

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
July 22, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, July 22, 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: Mayor Mike York, Jim Whitney, Paul G. Clark, Chris Griffin, Burt Ussery, Laura Papish, Council Members; The following staff members were present: Kent Brown, City Administrator; Carol Reitberger, Deputy City Clerk; Ernie Misak, Public Works Director; Gene Garcia, Police Chief; Donald Schauf, EMS Director; Paul Rhodes, Times Sentinel; Austin Parker with Parker and Parker Law Firm, Barbara Salinas, City Clerk; Jeff Fawcett, Waste Connections.

Mayor Mike York called the meeting to order at 6:30 p.m. Council Member Griffin 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 July 8, 2014

Council Member Ussery made a motion to approve the minutes of the July 8, 2014 City Council Meeting. The motion was seconded by Council Member Papish and passed unanimously.

Mayor's Recommendations

City Attorney Candidate—Parker & Parker, Attorneys at Law

Austin Parker introduced himself to the Mayor since the Mayor was absent from the last meeting. Parker asked Council if there were any questions. Parker took a seat in the audience.

Public Forum

Jeff Fawcett with Waste Connections stated to the Council that the agreement with Waste Connections would expire in December of 2014. Fawcett was here to see if anyone had questions or concerns before the new agreement would be drafted. Fawcett stated that a 5, 7 or 10 year agreement could be drafted. Mayor Mike York asked about a trash can with a latch to keep it from blowing open in the wind. Fawcett stated that new trash cans are in the works now. The new lid lock trash cans could be ready for Waste Connection review in two weeks.

Council Member Ussery asked Fawcett if the new agreement could be written differently at the time of renewal. Ussery would like to see pricing to have recycling picked up weekly with the trash. Fawcett stated that Waste Connection is also looking at larger recycle containers. Fawcett will have more information when he comes back to present to Council at a later date.

Council Member Papish asked about being able to donate recycle points to charity or schools. Fawcett stated that was a decision for the Recycle Bank since they are the responsible party. Fawcett will bring the new trash can for Council to see at his next presentation before the end of 2014.

NEW BUSINESS**Approval of Legal Services Agreement**

City Administrator Kent Brown stated that he had City Attorney Larry Linn read over the City Attorney agreement and made a few suggestions on changes. Candidate Austin Parker stated that he was fine with all of the suggested changes. The word “reasonable” was removed and several other language changes. Candidate Parker has discussed with City Administrator Brown his retainer hours would not be less than 7 and his other fees would be \$125 an hour.

Council discussed having Austin Parker paid as contract labor or as a city employee. After some discussion, Council directed staff to pay Parker as a City Employee in payroll.

MOTION: Council Member Whitney made a motion to approve the Legal Services Agreement with Austin Parker from Parker & Parker Law Firm with specified changes. Council Member Ussery seconded the motion and passed unanimously.

Austin Parker took a seat in the City Attorney chair in Council Chambers.

City Administrator Kent Brown stated to the Council that in Council Chambers was a Mondo Board with a 55” inch screen. The item is being presented to the Council as a demonstration on what could be purchased and used for Council meetings and other meetings in the city building.

Administrator Brown stated that the next item on the agenda would be presented by Police Chief Garcia on the Mondo Board so everyone could see the spreadsheet.

Discuss and Consider a Proposal for Cellular Phone Service for the Clearwater Police Department

Police Chief Gene Garcia showed a spreadsheet of the 3 phone options for the Police Department, Public Works, EMS Director and the dump worker. Verizon offered 2 phones with data-text, 1 phone with text and 2 phones with no text/data. There would be a monthly recurring charge and unlimited text/data and 400 shared minutes for 154.96. Police Chief stated this was the best plan with the cheapest cost to the city. Chief Garcia recommends to the Council to approve the Verizon package.

Council Member Ussery made a motion to sign a contract with Verizon if all the numbers and unlimited text/data are verified. Council Member Clark seconded the motion and passed unanimously.

Discussion of a Structure in the 100 Block of North Tracy

City Administrator Kent Brown had pictures on the Mondo Board of the residence at 142 N. Tracy. The south side of the garage has brush growing up the side and the back of the garage also has brush growth. The front of the garage has no garage door. There is trash and junk sitting outside of the garage in the yard.

City Attorney Austin Parker talked about the process of getting the trash and junk picked up from

the residence. Parker also talked about the dilapidated state of the garage. Parker advised Administrator Brown that it would be beneficial to contact the homeowners and the bank.

Council Member Whitney stated he would like to see the junk removed from the yard, the grass cut, the electric box checked and the garage door secure.

City Attorney Austin Parker suggested that Metropolitan Area Building and Construction Department be advised to come and check the condition of the garage for safety reasons.

Council Member Papish made a motion to mail a nuisance letter and a notice to abate to the homeowner and the bank holding the loan. Council Member Griffin seconded the motion and passed unanimously.

Discuss and Consider Water Services Request

City Administrator Kent Brown stated that Charles Engineering has a 1" water line service to his building now. Owner of Charles Engineering, Jim Charles is buying the building from the owners of Clearwater Engineering. Charles would like to add that to his current water line service.

City Administrator Brown stated there are issues with just adding water to the building. Now the two buildings are separate and Clearwater Engineering has no city water to their building. The buildings are two separate buildings and on two different property parcels. If one of the two buildings would ever sell there could be conflicts over the water service connections.

City Attorney Austin Parker stated the City could force annexation if the properties are both under 2 acres. Parker also stated that there could be annexation by petition. Parker further stated that there is a consent form to annex them into the city and then could provide them with sewer service as well.

Council Member Ussery asked if City Policy was to include annexation with City services.

Public Works Director Ernie Misak stated that a 1" line would not be large enough to include the second property on the Charles Engineering line. Also, another line of at least 6" would need to be added if there was consideration for a fire hydrant as well or for future extensions.

City Council directed City Administrator Brown to let Jim Charles with Charles Engineering know he will be able to get water to the building he is considering to buy. The details will have to be worked out as the process continues.

Department Head Reports

EMS Director Donald Schauf stated that the new bunker gear will arrive on Wednesday July 23rd. The company will call with information.

Police Chief Gene Garcia stated there is a police car under warranty that is being repaired. There is an officer out on extended sick leave and an officer on vacation.

Council Member Papish asked Chief Garcia about the fire arms shooting range on the budget.

Chief Garcia would like to update the shooting range here instead of always asking permission to use someone else's and working around other schedules. Council Member Papish also asked about the modem in the vehicle. Chief Garcia stated that Sedgwick County and City of Wichita each have their own modem versions in their vehicles and that is creating a conflict to upgrade Clearwater's equipment.

Public Works Director Ernie Misak stated that the 3 year sewer cleaning agreement expires in 2014. Misak stated the agreement would be the same price for the next 3 years with Mayer Specialties.

Jim Kohman with EFB and Associates has completed the survey. There is a rough draft of the re-circulation project reviewed that has been forwarded to the company making the injectors for the sewer pond project.

Public Works Director Misak stated there is a hole in the street on South Grain that has asphalt above the sewer line. Misak will have Mayer camera the line to see where the problem lies. This will be quicker than the public works department trying to search for the problem.

Public Works Director Misak reports that the chlorinator at the pool is not working. Misak is using one from the wells until the parts arrive to fix the original chlorinator.

Director Misak stated there is a coupon on line from Waste Disposal for customers to use for a dumping day. Misak asks if this could be put on City Website.

Council Member Ussery states there a slick spot of water at the intersection of Streamside and Streamside Lane that he would like Public Works to check. Council Member Ussery also reports there is a crack in Park Glen at the mailbox area.

Council Member Whitney asked if the sign at the intersection of 4th and Janet could be moved slightly as there is a tree blocking it now.

Council Member Griffin asked about the intersection of Tracy and Hellar and if a grate was missing over the top of a drainage area. Public Works Director Misak asked if it is on the northeast corner of the intersection or the southeast corner. After discussion, Misak stated that it had been addressed.

Committee Reports

No meeting minutes were distributed in the Council Packets.

Claims & Warrants

Deputy City Clerk Carol Reitberger presented the claims and warrants as of 7-22-2014 in the amount of \$91,375.75.

Council Member Papish made a motion to authorize the payment of \$91,375.75. Council Member Whitney seconded the motion and the motion passed unanimously.

Old Business

Nothing was discussed at this time.

Staff Reports

Deputy Clerk Reitberger had nothing to report.

City Administrator Kent Brown stated there is a Pre-Meeting at the Sedgwick County Public Works on S. Seneca on Thursday July 24th to discuss the next phase of the 135th project.

Administrator Brown reports that the Auditors will be here at the City Office sometime in the next couple of weeks for the 2013 audit.

Administrator Brown stated that Chief Garcia is looking at the City Employees having a get together at a Wichita Wings Baseball game on August 16th. Brown stated that Council members were included in the invitation. Let Chief Garcia know if Council was interested.

Council Member Griffin received a letter from a resident of Clearwater stating their displeasure with the City's Fireworks Ordinance. A copy of the letter was provided for the Council to read. Council will look at the Ordinance after the budget process is complete. Council Member Griffin also stated the road at 79th and Ridge needs grating. Council Member Griffin also lets the Council know that a representative from the Fall Festival Committee will be at the next City Council meeting to report on the upcoming Festival.

City Administrator Kent Brown asked for staff direction on the mowing of the empty lots in Chisholm Ridge Addition. There have been several complaints of tall grass and weeds from residents living in the Addition and Brown has been unable to get a response from the owners and unable to contract with a mowing company at this point. After discussion, staff was directed to mow a strip along the streets and the lots next to houses already built in the addition and charge the property owners appropriately. In addition, continue to get the property owner to maintain the rest of the property.

Council Reports

Council Member Clark had nothing to report.

Council Member Whitney had nothing to report.

Council Member Griffin had nothing to report.

Council Member Papish asked if anyone else had gotten an email from Politician Pompao that he would be in Clearwater.

Council Member Ussery had nothing to report.

Mayor Mike York had a resident from out of the city limits contact him about using the brush dump for a fee. After some discussion, Council consensus was not to allow the resident to use the brush dump.

Review of the 2015 Budget & Approve Public Hearing

City Administrator Kent Brown stated the proposed budget will cost \$783,044 in property taxes if no changes were made. If Council doesn't want to raise taxes and wants to stay approximately at the same rate, then \$76,142 has to be cut. This also assumes that Council approves of every budget request that was made by every department. City Administrator Brown also stated that if Council would raise taxes, it would require an additional 5.29 mills in property taxes to balance the budget based on the valuation of \$14,371,718 for 2015.

City Administrator Kent Brown stated that staff will need direction to able to publish the notice of budget hearing in the paper by the end of July to fit the time frame before the hearing is held August 12, 2014.

City Council discussed cutting the budget and raising taxes.

After discussion, Council Member Burt Ussery made a motion to establish the mill levy at 54.000 and approve the budget. Council Member Whitney seconded the motion and passed unanimously.

Adjourn

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

The Meeting adjourned at 10:58 p.m.

CERTIFICATE

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

I, Carol Reitberger, 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 July 22, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of August, 2014.

Carol Reitberger, Deputy City Clerk