

**MINUTES**  
**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**  
**CITY COUNCIL MEETING**

September 23, 2014  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue  
Clearwater, KS 67026

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**CALL TO ORDER**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was called to order on Tuesday, September 23, 2014 at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

**INVOCATION & PLEDGE OF ALLEGIANCE**

The Mayor Mike York gave the invocation which was followed by the pledge of allegiance and flag salute.

**ROLL CALL**

The Clerk called the roll to confirm the presence of a quorum. The following members were present:

Mike York, Mayor; Jim Whitney, Chris Griffin, Laura Papish, Paul Clark, Council Members. Council Member Ussery was absent.

The following staff members were present:

Kent Brown, City Administrator; Barbara Salinas, City Clerk and Austin Parker, City Attorney. Others staff members present were: Ernie Misak, Public Works Director; Police Chief, Gene Garcia. Others present were Jeff Fawcett, Waste Connections; Jim Kohman, EBH & Associates; Steve Lill, Jason Martin, Residents; Todd Dannenberg, Clearwater Recreation Commission.

**REVIEW OF THE MINUTES**

Council Member Griffin asked that the minutes reflect that he gave the invocation at the September 9, 2014 City Council Meeting.

Council Member Papish made a motion to approve the minutes with changes of the September 9, 2014 City Council Meeting. The motion was seconded by Council Member Clark. The motion passed unanimously, 4-0.

**PUBLIC FORUM**

No one addressed the City Council at this time.

## **NEW BUSINESS**

### **Update on Wastewater Treatment Facility Improvement Plan.**

Jim Kohlman, EBH Inc., was present to address the Council and provide an update on the project submission. Mr. Kohlman provided the Council with background information on the issues and new figures for the project. He stated that staff discovered some problems around the pipe area. He referred to documents, specifically Figure 1 that shows the current conditions. The drawing shows the pipe in sludge, impacting the sampling. He referred the Council to the second set of drawings that demonstrated the discharge structure proposed improvements. Mr. Kohlman stated that KDHE will be notified of the clean out process. He noted that in 1968 the pond bottom was good and could not say what may have contributed to the buildup

Mr. Kohlman stated that this discovery will increase the cost of the project. He provided an overview of what the project would involve and stated that it could be done working with Administrator Brown and Public Works Director Misak. The water in the cell would need to be taken down and the solid layer will be bulldozed down and pushed out. He stated the pond would be shut down. He estimated approximately a week to complete the project.

Mr. Kohlman stated that the City could check into a loan from KDHE for this project. He also suggested we could consult with our bond attorney for financial advice on the project.

There was discussion regarding the origin of the buildup, but Mr. Kohlman could not say with certainty what the contributing factors were. City Attorney Parker asked about the condition of the liner. Public Works Director Misak stated that the liner is clay. Mr. Kohlman stated that the liner would need to be kept wet during the clean out process.

The Mayor asked when the project would be started, since we are headed into Fall and Winter months. Mr. Kohlman stated that this would be a Spring project. Mr. Kohlman was then open for questions.

The Mayor and Council thanked Mr. Kohlman for his work on the project.

### **Review of Waste Connections Franchise Agreement**

Mr. Jeff Fawcett, Waste Connections, was present to review the current franchise agreement. Mr. Fawcett pointed out the noted changes; second recycle cart pricing, curb side clean up in the Fall and 2<sup>nd</sup> cart price increase. There was some discussion on the pricing.

Council Member Griffin asked about wind resistant containers and the cost. Mr. Fawcett stated that lid damage is typical with carts that are affected by weather, specifically wind damage. Mr. Griffin also expressed concerns regarding the fuel surcharge noted in the new contract. City Attorney Parker noted that in working with other communities, increasing costs has been a topic of discussion, specifically the language in franchising and the need to structure carefully.

There was discussion regarding the current twice a year city wide clean up and the associated costs. It was pointed out that we have good participation from the community and this year exceeded the number of roll offs. He also noted the costs of overtime for city employees during the clean-up, noting that we do utilize students from the High School during the clean-up. There was some discussion regarding residents from outside of the Clearwater community who participate in the community clean up, but it would be difficult to police this. Brown stated that the residents of Clearwater look forward to the city wide clean up opportunities each year. Council Member Clark and Whitney agreed that it would be difficult to break away from the twice a year city wide clean-up.

Mr. Fawcett stated that he can tailor the agreement to meet the city of Clearwater's needs.

Council Member Whitney stated that he felt the Council needed to discuss the agreement in greater length before making a decision.

City Attorney Parker stated that we still have time to discuss further with Waste Connections and if the Council felt it necessary, we are still within a time frame to go out for bids. Council Member Whitney stated that he was comfortable with Waste Connections and would like to continue to work with them for a final product.

The Mayor agreed with Council Member Whitney and stated he would like additional time to review the proposed agreement before making a decision.

**Authorization for the Purchase of Flooring for the Police Station.**

Police Chief Gene Garcia presented the Council with cost estimates for the purchase of flooring for the police station. He noted that the cost estimates were within the budgeted amount. He requested permission to use approved budgeted funds for the purchase of flooring not to exceed \$3,000.

Council Member Papish made a motion to approve the purchase of flooring with the \$3,000 approved 2014 budgeted funds. Council member Clark seconded the motion and the motion passed unanimously. 4-0

**Authorization for Improvements to the Police Department Shooting Range.**

Police Chief Gene Garcia presented the Council with a cost estimate for the purchase of materials only for budgeted improvements to the Police Department shooting range. He stated that he and Public Works Director, Ernie Misak have visited about plans to cut costs by doing the work internally, following NRA guidelines. Chief Garcia outlined the scope of the work to be done, stating that this work would be done during the winter months. The costs associated with the project include the purchase of fill sand for the backstop and Garcia requested council approval for the purchase of materials not to exceed the \$3,000 authorized budget amount.

Council Member Whitney made a motion to approve \$3,000 for the improvements to the Police Department shooting range. Council Member Griffin seconded the motion and passed unanimously, 4-0.

**Proposal for Softball Field Upgrades at Chisholm Trail Sport Complex & Park Advisory Recommendations for City Park Improvements.**

Steve Lill, spokesman for the USD 264 parents and Softball Field committee addressed the Council on a proposal to upgrade the Chisholm Trail Sports Complex. Also present were, Dave Wells, and Jason Martin.

Mr. Lill provided a handout to the Council that outlined the softball field upgrades.

Mr. Lill referred to the hand outs for Phase I, Field 1. The diagram detailed the concrete sidewalks, raised infield for drainage and concrete dugouts. Drainage improvements were also outlined in detail with a proposed underground piping an 18" elevation behind home plate. The Mayor asked about the drain pipe and proximity to Field 1. Mr. Martin pointed out the proposed piping on the Phase I map, east of Field 1.

Mr. Lill referred to the hand outs for Phase II, the batting cages. He detailed the expansion of the cages to accommodate 3 and the concrete work, including a sidewalk.

Mr. Lill referred to the hand outs for Phase III, Field 2. The diagram detailed the concrete sidewalk, seating area, backstop with padding and netting as well as concrete dugouts with storage space. Phase III, Field 2 is planned for long term growth.

The Committee would like to focus on Phase I, Field 1 as their priority. They stated it was their intent to use volunteers where they can with much of the manual labor. The quote for complete of the project is \$95,000. At this time the committee has received donations and offers for assistance in their efforts. Mr. Martin referred to the discounts and donations hand out for the proposed projects.

Mr. Lill was then open for any questions from the Council. He added that they would like to begin work immediately to make the March deadline for softball practices.

Council Member Papish stated that she appreciated all the time spent on the project and asked if the Recreation Director, Beki Zook was involved in the project. It was reported that the proposal was also presented to the Recreation Commission.

At this time, the presentation was turned over to Mr. Todd Dannenberg who continued with the Park Advisory Board's recommendations for City Park improvements.

Mr. Dannenberg made his requests on behalf of the Park Advisory Board and the Recreation Commission's efforts for park improvements.

Mr. Dannenberg requested city council approval for volunteers to proceed with the renovation plans of the South East field, Phase I. He stated that the board recommends earmarking \$30,000 for the proposed renovation.

Mr. Dannenberg addressed the proposed City Park upgrades. He commended Recreation Director Beki Zook for her work on the bid process for the playground resurfacing using artificial turf. The Park Board is recommending earmarking \$35,000 for the City Park proposed soft surface playground renovation.

Council Member Griffin asked about the upkeep of the proposed surface. Mr. Dannenberg stated this type of surface is maintenance free and described the surface as a crushed rock base. He stated that the life expectancy is 10-12 years.

Council Member Papish concurred with the recommendations presented by Mr. Dannenberg.

Council Member Whitney expressed his concern with no bond on the softball field project and the timeline for completion in March of 2015.

Mr. Lill stated that they are working on only one field, leaving an alternate field next spring. He stated that the cost of the bond would add to the cost and take funding away from the project. Mr. Lill stated that he had faith in the group to get this project completed timely. They are a group of local volunteers and he assured it will be completed.

City Attorney Parker stated that when Colwich went through a similar process he assisted and one issue they encountered was drainage. They were forced to redo the dirt work proving costly. He suggested that a city engineer look at plans for drainage to ensure there is no effect on down drainage users. It was clarified that the drainage was not being diverted nor would this add to the drainage.

Council Member Whitney made a motion to authorize matching funds for both of the proposed projects; \$30,000 for the South East field or Field 1 and \$35,000 for the City Park Project. Laura Papish seconded the motion. A vote was taken and the motion passed unanimously, 4-0.

Council Member Papish asked that Recreation Director, Beki Zook be kept updated on both projects.

Administrator Brown stated that he received a request from the Klausmeyers for the use of five (5) bleachers. Brown requested Council approval for the use of the bleachers.

Council Member Whitney made a motion to approve the agreement with Klausmeyer Farms for the use of (5) city bleachers. Council Member Clark seconded the motion and the motion passed unanimously, 4-0.

### **Department Head Reports**

#### **Police Chief, Gene Garcia**

Chief Garcia reported that the 2014 Fall Festival had only minimal incidents. He stated that he would provide an analysis of the event at the city council meeting. Chief reported that there were approximately 78.25 extra duty hours provided beyond the regularly scheduled hours.

#### **Public Works Director Ernie Misak**

Misak suggested that we donate two bleachers to the Klausmeyers. They have requested five bleachers for this year's event. He stated he can provide them five and with Council approval, he will only return three and donate two for their permanent use. Council concurred. Council Member Whitney inquired about the sprinkler system, controller problem. Misak agreed that it needs to be fixed.

#### **Recreation Director Beki Zook**

Zook provided an update on recreation sports activities including youth volleyball, basketball sign ups and flag football. She stated that she was contacted with an interest in starting an exercise class.

Council Member Griffin asked about the 2014 pool season. Zook reported that she has not looked at the final numbers but would be able to provide those to the Council. Administrator Brown added that we did experience unusually cool weather this season and the numbers may be down.

#### **Claims & Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of September 23, 2014 in the amount of \$45,701.38.

Council Member Papish made a motion to authorize the payment of all Claims and Warrants in the amount of \$45,701.38. Council Member Griffin seconded the motion. A vote was taken and the motion passed, 4-0

#### **Old Business**

Council Member Griffin asked staff to add the review of the fireworks ordinance to the 2014 Old Business.

#### **Staff Reports**

City Clerk Barbara Salinas requested Council consideration of the agreement with Sedgwick County for distribution of commodities in Clearwater.

Council Member Papish made a motion to approve the agreement for commodities distribution in Clearwater. Councilmember Whitney seconded the motion. A vote was taken and the motion passed unanimously, 4-0.

City Attorney Parker had nothing to report, but did request a 25 minute Executive Session, citing Attorney Client Privilege.

City Administrator Brown reported that the ADA Consultant will be visiting city facilities beginning October 1<sup>st</sup> through the 2<sup>nd</sup>.

Brown reported that he had met with Harlan Foraker to request estimates for the Garvey Industrial Park water line project and a more complete estimate for the connection to Clearwater Engineering facility based on Charles Engineering request.

### **Council Reports**

Council Member Griffin inquired about Park Glen estates because there was a booth and brochure describing the project at Fall Festival. City Administrator Brown stated that the person proposing the project has not closed on the property as yet.

Council Member Whitney stated he heard there was talk of another pharmacy coming into Clearwater.

Council Member Clark had nothing to report.

Council Member Papish had nothing to report.

Mayor Mike York

Mayor York asked if the City had received an update on the construction time frame for 135 Street. Brown reported that they are waiting on a paver to complete the final phase.

Administrator Brown stated that Walmart Express has asked about the placement of a storage container for their electrical container. Council Member Whitney made a motion that the electrical container could be placed on city property for \$100 per week. Council Member Clark seconded the motion. A vote was taken and the motion passed unanimously, 4-0.

### **Executive Session for Attorney Client Privilege.**

At 9:10 p.m. Council Member Whitney made a motion to adjourn into executive session for 25 minutes for Attorney Client Privilege. Council Member Clark seconded the motion and passed unanimously. 4-0

At 9:35 p.m. Council returned from executive session with no action taken.

### **Adjournment**

With no further discussion to come before the Council, Council Member Clark moved for adjournment. The motion was seconded by Council Member Griffin 4-0.

The Meeting adjourned at 9:35 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 September 23, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 14th day of October, 2014.

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Barbara Salinas, City Clerk