

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**CITY COUNCIL MEETING**

**MINUTES**

**August 28, 2007**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 28, 2007, 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 Justice, Mayor, Council Members Mike York, Lyle Berntsen, David FitzGerald, Judy Armstrong, and Jim Whitney. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Marvin Schauf, Fire Chief; Keith Lane, Kansas Gas Service; Kevin Cowan, Gilmore & Bell; Paul Rhodes, Times Sentinel; Mary Schauf and John Mishler, citizens; Kayla Rausch, Chelsea Williams, Kelsie Curtis, Elizabeth Koch, Peggy Klausmeyer, Katie VanAllen, David Williams, Kelsey Mills, Katie Reitberger, Felita Boetarahendro, Alisa Gay, Liz Harmon, Kim Matzen, Jessica Fasnacht, Leanna Childs, Emily Misak, James McMurphy, Clearwater High School students.

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Mayor Justice called the meeting to order at 6:30 p.m. Justice 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 August 14, 2007**

**MOTION:** Council Member Berntsen made a motion to approve the minutes of the meeting. The motion was seconded by Council Member FitzGerald and passed unanimously.

**2. Mayor's Recommendations**

Mayor Justice accepted the resignation of Mark Herron as Police Officer and Amy Marsh from the Community Senior Center Advisory Board with regrets.

Mayor Justice, with Council consensus, appointed Casey Carlson as the Lions Club representative to the Park Advisory Board.

3. **Public Forum**

No one addressed the Council.

4. **Ordinance – Franchise Tax Kansas Gas Service**

City Administrator Brown stated that Keith Lane of Kansas Gas Service is presenting a Gas Franchise Ordinance renewal. Brown stated that the ordinance includes the items requested by the Council and that it is for 20 years with review in 5-year increments and is for 5% of the receipts of the sale of natural gas in the City of Clearwater. Mayor Justice stated that the ordinance allows the City to charge the gas company to use the utility easements in order to access their customers and this 5% is a pass through from Kansas Gas Service back to their customers. City Clerk Wright assigned Ordinance No. 881.

**MOTION:** Council Member FitzGerald made a motion to adopt Ordinance 881 granting to Kansas Gas Service, a Division of ONEOK, Inc., its successors and assigns, a natural gas franchise, prescribing the terms thereof and relating thereto, and repealing all ordinances or parts of ordinances inconsistent with or in conflict the terms hereof. Council Member Armstrong seconded the motion and it passed 5 to 0 on a roll call vote.

5. **Resolution Authorizing the Offering for Sale of General Obligation Bonds, Series 2007, of the City of Clearwater**

Kevin Cowan, Gilmore & Bell stated that the resolution he is presenting is a sale resolution for the assessment proceeding for Chisholm Ridge II infrastructure, construction of the Community and Senior Center, and the parking lot in City Park. The resolution sets the sale date for the bond issue and approves the temporary notes to bond sale. Cowan continued to state that the Summary Sales of Bonds is published in the local newspaper. The temporary notes have a maturity date of October 1, 2007. Cowan stated that he and City Administrator Brown have discussed the temporary notes for the parking lot in City Park and since the work is not completed, whether it should be included in this issue for bonds. Brown stated that this would be a decision for the Council. Brown continued to state that if the parking lot were included in this issue it would be included in a larger issue and it would be easier to sell. Cowan stated that there is some economy to have fewer and larger bond issues when going for permanent financing. Brown stated that the Council has discussed paying down the parking lot and not going for permanent financing for the entire \$170,000.00, plus interest on the temporary notes. Mayor Justice questioned where the funds would be coming from if the Council decided to pay down a portion of the parking lot? Brown stated that it would come from the 2007 Park Budget in the General Fund. Council Member Whitney questioned how much would be available to pay down? Brown stated there would be around \$25,000 to \$30,000 that could be used to pay down the parking lot

amount.

Mayor Justice stated that he does not like to mix discussion topics, but this time he believes it to be necessary. In the packet was the determination from the insurance company on the hexagon building containing the restrooms in City Park that were damaged by fire. Justice stated that there is not enough from the insurance company to rebuild the restrooms, so it would be possible to finance the entire portion of the parking lot and use budgeted funds that would be available to pay down the parking and apply it toward replacing the restrooms. Justice stated this is just a suggestion as it is Council decision. The Council discussed at length the parking lot and restrooms in City Park and the funds available in the park and drainage budget. Council Member Whitney suggested paying down the parking lot in City Park by \$25,000 using \$20,000 from the park budget and \$5,000 from the drainage budget. Kevin Cowan stated that the paperwork that is in the Council books reflects a \$950,000 issue for sale. Cowan stated that his staff would correct the documents to read \$925,000.

**MOTION:** Council Member York made a motion to accept Resolution No. 13-2007 authorizing the sale of General Obligation Bonds, Series 2007, of the City of Clearwater, Kansas with the notation that all paperwork will be changed to \$925,000. Council Member FitzGerald seconded the motion and it passed unanimously.

Kevin Cowan stated that in order to give the property owners the complete 30 days to pay the assessments it is going to make the timing of all the paperwork very tight. Cowan requested that the Council have a special meeting on September 20th in order accept the bid for the bonds. After a brief discussion, the Council chose to have a special meeting on Friday morning September 21, 2007 at 7:00 a.m. Cowan stated that he would have the cut-off for bids at 4:30 p.m. on Thursday, September 20, 2007 and City Administrator Brown is authorized to open the bids and notify the high bidder in advance of the meeting accepting the bid. City Clerk Wright assigned Resolution No. 13-2007.

## **6. Report on Fire Damage in City Park**

City Administrator Brown stated that the hexagon building in City Park that was damaged by fire was insured for \$16,300 and the damage was \$15,270 and the City will receive a check for \$10,368.37 with the balance to be paid when the building is rebuilt or replaced. Brown stated that his question to the Council is do you want to repair the current building or tear the rest of the building down and build something else? By consensus, the Council wants to tear it down and haul off the debris. Brown suggested a concrete block building with three stalls on the women's side and a handicap stall and two urinals in the men's side. By consensus, the Council agreed with Brown's design. Mayor Justice stated that the new restroom should have stainless steel fixtures, epoxy walls, floor drains, metal door, and metal roof. The Council briefly discussed the location for the new restrooms and

decided to put them in basically the same place. Council requested staff to begin looking at plans and researching various fixtures.

**7. Ordinance Annexing Land**

City Administrator Brown stated that he attended the Sedgwick County Commission meeting on August 15th and they gave approval for the City of Clearwater to annex the land at 1015 Butterfly Court in Prairie Meadows. City Clerk Wright assigned Ordinance 882.

**MOTION:** Council Member Berntsen made a motion to approve Ordinance 882 annexing land in Prairie Meadows to the City of Clearwater. Council Member York seconded the motion and it passed on a roll call vote of 5 to 0.

**8. Award Bid for a Concrete Sidewalk Along the West Side of North Fourth Avenue in Clearwater from the Historical Museum to Elaine Avenue**

City Administrator Brown stated that he talked to some companies regarding the concrete sidewalk along the west side of North Fourth from the Historical Museum to Elaine Avenue. Brown continued to state that he received a response from APAC for 440 lineal feet of sidewalk for \$6,600.00 and he had a previous response from Swift Construction for 400 lineal feet of concrete sidewalk for \$7,200.00. Brown stated that there is going to be a pre-construction meeting with APAC on the parking lot and they can do the sidewalk at the same time as the parking lot. Brown stated the parking lot work should begin either the 3rd or 4th week of September.

**MOTION:** Council Member FitzGerald made a motion to contract with APAC to do the concrete sidewalk on the west side of North Fourth Avenue from the Historical Museum to Elaine Avenue for the amount of \$6,600. Council Member Berntsen seconded the motion and it passed unanimously.

**9. Request to Council to Sell Used or Obsolete City Property**

City Administrator Brown stated that Wayland Whitlow has requested to sell the refrigerator-freezer that was removed from the old ambulance. By consensus, the Council agreed to sell the refrigerator-freezer.

**10. Set Date for Fall and Spring City Wide Clean-Up**

Mayor Justice stated that the fall cleanup is usually scheduled for October. After a brief discussion, the Council decided on October 19<sup>th</sup> and 20<sup>th</sup>. City Clerk Wright stated that she would coordinate that date with Waste Connections. Wright stated that Herschel West with Waste Connections told her that spring was a busy time for cleanup weekends and the

earlier it was scheduled the better. After a brief discussion the Council chose to schedule the spring cleanup for April 4<sup>th</sup> & 5<sup>th</sup>.

**11. Consent Agenda**

By consensus, the Council approved payment of the annual dues to Rural Water Association in the amount of \$613.60.

**12. Reports**

City Clerk Wright reported that the portable restrooms in City Park and the Sports Complex have been rented from Busy Bee and they have been forced out of business by the State of Kansas. Wright stated that AAA Port-O-Jon contacted her and they would be removing the Busy Bee structures and replacing them at the same rental rate.

City Administrator Brown reported that he has been in contact with Sedgwick County Emergency Management concerning the training that City Attorney Amerine discussed at the last meeting. The training is NIMS (National Incident Management System) training and it can be done either on line or with an instructor. The NIMS training is required for public officials. By consensus, the Council would be taking the training on line. Brown stated that staff is working on badges.

City Administrator Brown reported that there is a permit situation with the generator that was installed at one of the wells east of the City. Foley apparently did not get an electrical permit from Sedgwick County. There could be a flood plain problem and it may have to be raised out of the flood plain. Brown stated he would have more on this later.

Council Member York stated that he contacted a couple residences and they would be working to clean up their properties. York continued that he has tried to contact 251 N. Lee and there never seems to be anyone at home. The Council briefly discussed various residences and the nuisance problems.

Council Member Whitney stated that staff should hold off on I.D. badges as Sedgwick County is working on a universal badge. Whitney stated that Fire Chief Schauf would be notified of the meeting.

Council Member Whitney stated that he would like to see the City come up with some type of recognition for businesses that allow employees to leave work in order to go to ambulance or fire calls. Mayor Justice stated that is a very good idea and would need for Fire Chief Schauf and EVS Director Wayland Whitlow to come up with a list of businesses.

Council Member Whitney again reminded City Administrator Brown of the dirt pile

next to the tennis courts and the potential danger to kids climbing on the dirt pile.

Council Member FitzGerald stated that last May a lady requested that the Council look into a cross walk from Chisholm Ridge to the south side of 103<sup>rd</sup>. City Administrator Brown stated that he spoke with Sedgwick County, since they are responsible for the road, concerning the possibilities and did not get very far in the conversation. Brown stated that the subject could be revisited.

Council Member FitzGerald questioned if Public Works has considered hiring someone to weed eat. City Administrator Brown stated that Public Works would be hiring 2 people from the temporary agency for that purpose the week prior to Fall Festival.

**13. Executive Session**

**MOTION:** At 8:00 p.m. Council Member FitzGerald made a motion to enter into executive session for personnel reasons for a period of 10 minutes. Council Member Armstrong seconded the motion and it passed unanimously.

At 8:10 p.m. the Council returned to regular session with no action taken.

Mayor Justice stated that it was brought to his attention that an employee of the City was passing a petition. Justice stated that no employee of the City during working hours should be passing any type of petition or having anything to do with a petition. Justice requested that City Administrator Brown pass that on to all full and part time employees.

**14. Adjournment**

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

**CERTIFICATE**

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

I, Cheryl S. Wright, 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 August 28, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 11th day of September 2007.

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Cheryl S. Wright, City Clerk