

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

December 11, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, December 11, 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, 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 Bobby Robbins and Maggie Leibold, Clearwater Cemetery District; Mary Schauf, citizen; Chelsea Graham, Kamron Konkel, Michael Purdom, Katie Sims, Rebecca Linnebur, Jordon Ford, Mark Hermansen, Jeff Poort, R. J. Emery, Michael Donham, Aaron Barber, Chace Moeder, Mark Ramsey, Chase Gusland, and Zayne Brown, Clearwater High School students.

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 November 27, 2007

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

2. Mayor's Recommendations

Mayor Justice, with Council consensus, appointed Donald Schauf EMS (Emergency Medical Services) Director effective January 1, 2008, replacing Wayland Whitlow, who is retiring.

Mayor Justice stated that Bobby Robbins would be retiring as Sexton of the Clearwater Cemetery at the end of December. Justice recognized Robbins for his 10 years of service to the Clearwater Cemetery District and presented him with a certificate and an appreciation gift from the Cemetery Board.

3. **Public Forum**

No one addressed the Council.

4. **Bids for Trimming Trees to 12 Ft. Above the Street**

City Administrator Brown stated that he mailed request for bids for tree trimming services for street right of ways and an alternate bid for alleys within the City. Brown stated that he received 6 bids on the street right of way and 3 bids for the alleys.

Bid on tree trimming services for street right of ways within the City of Clearwater

Part A

Company Name	Equipment	Price	Estimated time to complete (e.g. 30 days, 90 days, etc.)
Abe's Tree Service		\$11,000.00	30
Ferguson Tree Service		\$6,925.00	60
Ball's Tree Service		\$16,500.00	21-30
Alfred's Superior Tree Service		\$17,500.00	from previous correspondence
Mike Cass		\$14,500.00	from previous correspondence
H.D. Mills & Sons		\$10,101.00	60

Bid on tree trimming services for alleys within the City of Clearwater

Part B

Company Name	Equipment	Price	Estimated time to complete (e.g. 30 days, 90 days, etc.)
Abe's Tree Service		\$7,000.00	30

Ferguson Tree Service		\$1,550.00	60
Ball's Tree Service		\$10,500.00	14-21
Alfred's Superior Tree Service			no bid
Mike Cass			no bid
H.D. Mills & Sons		\$9,525.00	60

City Administrator Brown stated that the low bid for both options is from Ferguson Tree Service with a bid of \$6,925 for the streets and \$1,550 for the alleys with 60 days for completion. The Council discussed that a Certificate of Insurance for worker's comp. and liability insurance would be required. Council Member FitzGerald stated that he has not heard of Ferguson Tree service. Brown stated that he found the name in the yellow pages and they are one of the older established firms in Wichita. City Clerk Wright stated that Ferguson came into the office for a map and said he would be driving the City looking at the trees. The Council briefly discussed that in some of the alleys there are bushes or other vegetation that grows into the alley causing difficulty for vehicles driving in the alley. Brown stated that the bid is only for trees and other vegetation would have to be looked at separately. Mayor Justice questioned if there is budget room for the tree trimming. Brown stated that the funds would come from Special Highway.

MOTION: Council Member FitzGerald made a motion to accept the bid from Ferguson Tree Service for \$6,925 for the street right of ways and \$1,550 for the alleys. Council Member Armstrong seconded the motion and it passed unanimously.

5. Clearwater Police Department Manual of Rules and Regulations

The first item Mayor Justice questioned was if staff was planning for the Council to review the complete manual tonight. City Administrator Brown stated that he, Chief Demars, and City Attorney Amerine have reviewed the proposed manual. There were minor changes, and an updated copy has been provided. Amerine stated that she had not reviewed the document before it was put in the packets for the Council and the changes she suggested are not minor. Brown stated that the manual is a fairly long document and staff does not expect the Council to review the manual word by word. Brown stated that Demars reviewed manuals from 4 other departments and combined the best for Clearwater. The Council discussed several items that they felt were missing from the manual including a comprehensive plan on use of Tasers. Council Member Armstrong stated that before the Council votes on the manual she would like to see a finished copy. Demars stated that the manual presented is a working copy and that there would be several additional changes.

Mayor Justice questioned how many of the officers are carrying department issued weapons. Chief Demars stated that all of the officers with the exception of Officer Garcia are carrying department issued weapons. Officer Garcia is providing his own weapon, as the department issued weapon grips is too large for Garcia's hand so it is unsafe for him for him to use the issued weapon. After a brief discussion, it was determined that Chief Demars and City Attorney Amerine would continue to review the proposed manual, and it will be presented to the Council again at a later date.

6. Proposal for Change in Recycle Structure

City Administrator Brown explained that the City has recycling on the first and third Saturdays of each month from 9:00 a.m. to 12:00 p.m. and that volunteers collect and sort they recycle items. Brown referenced the statement from Sunflower RC&D Recycling Program showing that for the quarter there was a loss of \$27.15. Brown explained that RC&D provides empty gaylords and after recycling RC&D with their truck picks up the full gaylords and delivers additional empty ones. The City is charged mileage both directions from Harper plus trucking expense, processing fee, maintenance/repair fee, and a processing fee. Below is a recap of the activity for May through August 2007.

Gross Return on Sale of Product	\$1620.44
Charge for Hauling	-896.00
Processing Fee	-303.60
Supplies/Admin Fee	-364.60
Trucking Expense	-11.36
Maintenance/Repair of Hub Equip	<u>-72.03</u>
Net Loss	\$ -27.15

City Administrator Brown stated that the advantage of the recycling program is that there is no cost to the residents of Clearwater for the program. Brown again referenced the RC&D Recycling Program statement stating that there are 16 communities participating in the program and there are only two communities (Clearwater and Harper) that have the pick up and delivery. Brown stated that it has been suggested that either the City or some other individual take over picking up the trailer and delivering the gaylords. Mayor Justice questioned the processing fee and a supplies/administration fee and requested staff to get an explanation of the fees. Council Member Whitney stated that the report shows that 15- ton of material from Clearwater did not hit the landfill and it only cost \$27.15. After a brief discussion, the Council agreed to leave the recycling program the same as it is with no changes. Mayor Justice again reiterated that he would like an explanation of all the fees charged by RC&D.

7. 2008 Cereal Malt Beverage Applications

City Clerk Wright stated that there are three applications for 2008 Cereal Malt Beverage Licenses. Pizza Hut is for consumption on site, and Stars & Stripes and Mize's is for packaged sales. By consensus, the Council approved the applications and the issuance of the licenses.

8. Skate Park Proposal

Mayor Justice stated that he requested City Administrator Brown to include the skate park in the agenda. Justice continued to state that the concrete was poured and then a donated item was put at the skate park, and the City has done nothing else to improve the structure. Brown stated that he has had some kids come to his office on various occasions and give suggestions and request additional items for the skate park. Brown provided a proposal of some improvements to the skate park at a cost of \$5,975. Brown stated that the problem with the skateboard kids is that there is not an organization to champion their cause in order to get better facilities. Council Member FitzGerald suggested that it is recreation and it should be a Recreation Commission project. Council Member Whitney stated that he does not understand why the City has to pay for recreation when there is a Recreation Commission. The Council briefly discussed the possibility of adding additional concrete and a wall for rails and jumps and if the Recreation Commission might be able to help with the equipment. Council Member Armstrong stated that she thinks the proposal for the skate park is a good idea. Whitney stated that at the planning meeting this summer the Council was talking streets, water, and sewer and that the City couldn't provide everything for every group. Whitney continued to state that the City should get back to the basics. Armstrong stated that the items the City provides for safe enjoyable recreation for kids are part of the basics. Justice stated that sometimes the City has great intentions and items get started, but they don't get finished. Justice stated that he could attend the Recreation Commission meeting in January and present a proposal concerning equipment for the skateboard kids.

9. Write Off Past Due Utility Bills that are Uncollectible Through Set-Off Program

City Clerk Wright stated at the end of the year staff writes off old outstanding check of which there are none. Staff also writes off past due utility bills that cannot be collected. Any bill under \$25.00 cannot be sent into the State of Kansas Set-Off Program. Wright stated that she is recommending to write-off three utility bills totaling \$49.00. By consensus, the Council approved the write-off of \$49.00.

10. Set Meeting Dates for Last Meeting in December and Work Session in January

Mayor Justice stated that since the last meeting for December is scheduled for Christmas night, it is being recommended to change that meeting. City Administrator Brown stated that it is necessary to have a second meeting, as there would be a 2007 Budget Adjustment Hearing. Brown stated that after some discussion, it was suggested to schedule

the second regular meeting for Thursday, December 27th at 7:00 a.m.

Mayor Justice stated that it is time for the Council to set the January meeting to review employees and set 2008 salaries. After a brief discussion, the Council set the meeting for Saturday January 5th at 8:00 a.m. in City Hall.

11. Consent Agenda

By consensus, the Council approved payment to the League of Kansas League of Municipalities for the 2008 annual membership fee in the amount of \$1,031.62.

12. Executive Session – Attorney Client

MOTION: At 8:00 p.m. Council Member Berntsen made a motion to enter into executive session for a period of 45 minutes for attorney-client purposes. Council Member FitzGerald seconded the motion and it passed unanimously.

At 8:45 p.m. the Council returned to regular session with no action taken. City Attorney Amerine left the meeting.

13. Reports

City Administrator Brown referenced a quote from Southern Kansas Telephone Company for an additional telephone for the police officers desk. Brown stated that currently all of the officer's voice mail goes to one phone. If there is a phone on each officer's desk, they could each have their own voice mail. Brown continued to state that there is budget room in the Police Department. By consensus, the Council agreed to the purchase of 4 additional telephones at a cost of \$864.19.

City Administrator Brown reported that the City of Clearwater website is getting about 100 visitors per day or 3,000 visitors per month. Brown stated that he has a proposal to upgrade the website from standard to advanced. Brown stated that Civic Plus is the website host at a cost of \$125.00 per month. Brown stated that the upgrade from standard to advanced is free, but there is a cost to convert the current pages on the website. The one time fee to migrate contents "as is" is at a cost of \$1,200. Brown stated that there is budget room in the Administrative budget. By consensus, the Council approved the \$1,200 one time payment to Civic Plus to convert the current pages on the website.

City Administrator Brown questioned if the Council wanted to give employees Mize gift certificate again this year. By consensus, the Council approved Mize gift certificates for the employees Christmas gift.

Council Member Armstrong reported that she attended the REAP meeting. Armstrong stated that the City should appoint a delegate and alternate to the Water Resources Committee. Armstrong stated that anyone can be sent to the meetings, but in order to have a vote that person has to be an elected official. The first meeting will be in January and Armstrong stated that she would be able to attend that meeting.

At 8:30 p.m. Council Member Armstrong left the meeting.

Council Member Whitney stated that the house across the street from 1215 Red River Circle, that is for sale, has weeds and cottonwoods about 4 ft. tall. City Administrator Brown stated that he would contact Don Mertens.

Council Member Whitney stated that he had several reports last week when there was an accident east of town, and an officer was parked at the EVS building. By the time the officer was in front of Big John's on Ross his speed was estimated at 60 mph. City Administrator Brown stated that Chief Demars had already talked with the officer and the situation has been handled.

Council Member Whitney stated that the City Christmas party at the Community/Senior Center was very nice. Whitney suggested that guttering should be added to the roof over the east door as the water runs right off the roof right where you stand when opening the door. City Administrator Brown stated that there is guttering, but the water seems to go between the roof and the guttering. Brown stated that he would contact Accel Construction about the roof.

Mayor Justice stated that there would be a public reception for Wayland Whitlow's retirement on January 8th beginning at 5:30 p.m. in City Hall prior to the Council meeting.

Mayor Justice questioned the status of the Downtown Development Grant. City Administrator Brown stated that he gave the 3-minute presentation to the Transportation Improvement Committee. This committee makes the presentation to the entire WAMPO Board and WAMPO makes a recommendation to the State. Clearwater is in the scenic and environmental category, and there are only two applications in that category for the WAMPO area. There were 8 applications for the trail's category for the WAMPO area.

14. **Adjournment**

MOTION: Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member FitzGerald 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 December 11, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 27th day of December 2007.

Cheryl S. Wright, City Clerk