

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

FEBRUARY 27, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 27, 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. Lyle Berntsen was absent. 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 Wayland Whitlow, EMS Director; Kim Demars, Police Chief; Ernie Misak, Public Works Director; Ian and Dean Ross, Voornaam Pyrotechnics; Bob Cumming, Stan Combs, Mary Schauf, Jim Avila, and John Mishler, citizens; Kurt Williams, Chad Bates, Brandon Shaver, Brent Perkins, and Dustin Toothman, Clearwater High School students.

Mayor Walker called the meeting to order at 6:30 p.m. Walker 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 February 13, 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.

2. Mayor's Recommendations

Mayor Walker, with Council consensus, appointed Gabrielle Simon and Debra Shrewsbury as MICT's.

3. Public Forum

Bob Cumming stated that he is representing the taxpayers and is questioning why the City is not using the Recreation Director as the Senior Community Director instead of hiring another person? Cumming stated that in his opinion the Senior Community building is

recreation and that the Recreation Director could do both jobs and it would save the extra salary. Mayor Walker stated with the expectations that the Council has for the Senior Community Director they did not feel the Recreation Director had the time to devote to another endeavor. Cumming stated that the Recreation Director has a lot of time in the winter and in the summer a helper is hired, which gives her more time for other things. Cumming stated that his real question is where are the funds coming from for the Senior Community Director's salary? Walker stated that when the 2007 budget was set up, the salary for the Senior Community Director was considered and added to the budget. Cumming questioned the debt burden of the City and the parking lot in City Park? Walker stated that the City is within budget and has never exceeded the budget, and no decision has been made at this time to go ahead with the parking lot at City Park. Walker stated that the Council has not discussed combining the Recreation Commission and Senior Community Center Director into one position. Cumming stated that the Clearwater Recreation Commission funds the activities at the Senior Center. Council Member Justice stated that he thought that the Recreation Commission only funds an activity or two for the Senior Center. City Administrator Brown stated that the Senior Center receives most of their funds from the Sedgwick County Department on Aging and there are several guidelines that must be followed in order to receive those funds. Brown continued to state that currently the funds provided by the Department on Aging are at a "club level" and the new director will work to get the funding to the "senior center" level.

4. Ian Ross with Voornaam Pyrotechnics

Ian Ross with Voornaam Pyrotechnics, a fireworks company, stated that his company is licensed with the ATF and the Kansas Fire Marshall. Ross stated that unlike most fireworks companies the people in his company have been trained by PGI (Pyrotechnics Guild Intl.), which means they are a very safe company. Ross stated that they use a nighthawk firing system that has a dead man switch, which will stop the firing if necessary. Ross explained how he sets up his shows, that his show is set to music, and that he is covered by \$5,000,000 per incident insurance. Ross stated that he understands that Clearwater spends \$5,000 on the fireworks show on July 4th and he can do a pyro-musical show that would roughly be a 30-minute show. The same show can be made into a 20 or 40 minutes show depending on how many shells are used and the length of the songs. Council Member Carlson questioned where he had done shows in the past? Ross stated that he has put on shows in Derby, Wheatland Jam, and at the motorcross track in Wichita. Council Member Justice suggested that Ross write up a show proposal and give it to City Administrator Brown for future reference.

5. Franchise Agreement - Telephone

City Attorney Amerine stated that she has reviewed the draft of the Telephone Franchise Agreement and approves it as to form. Amerine stated that the Agreement is for 5

years with a flat fee of \$1.00, the statutory limit is \$2.50. Mayor Walker stated that on Page 5, Section 7 D, it states “Access line remittance fees shall be reduced to reflect any customer accounts that are uncollectible. Accordingly, the Telephone Company will remit only 98% of the calculated remittance fee amount” and so on. Walker stated that Amerine suggested that the City is no way at the max amount that could be negotiated and thinks this section should be eliminated. After a brief discussion, the Council agreed to remove Section 7, D and send the Agreement back to SKT for the changes.

6. Ambulance Purchase

City Administrator Brown stated that there has been disruption in the supply of Ford chassis for ambulances. Brown reported that Wayland Whitlow received a proposal to purchase a demo ambulance from Osage. The ambulance is a 2006 Osage 2168 Type III modular ambulance with a Ford E450 Super Duty, XL series. The delivered price of \$104,780 includes the trade-in of the 1989 Type III ambulance. Mayor Walker stated that Whitlow had told him if the Council did not act quickly on the 2006 ambulance it could be over a year before another ambulance is available. Whitlow stated that he, Mike Snyder, and Roger Dawson had a test drive of demo and they are satisfied with the ambulance. Brown stated that Osage has a leasing company they work with and the local banks may be interested in a lease purchase agreement for the ambulance. Council Member Justice stated that he would rather use the local banks for the lease purchase if they were competitive. By consensus, the Council directed staff to first check with the local banks for a lease purchase agreement for the purchase of an ambulance.

MOTION: Council Member Carlson made a motion to purchase the 2006 Osage ambulance for \$104,780.00. Council Member Justice seconded the motion and it passed unanimously.

7. Senior Community Center Update

City Administrator Brown stated that the Senior Community Center building is rushing towards completion. Sidewalks have been poured; siding should be installed and will be painted next week. The kitchen cabinets are in place, floor tile installed, and some of the bathroom fixtures are set. Brown stated that next week the top layer of asphalt should be completed. Brown stated that advertising for the Senior Community Director has been sent out and the first review of applications is March 13th. Brown reported that the senior housing is also rushing toward completion with Building 1 ready for occupancy at the end of the week. City Clerk Wright stated she or any of the interested persons have still not heard anything from the leasing company for the senior apartments.

8. Review Aquatic Center Rates

City Administrator Brown stated that since the Aquatic Center opened, the rates have remained the same. The single membership is \$40.00, daily admittance \$3.00, and coupon books 10 admissions for \$20.00, available only at City Hall. Brown stated that there is no recommendation from staff to change any of the rates. Mayor Walker stated that in the past years the Aquatic Center has pretty much broke even. Council Member Carlson questioned if family memberships could again be implemented at the Aquatic Center. Carlson suggested that a family of 5 could be a certain amount and then each additional immediate family member be an additional amount. After a brief discussion, the problem of a family pass is identifying what constitutes an immediate family. Carlson stated that other pools make the family pass work, and he does not see why Clearwater cannot. After a brief discussion, it was decided that staff would check with other area pools for rates and pass information.

9. Consent Agenda

By consensus, the Council approved payment request #4 to Accel Construction, L.L.C in the amount of \$30,702.86 for construction of the Senior Community Center.

By consensus, the Council approved a financial contribution of support to Sunflower RC&D in the amount of \$200.00 to support the activities of the RC&D Council.

10. Reports

Police Chief, Kim Demars stated that car #3, the Intrepid is having the same problem as in the past. Demars stated that there is a relay switch going to the transmission that makes it shift, is the same type of relay switch that is on the air conditioner. The last time it was worked on they could not find the problem, so they took the relay switch off the air conditioner and replaced the relay switch on the transmission. The vehicle ran for about 3 days and then it started the same thing again with the motor revving up and the transmission would not shift. Demars stated the question for the Council is do they want to go ahead a put more money in the vehicle with repairs or go ahead and replace the vehicle. Mayor Walker questioned how many miles are on the vehicle? Demars stated that the vehicle has just over 70,000 miles. Council Member Justice questioned when car #3 is scheduled for replacement? The answer was it was scheduled for last year, but the Council decided to wait until 2007. Council Member York suggested that the vehicle be taken to some Dodge dealership for diagnostic work and found out how much it will cost to have the vehicle fixed.

City Administrator Brown reported that Roger Masenthin of Sunflower RC&D informed him that the City received a recycling grant. The grant is for a bailer, to rehab the roof, and to put a concrete floor in the recycle building. The grant could be up to \$9,000 with the City contributing \$3,000 toward the improvements. Roger Masenthin did not have the fixed figures from the State for each of the approximately 15 communities involved in

the grant application.

City Administrator Brown stated that at last meeting the Council discussed a block building vs. a metal building for the air stripper. Brown stated that Ernie Misak has found a way to build a building similar in material to the Aquatic Center bathhouse. Mayor Walker questioned if this should have been put out for bid? Brown stated that the general contractor with the State is Aquaterra and the City of Clearwater is a subcontractor for the building. Walker stated he would like to have written proposals from the subcontractors presented to the Council.

Council Member FitzGerald questioned the status of the dump truck at the sewer ponds? City Administrator Brown stated that it had been put out for bids some time ago and did not receive a fair bid. Brown continued to state that the dump truck probably should be scrapped. After a brief discussion, it was decided to put the truck out for bids again.

City Administrator Brown stated that request for bid has been sent out to 9 different companies, including Tri-County Electric in Clearwater, for a generator to be used at the wells. The cut off date for the bids is in time for the March 13th council meeting.

Council Member FitzGerald questioned if the dump hours could be changed? FitzGerald suggested that the dump be open from 3:00 p.m. to 7:00 p.m. instead of 4:00 p.m. to 7:00 p.m. Staff stated they would have to talk to Kenny Hughes and John Mishler to see if they can work the extra hour. John Mishler stated that he has not had requests for an earlier opening time, but would work an extra hour if the Council wants to pay him.

11. **Executive Session - Legal**

MOTION: At 8:10 p.m. Council Member York made a motion to enter into executive session for a period of 55 minutes for legal purposes. Council Member FitzGerald seconded the motion and it passed unanimously.

At 9:05 p.m. the Council returned to regular session

MOTION: Council Member Carlson made a motion to enter into a buyer agency agreement and authorize Mayor Walker to sign the agreement. Council Member FitzGerald seconded the motion and it passed unanimously.

MOTION: Council Member Justice made a motion to enter into a seller agency agreement as presented and to authorize Mayor Walker to sign the agreement. Council Member York seconded the motion and it passed unanimously.

Ernie Misak, Public Work Director arrived at the meeting. Mayor Walker stated that the Council looks favorably on the idea of subcontracting the construction of a block brick building to house the air stripper. Walker requested that Misak provide the Council with written proposals from the suppliers. Misak stated that the numbers that he is presenting to the Council are inflated numbers for the project, because some changes have been made to the design of the building since receiving the proposals. Misak reviewed the changes to the design of the building and equipment. Misak stated that building project must be completed by July 1, 2007. Misak continued to state that the first Public Works employees will tear down the existing well house and then Aquaterra will contact Layne Western to rehabilitate well #2. The concrete work will begin in about 2 weeks and then Hamilton will begin laying the concrete blocks. City Administrator Brown stated that the action for the Council tonight is to approve the revised agreement with KDHE (Kansas Department of Health and Environment) for construction, operation, and maintenance of a Shallow Tray air stripper. The other action is to rescind the agreement approved by the Council in May 2006 for the Hazelton air stripper. Brown reviewed the portions of the agreement stating that well #5 is referenced and it should be well #2 and in section II (6) it reads that the City will remove the concrete pad and that is incorrect. The current concrete pad will remain. Brown reviewed section II (7) that KDHE will reimburse the City for the actual cost of the well house, not to exceed \$42,000.

MOTION: Council Member Justice made a motion to rescind the May 2006 contract for well #2 between KDHE and City of Clearwater by mutual agreement. Council Member Carlson seconded the motion and it passed unanimously.

MOTION: Council Member Carlson made a motion to enter into a new agreement between KDHE and City of Clearwater for construction, operation and maintenance of a Shallow Tray air stripper at the City of Clearwater Public Water Supply Well #2 and authorize Mayor Walker to sign such agreement. Council Member Justice seconded the motion and it passed unanimously.

12. **Executive Session - Personnel**

MOTION: At 9:25 p.m. Council Member Carlson made a motion to enter into executive session for a period of 15 minutes for personnel reasons. Council Member York seconded the motion and it passed unanimously.

At 9:40 p.m. the Council returned to regular session.

13. **Adjournment**

MOTION: Being no further discussion to come before the Council, Council Member Justice 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 February 27, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 13th day of March 2007.

Cheryl S. Wright, City Clerk