

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

February 13, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 13, 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: J. L. Walker, Mayor, Mike Justice, Mike York, David FitzGerald, and Casey Carlson. 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 Kim Demars, newly appointed Police Chief; John Mishler, Robert Sharp, Marvin and Mary Schauf, and Jim Avila, citizens; Daniel McSwain, Drew McIntyre, Shantel Schmidt, Hugh Wells, Alicia Lorg, Cayde Brown, and Joey DeLauretis, Clearwater High School students.

Council President Mike 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 January 23, 2007

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

Approval of the Minutes of the Special Meeting of January 26, 2007

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

Approval of the Minutes of the Special Meeting of January 29, 2007

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

City Clerk Wright stated that the Call to a Special Meeting that was read by Mayor Walker and signed by the Council Members is required by State Statute to be in the minutes. Wright stated that she failed to do that and would add it to the minutes.

Approval of the Minutes of the Special Meeting of February 3, 2007

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

2. Public Forum

Marvin Schauf, Fire Chief, stated that he attended a Sedgwick County Fire Chief's meeting and the Valley Center Fire Department has for sale an air compressor fill station for air bottles. The fill station was originally purchased from Mayfield Emergency Fire Equipment and is in good shape and has been certified every year. The station comes with 3 big fill bottles and they are selling it for \$1,000. The small bottles for the backs of the firefighters can be filled much faster from the large bottles than directly from the compressor. City Administrator Brown stated that the Fire Department has a cascade system to fill bottles budgeted in 2007 for \$3,000 and the fill station would replace that purchase. By consensus, the Council agreed for Fire Chief Schauf to pursue the purchase of the air compressor fill station from Valley Center Fire Department.

At 6:40 p.m. Mayor Walker entered the meeting.

City Administrator Brown introduced newly appointed Police Chief Kim Demars. Demars stated that he plans on working closely with all of the officers in the department and the citizens of Clearwater and will have an open door policy. Demars stated he has been in law enforcement for around twenty years; first as a Sherriff Deputy in Cloud County, and worked up to Senior Deputy, at McPherson P.D. as a patrol officer, in the Republic County Sheriff's Office as a training officer, and Conway Springs as Chief of Police. Demars continued to state that he has owned 2 businesses that he started and sold and has worked for a large major corporation. Demars stated that he has been married for thirty years with 4 children. The oldest just graduated from Wichita State and the other 3 are in school in Conway Springs. Demars stated that he like a lot of sports, such as hunting and fishing. City Administrator Brown stated that Demars would start on February 20th.

3. Mayor's Recommendations

Mayor Walker, with Council consensus, appointed Mark Bailey as firefighter.

4. Update on Sedgwick County Jail Housing Fee Proposal

City Administrator Brown reported that there was a public meeting January 29th on the jail housing fee proposal that City Clerk Wright and City Attorney Amerine attended. Brown stated that he received a letter from County Manager Bill Buchanan as a result of the January 29th meeting answering some of the questions from the communities in Sedgwick County. The proposal is to start charging the Sedgwick County municipalities a daily charge of around \$60.00 for any prisoner that is held in the Sedgwick County jail on only municipal charges. Brown stated that previously Sedgwick County had an example of costs distributed based on 2005 bookings. The current information provides the 2006 bookings in the County jail. Clearwater had 241 days served in 2006, which is less than the number of days served in 2005.

City Clerk Wright stated that at the last meeting the Council expressed that instead of charging the municipalities in Sedgwick County a per day charge that Sedgwick County should enforce the 1 mill county tax that has been approved for the jail. Wright stated that the meeting started with the power point presentation that was in the packet last meeting. The presentation focused on jail overcrowding, and that the cities in Sedgwick County were receiving a “free jail”. It was expressed that anytime something is provided free it is not valued as much as when you have to pay. After the presentation everyone separated into breakout groups. Wright stated that in her group there were representatives from Goddard, Cheney, Wichita, and Garden Plain. The group expressed that in no way are the municipalities getting a “free jail”. Everyone in Sedgwick County pays Sedgwick County taxes, which in turn pays for the jail. A few of the comments in the breakout group included; double taxation, judicial system too slow, already paying taxes for jail, growth due in part to change in state law, judges will not make decisions on budget available for the jail, Sedgwick County should enforce the 1 mill county tax, and the cities wanted more information on how the county came up with the numbers on how much to charge for each day in jail. It was discussed that the cities are trying to change the ordinances so that more of the cases are handled in Municipal Court instead of District Court. Wright stated that it was explained that the next steps after the public meeting would be to take the information provided by the municipalities and formulate, then provide feedback, and then another public meeting would be held before a policy decision is made.

City Attorney Amerine stated the Sedgwick County is basing their decision on the fact that prisoner growth is on a very high slope upward. Sedgwick County is also looking at other programs in order to move prisoners out at a faster pace. Amerine stated that in her breakout group Lee Parker, attorney for six different small cities, told them that when Sedgwick County tries to charge the cities there would be a potential law suit. Amerine stated that Sedgwick County went to the legislature and requested there is either/or a daily charge or receive the one mill. Sedgwick County wrote the statute and lobbied for the

passage and chose the 1 mill. Council Member Carlson questioned if Sedgwick ever levied the 1 mill? Amerine stated that the 1 mill was levied, but instead of earmarking it for the jail it was levied in the general fund. City Administrator Brown stated that all this occurred in the early 1980's when the tax lid was still in effect. Because of the tax lid Sedgwick County went to the legislature to ask for the one mill to be levied for the jail. Amerine stated that Lee Parker suggested that all the cities in Sedgwick County come up with an inter-local agreement that at night and on weekends there is a judge that can bond out people immediately. Mayor Walker stated that to him it is a countywide problem and they have the power to levy the tax needed to provide for the jail. Amerine stated that a mill in Sedgwick is 3.8 million dollars. Brown stated that the percentage of prisoners in the Sedgwick County jail on only municipal charges is only 25 percent of the total prisoners. Brown stated he would keep the Council informed when there is additional information available.

5. Direction on Bid Process for City Park Parking Lot

City Administrator Brown stated that Certified Engineering made the changes to the City Park parking lot that was requested by the Council. The turn around was widened; a roll curb was added, and it is ready to be sent out for bid. Brown stated that if the bids come in at the cost estimate there is not enough funds to pay for the parking lot in the 2007 budget so the City would have to borrow money and pay it off over time. Mayor Walker questioned the estimated cost for the parking lot? Brown reviewed the engineer's estimates with the Council. Brown stated that the direction he is requesting from the Council is should he go ahead and send the plans out for bid? Council Member FitzGerald questioned if staff has looked into pursuing a grant for the project? Brown stated that he has not, he does not know of anything that would be available for a parking lot. FitzGerald continued to state that he received the letter from the Kansas Department of Commerce and some of the little towns in Kansas are getting a lot of grant money for various projects. Mayor Walker stated that receiving a grant does not always save the City money, as was seen with the Senior Center. Brown stated that he could research grants and have some information in about a month if they wanted to wait to bid the project. Council Member Justice stated that he is still seeing the 7 parking stalls that the Council requested to be removed in all pages of the plans. Brown stated that the 7 stalls are removed from the big set of plans. Justice questioned if the project is bondable? Brown stated there is plenty of room under the debt ceiling as most of the projects are special assessments and are not counted against the cap. Justice suggested that the complete project be sent out for bid and not piece meal the project. By consensus, the Council agreed to put the City Park parking lot out for bid.

6. Discuss Senior Center Director Position

City Administrator Brown stated that the title of the new building and the position of director should be decided in order to prevent confusion. The building is to be used for senior activities, but it is also for community activities as all citizens of Clearwater are

paying for the building. Brown referenced a sample job description. Brown stated that the director would be over the programs for the senior citizens and the running of the building. Brown stated that the director would be a part time city employee without benefits and would report to the City Clerk. Brown continued to state that the job description was presented to the senior citizens at their noon meeting and they requested that the new director have a probationary period in the contract. Brown explained that all city employees have a probationary period attached to employment. Brown suggested that the structure of the new building and the director be set up similar to the Library and Library Board and the Museum and the Historical Society Board. The Mayor, with the consent of the Council, appoints the members of the Library and Historical Society boards. Council Member Justice questioned if the senior citizens were receptive to the job description and the structure? City Clerk Wright stated that they had questions about how the advisory board would be chosen and what is the starting age for a senior citizen? Wright stated that those types of details have not been worked out at the present time. Mayor Walker questioned if the Council had anything additional to add to the duties of the director or to the structure? By consensus, the Council agreed for staff to advertise for the position of director. Council Member Justice questioned when is the anticipated completion date for the building? Brown stated that they have until May, but expects sometime around the first of April.

7. State Request on Well House for Well #2

City Administrator Brown stated that KDHE has contracted with a new company Aquaterra Environmental Solutions and they originally suggested a separate building to house the air stripper to rehabilitate well #2. Then the decision was to tear down the current well house and construct a new block building for the well house and a separate room for the air stripper. KDHE has now come back stating they will only pay for a 18 X 20 metal building and if the City wants a concrete block building they would have to pay the difference of around \$30,000. After a brief discussion, the Council decided to approve the metal building with a brick ledge for the concrete block to be added later.

8. South Area Transportation Study

City Administrator Brown reported that he attended a meeting on the south area transportation study. There has been a feasibility study that in the next 25 – 30 years to do a bypass or freeway south around Wichita connecting Andover on the east to hook up to the northwest bypass on 167th on the west. Brown stated that the trouble spots are the bridges across the Arkansas River. Brown reviewed the maps and the first map showed if nothing is done, the second map shows the volume of traffic in 2030, the other maps are various routes of a 4-lane bypass or a 2-lane parkway. Brown continued to review the cost of the south area bypass.

9. Consent Agenda

By consensus, the Council approved payment to Kansas Municipal Utilities for 2007 non-electric membership dues in the amount of \$449.00.

10. Reports

City Administrator Brown reported that Wayland Whitlow still has not received all of the quotes for the new ambulance.

City Administrator Brown reported that Public Works would be tearing out the pedestrian bridge in City Park and they are constructing a new bridge. They will be using a steel frame left over from when the new utility poles were installed in City Park.

City Administrator Brown reported that Public Works would be replacing entrance signs on the south and west side of the City.

City Administrator Brown reported that Public Works would be sending out bid specs to purchase a generator. The generator will be propane instead of diesel fuel.

Council Member Justice stated that a citizen contacted him questioning since the golf course is up for sale if the Council thinks it should become a municipal property? Justice told the citizen he would bring it up and that it has been discussed in the past and decided it was just too much money for the City. Mayor Walker stated in checking with local golf courses the Wellington golf course comes closest to breaking even, but they did not have to pay a dime for the property. Justice stated that the drawback to the property and expansion is the water issue. By consensus, the Council decided they were not interested in checking into the golf course at this time.

11. Executive Session - Legal

MOTION: At 8:25 p.m. Council Member Justice made a motion to enter into executive session for a period of 10 minutes for legal purpose. Council Member Carlson seconded the motion and it passed unanimously.

12. Executive Session - Personnel

MOTION: At 8:35 p.m. Council Member Justice made a motion to enter into executive session for a period of 25 minutes for personnel purpose. Council Member Carlson seconded the motion and it passed unanimously.

13. Executive Session – Real Estate

MOTION: At 9:00 p.m. Council Member York made a motion to enter into executive session for a period of 15 minutes for real estate purpose. Council Member Carlson seconded the motion and it passed unanimously.

At 9:15 p.m. the Council returned to regular session with no action taken.

MOTION: Council Member Justice made a motion to authorize Mayor Walker to sign an employment agreement for City Administrator Kent Brown. Council Member Carlson seconded the motion and it passed unanimously.

Mayor Walker requested staff to check with Police Chief Kim Demars to see if it would work for him to have a “Meet the Chief Reception” prior to the next Council meeting. Walker suggested from 4:00 p.m. to 6:00 p.m. on Tuesday, February 27th.

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 Carlson 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 February 13, City Council meeting.

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

Cheryl S. Wright, City Clerk

