

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
February 25, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 25, 2014, 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, Burt Ussery, Laura Papish, Council Members. 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; Glenda Gladfelter, Clearwater Historical Society; Pamela Riggs, Senior Center Director; Ed Mikesell, Indian Lakes; Becky Schievelbein, Karen Matzen, Residents, Kevin Cowan, bond attorney, Gilmore & Bell; Charlie Brown, engineering firm PEC.

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 February 11, 2014

Council Member Ussery made a motion to approve the minutes as written. The motion was seconded by Council Member Clark and passed unanimously.

Mayor's Recommendations

Tyler Spencer, EMS

Mayor Mike York recommended appointing Tyler Spencer to the EMS Department. By Council consensus Spencer was appointed.

Public Forum

Mayor Mike York addressed a special lady in the audience, Karen Matzen. Mayor Mike York thanked Karen Matzen on behalf of the City Council for her 21 years of service with the Fire and Ambulance Departments. Karen Matzen showed the City Council the crystal plaque that the Fire and Ambulance Departments presented to her at a reception at the EVS building. Matzen received a round of applause from everyone at the meeting.

Karen Matzen would like to ask the City to thank all of the employers who allow employees to go on runs.

NEW BUSINESS

Update from County Commissioner Tim Norton

Commissioner Tim Norton started off with "Go Shocks". Norton stated he knows residents of Clearwater want an update about 135th and the closings involved. Norton has several other issues to address as well. Norton stated that a lot of people have asked about the Boys Ranch. There is legislation now in Topeka to create a youth residence. The boy's ranch is served with subsidized services. It is not clear to us how to come up with the money. It is difficult to come up with forced therapy and to keep it up. There are classes and they are going through school to

get their GED's and also have mental health services. The Legislation has challenged the state to come up with more funding or state may have to look at closing the Boys Ranch. There is a loss of revenue so asking the State of Kansas to fill in the gaps to keep this facility open. Norton stated he doesn't think there is much money left to put in this facility. Norton stated that a tough decision will have to be made and Norton is telling people these boys will have to be placed in other facilities in this southwest region. The boys will receive some services through the district court system but not all of the services that they have been provided at the Boys Ranch.

Another Sedgwick County project is a mental health pod that will be put in the County jail. Forty-eight inmates requiring mental health attention will be moved into that pod. This will give the inmates services while they are incarcerated.

Commissioner Tim Norton has personally been working on a child advocacy center. Recently started with silent financing and raised \$2.2 million dollars and a grant for \$500,000. On Thursday will start the launching of the next phase of raising money with the public. This facility should be a fully functional, one stop facility, and multi layered facility to help children. The old Lincoln elementary school has been purchased on S. Topeka St. in Wichita for the center. This building is in the school district. The building has air conditioning and a new roof and the project will remodel the building. The exploited and missing children bureau will be housed in this building. The internet crimes against children and human trafficking bureau, and the mental health will also be in this building. There were be District Attorneys and prosecutors in this building and the child advocacy staff will also be there. All of the children with child abuse cases will be taken care of in one building instead of going to 4 different buildings for all of the care that is needed like interviews and health and mental health care. Right now in the court system there are over 2,000 cases pending in court with a potential for 8,000 if everything was reported. Human trafficking cases are growing at a high rate of speed with I-35 going through the state. Hopefully Sedgwick County can put a little money towards this facility to help it run right. The facility should be something everyone in the State of Kansas can be proud of.

The last part of legislation that Commissioner Norton wanted to address was the consideration to move the mortgage registration fee. This piece of legislation will mean about \$8 million dollars less for Sedgwick County. This bill means more tough decisions. \$8 million dollars equates to 2 mills. If the County needs to raise the mills to close the gap or possibly lay off about 150 workers. The County keeps hearing that we need to do more with less. The County has laid off about 350 employees and lost \$58 million dollars in revenues in the last 5 years.

Commissioner Tim Norton stated that the 135th project has begun. The County has started the project and closed the thoroughfare. The County takes very seriously the comments from the public and Council Members Griffin and Ussery that have called. Safety and inconvenience and how long the closure will affect the people of Clearwater. 135th is the main road into the town of Clearwater. Norton stated this will be a tough project and there is a bridge right in the middle of it and there just is not a better way than to close the road. Hopefully once the shoulder is widened and the sink hole is leveled out, the community will be happy with the project. Commissioner Tim Norton brought along Lynn Prickard, the project manager along to answer any questions.

Council Member Chris Griffin stated that he took 151st as an alternate route and after passing through an intersection, did not notice a stop sign. Griffin is concerned about citizen safety due to an increase of traffic as citizens look for alternate routes during the construction.

Commissioner Norton concurred that a stop sign may be appropriate. Since the intersection is within the township, a resolution would be required to erect a stop sign. Commission Norton stated that he will look into it and re-visit the legal process. He stated there is a meeting scheduled and will consider moving the meeting up for discussion. He stated that these are the types of issues that need to be discussed and he appreciates phone calls. Norton has a meeting scheduled with legal and colleagues to discuss various signs regarding the project on 135th and will see about moving that meeting up to a closer date.

Council Member Burt Ussery is concerned about the traffic on 135th. If a citizen is traveling north on 135th at 71st, you can watch the citizen driving east and west not necessarily stopping for traffic because of the barricades at that intersection and thinking there are no cars coming. Council Member Ussery also stated concern for the sign at 119th where 47th intersects with K-42. It is too late to make a safe turn onto 119th. The sign needs to be moved back before 119th to make a controlled turn. Project manager Lynn Prickard stated that the sign is placed there so all 3 intersections can be notified of impending closures. Prickard stated that maybe an additional sign is needed and this sign issue will be brought up at the scheduled meeting. The County has added signs at Ridge Road and 183rd St S and will add two more on the K-42 route.

Council Member Chris Griffin asked if the school district had been considered due to its bus routes and the business here in Clearwater that relies on people getting to Clearwater. Prickard is aware of the school busing and businesses and doing everything possible to make this project go quickly and smoothly.

Council Member Laura Papish asked about the plans for the sink hole on 135th. Prickard remarked when the project gets closer to that area, the plans from the survey done last year will be pulled and will plan accordingly to the changes at the sink hole.

Project Manager Lynn Prickard stated that the 135th project is on schedule. The section between K-42 to 71st should be completed by November of 2014. Prickard stated that the intersection of 135th and 71st will have to close late summer to start the next phase of the project. Sedgwick County has been in contact with the Coop in Clearwater and will try and keep that intersection open as late as possible for the heavy traffic during harvest time. Sedgwick County will try and get that intersection open again as soon as possible while beginning the phase south of 71st.

Mayor Mike York asked about 151st being redone from the Sumner County line to Conway Springs road. Commissioner Tim Norton has heard the same rumor but has not been able to confirm with Sumner County Commissioners.

Commissioner Tim Norton stated that as the project moves along if council would like him to report back, Norton would be happy to attend another meeting.

Consideration of a Request from the Historical Museum for the Purchase of a Furnace

Glenda Gladfelter, Historical Museum Director stated to the Council that the Museum is need of new heating and air. Gladfelter stated that the Museum was built by the Historical Society and the City is to maintain the building. Gladfelter provided two bids to the Council, one from Becker Brothers and Jacobs Enterprises from Viola. Steve McMillen, with McMillen Heating and Air put in the original heat and air but is retired now and is no longer working. Gladfelter spoke with McMillen and the front heat and air is about 25 years old. The air conditioner leaks Freon every spring and summer. The museum could replace the coils but would still have a 25

year old unit. Anthony Jacobs with Jacobs Enterprises reported in his bid that the back unit would just need a good cleaning and would have some years left as it is 18 years old.

Council Member Burt Ussery asked if there was a current formal agreement between the City and the Historical Society. Ussery asked about the budget, how much the museum makes and spends. City Administrator Kent Brown stated that there is a current agreement that the Historical Society maintains the building but the City takes care of the heating, air and plumbing. Brown stated that the Historical Museum does not have a revenue source of its own other than donations. The city has a small amount in the General fund that pays for small repairs. The City does not budget for large repairs such as those requested because it is not a constant expense. Gladfelter further stated that the Museum advertises that they are ADA approved but the museum only has 15 ½ stools in the restroom and the stools are to be 17-19 inches. Council Member Chris Griffin asked in the restrooms was big enough and Gladfelter stated yes that it is just the stools that do not comply.

Council Member Burt Ussery stated since he has no experience with the Historical budget, he would like to see how these expenses will affect the overall budget since it has already been approved.

Council Member Jim Whitney agreed with Council Member Burt Ussery in that the Historical Museum should be included in the budget process if it is a city owned building. Whitney also suggested that Public works Director, Ernie Misak and Gladfelter go through the building for expected costs for the 2015 budget. Gladfelter reported that Misak had been there earlier in the week because the hot water tank was leaking and then found a water leak at the museum. The hot water tank has been replaced. Whitney suggested that Gladfelter and City Administrator Brown work on a spreadsheet to have ready for budget talks so this building can be in the budget for 2015.

City Administrator Kent Brown stated that the immediate need is for the new heat and air in the front building. Brown can find the money in this year's budget so this can be taken care of soon. Council Member Whitney stated that one bid is \$12,000 and the other bid is for \$6,100. The higher bid is for two twin furnaces and two air conditioning units that cover the entire building and the smaller bid is for just the front half of the building. Council Member Whitney would like a staff member to write up a bid sheet and send it out for bids on exactly what is needed so the difference in bids is not so different. Whitney asked if there is any danger to the public with the heater not working properly. Whitney thinks an inspection should be done while the bid process continues.

Public Works Director, Ernie Misak would like to contact Steve McMillan and see if he would be willing to inspect the heating and air system to make sure there is no carbon dioxide leak and that the specifications would be correct.

After some discussion, Council will continue to work on adding this to the budget.

Public Hearing for the Proposed Assessments in connection with Indian Lakes Additions 1 & 2

Mayor Mike York opened the hearing at 7:45 p.m.

City Administrator Kent Brown stated that the hearing had been set at last meeting and notifications were sent to the property owners. The Duckhorn Property owners were notified of these assessments. The property owner has come back to ask a couple of things regarding the assessments. The property owner has requested two revisions on the assessment with the help of bond attorney Kevin Cowan. One of the changes is to increase the number of years to pay off the bond from 15 to 20 years and then changing the assessments on the proposed lots from the front. The lots are on Ross Street between Ron Fleming residence and the Dollar General Store. The schedule is provided in the Council book.

Kevin Cowan, Bond Attorney, stated to the Council that this process began in 2012 when the project was financed. At that time, the petition and resolution proposed a certain amount of special assessments on lots 1 through 4 along Ross Avenue as it was originally platted. However, now the property has signed an amended petition that moves the amount of special assessments off of the lots along Ross Avenue to lot 13 and other lots within the development. Kevin Cowan stated that if the Council accepts the amended petition, then the Council would approve an amended resolution that sets the amount of the proposed assessments for each lot within the Indian Lakes 1st and 2nd Additions. This can be done once the public hearing is closed. Kevin Cowan confirmed that the total amount due from the assessments has not changed and the amount that is charged to the development which is 100% and 0% from the city has not changed. Ed Mikesell reviewed the plans for the commercial lots along Ross Avenue.

Kevin Cowan stated that the amended petition also reflects more accurately which lots benefited from the construction projects especially the street and drainage projects. He stated that the facts have changed from the original plan regarding the development. After discussion, Council Member Ussery asked what risk is there for the city if lot 13 never develops. Brown explained that the property owner is still responsible for the special assessments. Cowan answered that if the special assessments are not paid, the property is put through the same process as any other property that doesn't pay its assessments and could be sold at auction. In this case, the entire development is owned by one owner so the risk is not shared among several property owners. Brown stated there is a slightly additional risk with 20 years instead of 15 years.

Ed Mikesell and Kevin Cowan reviewed payment options and payoff options in the future once the bonds have been sold. Charlie Brown, PEC, asked what the possible interest rate is. Kevin Cowan stated his best guess is that the average over 20 years would be in the low 3 percent range.

Mayor York closed the public hearing at 8:08 p.m.

Consideration of a Resolution and ordinance Authorizing Indian Lakes Assessment Documents

Upon direction from Kevin Cowan, Council Member Ussery moved, Council Member Whitney seconded to accept the amended and restated petition for Indian Lakes 1st and 2nd Addition. Motion carried unanimously.

Then, Council Member Ussery moved, Council Member Whitney moved to approve Resolution 2-2014.

RESOLUTION NO. 02-2014

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NOS. 2-2012, 3-2012, 4-2012 AND 5-2012, OF THE CITY OF CLEARWATER, KANSAS; WHICH DETERMINED THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY (PAVING, SEWER, WATER AND DRAINAGE IMPROVEMENTS/INDIAN LAKES ADDITION/2ND ADDITION.

Motion carried unanimously.

Then, Council Member Ussery moved, Council Member Papish moved to approve Ordinance No. 980 as written.

ORDINANCE NO. 980

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF CLEARWATER, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NOS. 2-2012, 3-2012, 3-2012, 5-2012, 1-2013 and 2-2013 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

Roll Call Vote – Papish, yea; Whitney, yea; Clark, yea; Ussery, yea; Griffin, yea.

Kevin Cowan then reviewed the next steps in the assessment process including the pay in period and the actions by the Council at the following meetings.

Receive and Consider Bids for the Replacement of Sections of Curb and Sidewalk in the 100 block of E. Ross Avenue.

City Administrator Kent Brown stated that the City of Clearwater received two bids for the curb and the sidewalk. One was from Steve Swift Construction for \$1,350 and Triple B Construction for \$3,116. The curb and small area of sidewalk are on the north side of the 100 block of E. Ross in two places. Council Member Paul Clark asked to make sure that Swift knew the entire project since his bid was much lower. Council Member Burt Ussery stated that he was given the request for bid sheet will all of the information.

Council Member Whitney made a motion to accept the low bid from Steve Swift Construction. Council Member Clark seconded the motion and passed unanimously.

Authorization of Payment to Daktronics, Inc in the amount of \$7,571.00 for Payment of 2 Electronic Scoreboards

City Administrator Kent Brown stated the Daktronics bill in the notebooks was there for verification that the bill would be divided in thirds by the School, the Recreation Board and the City of Clearwater. Brown stated that the City has already received and deposited a check for the Recreation Board and School Board's portions. The City will pay the entire amount in one check for Daktronics.

Council Member Jim Whitney made a motion to pay Daktronics, Inc in the amount of \$7,571.00. Council Member Paul Clark seconded the motion and passed unanimously.

Consideration of An Ordinance Amending Certain Sections of Ordinance No. 923 and Amending Chapter 2.40.045 of the Clearwater Municipal Code.

City Attorney, Janet Amerine stated that she would like to advise Council to not approve this Ordinance at this time. Council Member Whitney asked how that was possible to approve an Ordinance that was not correct according to the law. City Attorney Amerine stated that a determination of exempt status is made by the ordinance. She stated that she did not agree with that interpretation in 2010 and advised Administrator Brown of that. Now an issue has been raised concerning the interpretation made by the ordinance and it is important to adopt the legally correct position. Council Member Ussery stated that he thinks it should be revised for the City Clerk and looked at for the Fire, EMS and Recreation Departments to make sure it is correct for all and according to the law. City Attorney Amerine stated that this topic was addressed in her City Attorney Report after coming back from the City Attorney meeting in Kansas City.

After discussion, Council Member Burt Ussery made a motion to table this agenda item until City Attorney Amerine can research this topic and report back to Council. Council Member Whitney seconded the motion and passed unanimously.

Department Head Reports

No Department Head reports at this time.

Committee Reports

No Committee reports at this time.

Claims & Warrants

City Clerk Barbara Salinas presented the claims and warrants as of February 21, 2014 in the amount of \$44,309.63. Additional claims and warrants came in to city office since Friday in the amount of \$2,832.33.

City Clerk Barbara Salinas asked the Council if they liked the new report in the Council books to show claim and warrants grouped together by account numbers. Council consensus was to include both reports in the notebooks from now on.

After discussion, Council Member Whitney moved to authorize payment of the claims and warrants for \$47141.96. The motion was seconded by Council Member Griffin.

Old Business

Council Member Jim Whitney stated that during the budget process ADA requirements were discussed and Whitney would like to get that project started. City Administrator Kent Brown stated that he has been in contact with Sedgwick County. Administrator Brown stated the next step would be to get a contract with someone for assessment. Council Member Griffin stated that the Council needs to have a plan and that would be a start. Council Member Whitney asked if that would have cost estimates. Council Member Burt Ussery would like to see a report of everything that is not ADA compliant and work down the list. Council Member Laura Papish asked if the ADA seat for the pool had been purchased. City Administrator Kent Brown stated that since the pool has been paid for the item can be purchased with the pool funds money.

Council Member Burt Ussery asked if the Park Board could read and rewrite the agreement and give direction to the Recreation Director to look at the agreement with the school for use of the park and ball fields. Council Member Ussery would like have a 30 or 60 day time frame on that assignment. Council Member Laura Papish would like to also look at the agreement with the Historical Society. Council Member Chris Griffin would also like to include the job description for the Director of the Historical Museum.

Council Member Burt Ussery stated that Pam Riggs is working on the City Web site and City facebook and is sharing on Power-Ups facebook page. Ussery would like to make sure that the City web site is official and would like it on Old Business page to monitor progress. Council Member Ussery also stated he saw the Police Department post on both and thought the Council was going to see revisions before it went out to the Public.

Staff Reports

City Clerk Barbara Salinas stated other than the changes to the Accounts Payable format; she had nothing else to report.

City Attorney Janet Amerine stated that while visiting her son in Colorado she found out about an environmental tax on batteries. Southern Kansas Telephone would use these batteries and the taxable income would go to the Fire and EMS departments. It is a Federal law by the EPA. Council Member Jim Whitney will follow up on this subject.

City Administrator Kent Brown stated that the rock sign on the north side has been maintained by the Lions club but they will no longer be able to do the work. The Chamber of Commerce has agreed to take care of it this year. By Council consensus, it was agreed for Chamber to take care of the property.

City Administrator Kent Brown stated the temporary water rights permits at the sports complex are good for six months. They will be in effect from March 1 through September 1. The City now has meters on two of the wells. The third one should be done within one week. The amount is 4 million gallons per temporary permit. The City will have 8 million gallons of water to use at the Sports Complex for this summer. Council Member Chris Griffin asked who controlled the water at the sports complex. Council Member Jim Whitney stated that he and Public Works Director Ernie Misak were the only ones with keys for the water. The fields are ready for the spring practices to begin. The scoreboards will be serviced when it gets closer to game times.

Council Reports

Council Member Paul Clark had nothing to report.

Council Member Jim Whitney stated the Fire Department had their training last Tuesday with Sedgwick County. The radio system training is complete and all Clearwater Fire and Ambulance should know how to use the new radios. Council Member Whitney stated that the Fire Department still needs to work on their response time because are going directly from their home to the scene and that does not give an accurate time. Whitney stated the new radios and training should help with getting the response time down. Council Member Whitney is working on a job description for a volunteer Fire Chief to have ready when needed. Council Member Ussery asked Council Member Whitney if while he is working on job description if you could talk to other communities to see if there Fire Chief is exempt.

Council Member Chris Griffin had nothing to report.

Council Member Laura Papish asked about the speed limits on Ross by the school it is 20 miles per hour and then a small stretch on Ross is 30 miles per hour and then 20 miles per hour in the business district. Council Member Papish also asked why most four way stop signs say four way on them and the one in Clearwater does not.

Council Member Burt Ussery appreciated all of the calls and cards from the City. The EMS folks were great from a caring standpoint taking care of his family. Council Member Ussery tried to talk to each of them and thank them and might have missed a few. Council Member Ussery further stated that the EMS crew was there at the scene within four minutes. Ussery further stated that in a small town the service that is provided is excellent and from his perspective you are thankful for the short response time. Ussery knows the EMS is underappreciated and wants them to know they are appreciated. The school auction raised over \$7,000 for Greg and the kids and was phenomenal act of kindness. Council Member thanked the EMS group from the bottom of his heart and asked City Administrator Brown to pass his thanks to everyone. Ussery gave compliments to the Council and anyone who put the ambulance service into place in Clearwater. Ussery further stated that geographically speaking the City of Clearwater needs to do everything in its power to keep our Ambulance service.

Mayor Mike York had nothing to report.

Council Member Ussery recommended that the City hire an HR attorney to give direction as to the FLSA issues. City Attorney Amerine asked to be kept in the loop should the city hire an outside attorney. Council Member Ussery also suggested that the staff and council consider other items that could put the city at risk and bring them forward for discussion.

Council Member Whitney suggested that the City consider providing letters or certificates of appreciation to businesses for allowing their employees to serve as volunteers with the city's fire and or EMS departments.

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 9:15 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 February 25, 2014 meeting.

Given under my hand and official seal of the City of Clearwater, this 11th day of March, 2014.

Barbara Salinas , City Clerk