plan with revisions based on KDHE comments be finished within 90 days afterward. KDHE representatives had indicated their willingness to work on that type of schedule. Brown reminded the Council that the quote provided is only for plan as required by KDHE. Due to the price of the proposal and the extent of the proposal itself, Brown stated that staff recommends to Council to accept the bid from EBH.

Council Member Whitney made a motion to accept the bid from EBH & Associates as presented. Council Member Clark seconded the motion and the motion passed unanimously.

Consideration of an Ordinance Amending Chapter 5.09 and Ordinance 935 of the City of Clearwater Code Requiring Fees for Background Checks Upon Application for a City Permit for the Sale of Cereal Malt Beverages at a Special Event Within the City of Clearwater, Kansas.

Chief Garcia stated to the Council that this is an amendment to Ordinance 935. He received assistance from City Attorney Amerine as to legal and form. Mayor Mike York stated that it is well covered. Chief Garcia stated that he received input from other communities, specifically the City of Wellington. City Attorney Amerine stated that the amendments would allow Chief Garcia control prior to an event.

Council Member Whitney made a motion to accept this amendment to Ordinance 935 as presented. Council Member Clark seconded the motion. Motion passed with Council Members Papish, Whitney and Clark voting yes. Council Member Griffin voted no.

Resident Agreement as part of Water Right Application for Well #7.

City Administrator Kent Brown stated that there are 3 property owners involved in the Water Right Application. The first resident Lonnie Hack has signed the agreement which was approved by the Council at a previous meeting. Resident Donnie and Paula Phelps have also signed the agreement and the consent form for the city's water right application and both documents have been notarized. Brown stated that the third resident, Dan Gibson, has not responded to letters from the City. City Administrator Brown stated that the City has 2 of 3 signatures required by the State in its response to the initial application. Since there were separate applications for Wells #6, #7 and #8, the only application that would be affected by the

Residential Agreement - *continued*

refusal of Gibson is Well #6. Council Member Whitney wants to proceed to the state regardless of Well #6.

Council Member Whitney made a motion to authorize the Mayor to sign the agreement and forward the consent form to Kansas Department of Agriculture. Council Member Clark seconded the motion and the motion passed unanimously.

Consideration of the 2014 Contract for the Clearwater Senior Center, Senior Level 1 with Sedgwick County Department on Aging and Authorizing Signature

Council Member Papish made a motion to accept the contract for the Clearwater Senior Center and authorize signature. Council Member Griffin seconded the motion and the motion passed unanimously.

Discuss and Consider Drainage at 151 S. 4th Avenue

City Administrator Brown stated that a Council Member had been contacted by the resident at 151 S. Fourth to look at the wall and slope on their property. City Administrator Brown stated that Public Works Director Misak and he met with the homeowners, Kris and Tammy Layton. Brown also provided the Council with 7 pictures of the current wall. Misak stated that this wall was part of the drainage project that was completed in 2004. Only recently has there been a problem since the home owner is interested in doing some yard improvements. The wall works for the intended purpose of drainage; however, there is an area next to the wall that is difficult to maintain for the property owner. Public Works Director offered several solutions that could be presented to the home owner at their expense. After discussion, Council consensus was to have Public Works Director present the options to the property owners. Council thanked Public Works Director Misak for his work on this issue.

Notice of Public Hearing for 2013 Budget Amendment

City Administrator Kent Brown presented to the Council the 2013 Budget Amendments. City Administrator stated that there are 4 funds that need to be adjusted. The Library Benefit Fund, KPERS and payroll taxes went from \$7,955 to \$8,500. The Special Liability Fund went from \$8,700 to \$10,247 as cost for general insurance as a result of a lawsuit. The Special Liability fund went from \$89,610 to \$155,825 for the 2012 street project which was completed in 2013. It was contracted in 2012 and lasted longer than a year so the money was spent in 2013. The EVS \$2.00 charge was an estimate at budget time. However, it did not include a \$25,000 down payment towards the new ambulance that was decided in 2013. The total expenditures in 2013 were \$41,000 - \$42,000. Brown stated that these 4 changes do not include any additional taxes and are a housekeeping item to stay in line with the state budgeting requirements. Brown stated that the notice of hearing needs to be approved to be published in the newspaper, the hearing held at the December 10 Council meeting and then the budget amendment approved afterward. Council Member Whitney made a motion to approve the notice of hearing on the 2013 Amended Budget. Council Member Clark seconded the motion and the motion passed unanimously.

Consider and Award Bid for 1969 IHC 1660 Model 2T Truck with Fire Equipment

The City received one bid for the 1660 Model 2T Truck.

Council Member Whitney made a motion to accept the bid from Gary Berger for \$426.00 for the fire truck. Council Member Griffin seconded the motion and passed unanimously.

Department Head Reports

Police Gene Garcia stated that the computers in the Police Department are over 5 years old. The Police Department is having compatibility issues with windows xp. The Police Department would like to purchase 2 new computers at a cost of \$329 with an upgrade for a total of \$575 each. Chief Garcia stated this was recommended with new Windows 8 for the future.

Council Member Whitney made a motion for the Police Department to buy 2 new computers at a cost of \$1,100. Council Member Clark seconded the motion and the motion passed unanimously.

Police Chief Garcia stated that he put a minimum bid of \$2500 on the Police Car that was to be auctioned off. The actual bid was \$2300 so it did not sell. Book value was at \$5,000 as a private sale. Council Member Whitney is not in favor of internet sales but wants the vehicles moved and sold. Council Member Whitney asked about an update on the ambulance that went for sale on Purple Wave. Ambulance Director Donald Schauf was not in attendance. Public Works Director asked Chief Garcia if the person that offered \$2300 could be contacted and offered the car at the bid price.

Chief Gene Garcia stated that he went to a grant writing seminar. Garcia stated this will be helpful in the future to do research and find out what money is available.

Chief Gene Garcia stated that he has a project for municipal court. There are 2 court dates a month and by way of a new law there is a no weapon policy for court night. The City could hire a part time Bailiff and add a portable sign not allowing any weapons. Chief Garcia would like to step up security and have everyone coming to court have to be inspected by the wand. Chief Garcia asked if the City Council would like a procedure in place for Council meetings. Council Member Whitney stated he would like to start with Court nights and see where to go from there. Council consensus was to agree with that recommendation.

Public Works Director Ernie Misak stated to the Council that there is \$16,000 budgeted for the relining of the sewer main. Misak stated that the expenses for the engineering to address the KDHE Order would be paid for out of that budgeted item. Council Member Whitney does not want to defer maintenance. Misak replied that there are not immediate concerns with the line that was scheduled; however, it will still need to be relined. Council Member Griffin asked about the location. Misak stated it is the line on 4th from Park to Southeast Drive. It has no service connections on the line; but, it is made out of 3 foot clay tile sections. The men's and women's restrooms at City Park have been winterized although the family restrooms will remain open. Director Misak reported that there is still an issue with air in the lines on the Garvey line at 63rd St. South.

Public Works Director Misak reported to the Council that the culvert was replaced at SKT. The Public Works did use some rock and there will be no charge.

Committee Reports

The Planning Commission has a meeting scheduled for December 3, 2013 and the Park Advisory Board has a meeting scheduled for November 18, 2013.

Claims & Warrants

City Clerk Barbara Salinas presented the claims and warrants as of November 12, 2013 in the amount of \$57,973.80. Additional claims and warrants came in to city office since Friday in the amount of \$4,646.30.

After discussion, Council Member Papish moved to authorize payment of the claims and warrants for \$62,620.10. The motion was seconded by Council Member Griffin and passed unanimously.

Old Business

Council Member Griffin asked about the railroad tracks on 4th Street. City Administrator Kent Brown stated that he contacted County and the railroad about the tracks. The railroad will replace the ties beneath the crossing in 2014.

Council Member Laura Papish asked about Simply Perfect paying for the mowing job that was done this past summer.

Staff Reports

City Clerk Barbara Salinas reminded the Council to RSVP to the Holiday Dinner.

City Attorney Janet Amerine had nothing to report.

City Administrator Kent Brown had a handout about sewer elevations regarding the issue at previous meetings in the 200 block of S. Grant. It was a map that showed the ground elevation. The map shows the flow line to property and shows the drop off. The Visa bill will show the purchase of replacing the TV to put in Brown's office. City Administrator Brown went to a WAMPO meeting. City resident Ruby Fisher brought a crystal gavel that is to be donated to the city from Martin Freeman.

Council Reports

Council Member Papish had nothing to report.

Council Member Clark stated he will not be at next meeting.

Council Member Whitney had nothing to report.

Council Member Griffin had nothing to report.

Adjournment

Being no further discussion to come before the Council, Council Member Whitney moved for adjournment and the motion was seconded by Council Member Clark. The motion carried unanimously.

The Meeting adjourned at 8:36 p.m.

CERTIFICATE

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

I, Barbara Salinas, 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 November 12, 2013 meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of November, 2013.

Barbara Salinas, City Clerk