

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

**CITY COUNCIL MEETING**

**MINUTES**

**January 9, 2007**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 9, 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, Lyle Berntsen, 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 Lonnie Stieben, Southern Kansas Telephone Company; Paul Rhodes, Times Sentinel; Rae Gibbs & Eric Walter, First State Bank; Dustin Clevenger, Home Bank & Trust; John Mishler, Rick Baker, and Stan Combs, citizens; and Brady Rohling, Clearwater High School Government student.

---

Mayor Walker called the meeting to order at 7:00 p.m. following a joint USD #264 School Board and City Council meeting. 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 December 12, 2006**

**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 Walker accepted the resignations of Thomas Bodwell and Michael Smith from the Clearwater Volunteer Fire Department.

**3. Public Forum**

Lonnie Stieben, representing Southern Kansas Telephone Company and Clearwater Chamber of Commerce stated that on Tuesday, January 16 there would be a Focus on the Future meeting at the South Central Kansas Education Center beginning at 7:00 p.m.

Stieben explained that in 2004 over 2,200 letters were mailed inviting school district, community members and others to a series of meetings on a visioning process. Around 90 people attended the various Focus on the Future meetings. Stieben stated that Kent Brown chaired the physical aspects of the community, Kris Misak chaired the social and Stieben chaired the economic portions of the meetings. Stieben stated that at the end of the process it was promised that eight months of work would not be ignored and put on the shelf. Stieben continued to state that it has been on the shelf, but now they are ready to move ahead. This is a 20-year process and he hopes that enough people attend the meetings and have a passion about Clearwater and want to serve on a committee. Stieben stated that in the future he hopes to get some experts from the Self-Help Network and he may return to the Council with a request to help with funding. Stieben concluded by saying that if a City does not plan the future, then they will be left with what happens and he does not think anyone wants that.

Council Member Carlson excused himself from the discussion, as the next item would be a conflict of interest.

#### **4. Request for Proposal on Banking Services**

City Clerk Wright stated that she included for the Council, a copy of a letter that was mailed to First State Bank and to Home Bank & Trust on December 22<sup>nd</sup> requesting a proposal from each bank for banking services for 2007. Wright stated that Rae Gibbs is present with First State Bank and Dustin Clevenger is present with Home Bank & Trust. Wright stated that early this afternoon she gave a copy of the interest rate bid from First State to Clevenger and a copy of the interest rate bid from Home Bank to Gibbs for review in preparation for the meeting.

Dustin Clevenger with Home Bank and Trust thanked the Council for reviewing the banking options again this year. Clevenger included with his proposal a chart of estimated lost income of \$8,940 to the City by the decision to take the bid of First State Bank for services during 2006. Clevenger stated that he is proposing to consolidate the checking and money market account into one account for ease of transactions and to earn a competitive interest rate on all of the City funds. Clevenger reviewed the interest rate proposal from Home Bank & Trust. "Interest Rate: 25 basis points below Fed Funds rate (currently 5.25%) adjusted on the 1<sup>st</sup> day of each month (City's rate would be 5.00% this month). With an Average Monthly Balance of \$1,000,000.00, the City would earn \$4,109.59 per month at the current rate of 5.00%." Clevenger stated that the bank would waive all service charges, transactions fees and any bank fees.

Rae Gibbs with First State Bank first introduced Eric Walter who is the new Senior Vice President and Commercial Loan Officer and began working in Clearwater in November. Gibbs began by reviewing the transaction fees that are charged by First State Bank and then stated that all of the fees would be waived for the City of Clearwater. Gibbs

reviewed the interest rate proposal from First State Bank. “The Bank proposes to pay interest on the average collected balance of the Interest Checking Account and the Money Market Account at a rate/annual percentage yield to the average of the prior 4-weeks’ 91 day Treasury Bill Rate plus .27 ½ basis points. The rate/annual percentage yield will update monthly on the first of the month. Current Rate as of this proposal will be 5.11%.” Gibbs reviewed some other features that are offered by the Bank such as online banking, direct deposit payroll services, and ACH automated debit service for utility bills.

Council Member FitzGerald questioned each presenter about the rates offered so he could make sure that he is looking at apples to apples. Clevenger explained that both banks do not use the same index in order to calculate interest so you will end up with crab apples to apples. Clevenger stated that economic indicators tend to fluctuate at the same step as the Fed Funds and T-Bills traditionally follows the same route. City Clerk Wright stated that several cities were contacted that have multiple banks and most of them award banking services on a rotating basis for 2 to 3 years. The Council briefly discussed if the City implements a bank rotation basis how to keep the interest rate competitive if there is not a bid process. Council Member Justice stated that he is in favor of setting up a system of rotation between banks as long as they stay competitive. Mayor Walker stated that the City would not have known that they could have gotten a better interest rate if Home Bank & Trust had not come to the Council and requested a bid process. Walker stated he thinks that Home Bank & Trust should get the business for a couple of years and then bid again and see what happens. FitzGerald questioned if it would be possible to split the funds and use both banks. Wright stated that the depository of the City is not large enough to get the type of interest rate offered if the funds are divided between banks. Justice clarified that if a rotation were specified that the account would be left open so left over checks would not have to be destroyed. The Council continued to discuss a way to keep the interest rate competitive and that this Council can not bind other Councils to this Council’s decisions since it will be by vote and not by ordinance.

**MOTION:** Council Member Justice made a motion to designate Home Bank & Trust Company as the official depository for the City of Clearwater on a two-year rotating basis. In two years the official depository is to be rotated to First State Bank provided the bids are within .2% of each other. Council Member York seconded the motion. The motion passed with Council Members Justice and York voting “yes” and Council Members FitzGerald and Berntsen voting “no” and Mayor Walker breaking the tie with a yes vote.

**5. Designate Official Newspaper for Legal Publications in 2007**

**MOTION:** Council Member FitzGerald made a motion to designate the Times Sentinel as the official newspaper for legal publications for 2007. Council Member Carlson seconded the motion and it passed 5 – 0 on a roll call vote.

6. **Resolution to Designate Salaries for 2007**

City Administrator Brown reported that the Council had a work session on Saturday January 6th to review employee evaluations and discuss salary rates. The resolution on salaries includes full time and part-time employees. City Clerk Wright assigned Resolution No. 01-2007.

**MOTION:** Council Member York made a motion to approve Resolution 01-2007 designating the employee salaries for 2007. Council Member Justice seconded the motion and it passed 5 –0 with a roll call.

7. **Update on Hiring Process for Police Chief**

City Administrator Brown reported that 14 applications were received for the advertised position of Police Chief. Brown stated that the opening was advertised in the Times Sentinel, Wichita Eagle and on the Internet. The deadline for applications was January 5<sup>th</sup>. The Council will make a decision on the interview process later in the meeting in executive session.

8. **Direction on Bid Process for City Park Parking Lot**

City Administrator Brown presented the Engineer's estimate from Harlan Foraker, Certified Engineering for improvements to the parking lot at City Park. Brown stated that the request was to provide the improvements in 3 different proposals. The first proposal is for the parking lot interior making a separate entrance and exit, adding a drop off area, and curb and guttering the parking lot at an estimated cost of \$140,253. Alternate 1 is to remove the ditch and create parking along the street in front of the current parking lot at an estimated cost of \$38,194. Alternate 2 is for along street parking west of the concession stand and continuing on west to the Methodist Church parking lot at a cost of \$57,783. Council Member York stated that he thought that the Council had discussed eliminating the on street parking spaces in front of the current parking lot because of the traffic at Third and the crosswalk light. The Council continued to discuss at length various ideas on the parking lot inside the park, curb & gutter on Ross, and on street parking on Ross. By consensus, the Council requested Brown to talk to Harlan Foraker about eliminating the seven on street parking spaces to the east of the crosswalk and expanding the space between the parking spaces on the north and south sides of the parking lot.

9. **Update on City Council Election in April 2007**

City Clerk Wright stated that 2007 is the year for Council elections. This year the term of Mike Justice and Casey Carlson are up for election and well as the position of Mayor. Casey Carlson took over the unexpired term of Margaret Pelzl. Wright stated that

she posted the openings on Channel 2 and on the door in City Hall. The cutoff for filing for the positions is noon on January 23<sup>rd</sup>. If a primary election were required it would be held on February 27<sup>th</sup> with the general election on April 3, 2007. Wright stated that several people have come in and picked up information, but only one person has filed for Council Member.

## **10. Consent Agenda**

By consensus, the Council approved payment to Holland Paving in the amount of \$27,050 for the asphalt walking paths at the Sports Complex and Chisholm Ridge fishing lakes.

By consensus, the Council approved payment request #3 to Accel Construction L.L.C. in the amount of \$101,911.25 for construction of the Senior Center.

By consensus, the Council approved payment for the 2007 dues to REAP in the amount of \$343.00.

## **11. Reports**

City Clerk Wright distributed a request to the Council to reclassify unexpected revenue received in 2006. Wright stated that \$5,696.28 was received from Clearwater Cable Vision for franchise tax not remitted in prior years. Wright suggested that the funds be used for various items the help outfit the new Senior Center. Council Member FitzGerald stated he would rather see the funds used for more sidewalks on north Fourth. City Administrator Brown stated that the balance of the \$5,000 in the 2006 budget would finish the sidewalk that is started and do the block from the Historical Society to Elaine. Brown stated that there is an additional \$5,000 budgeted in 2007 for sidewalks. Wright suggested that the \$6,000 rent payment from Cellular Network Partnership, which is unexpected and unbudgeted in 2006, could be transferred to the Senior Center construction fund to offset some of the costs. After a brief discussion the Council approved both transfers.

City Administrator Brown reported that there has been vandalism on the north side of the shelter house in City Park.

City Administrator Brown reported that the MDT's (Mobil Data Terminals) in 2 of the police vehicles would be updated on Thursday as a requirement by Sedgwick County. Brown stated that there have been some mechanical problems with police vehicle #3. This is the vehicle that is due to be replaced in 2007.

City Administrator Brown reported that EMS Director Wayland Whitlow has spoken with 2 different ambulance salesmen concerning purchasing a new ambulance. The delivery time is a minimum of 200 days due to the configuration of the compartments. It would be very unlikely to find an already built ambulance. Whitlow will be contacting previous

customers about the quality. Brown reported that 2006 was a record- breaking year for the ambulance service with 284 runs.

Council Member Carlson stated that when the auditor gave his report on the condition of the City he stated that he would give the City a report on aging infrastructure. Carlson questioned if the report has been received? City Clerk Wright stated that has not been received. Wright also stated that Gary George suggested an inventory of capital assets and nothing has been done on that project. Wright requested that in the planning for the new police chief that this is a perfect opportunity for a complete inventory of fixed assets of the police department.

Council Member Carlson stated that a topic of discussion is of the major winter storm coming this weekend and how various cities are preparing. Carlson questioned if Public Works has made any preparation? City Administrator Brown stated that sand is available and the trucks are ready to go. The grader has been serviced and the fuel pump has been replaced.

**12. Executive Session**

**MOTION:** At 8:45 p.m. Council Member FitzGerald made a motion for the Council and City Attorney Amerine to enter into executive session for personnel purposes for a period of forty-five minutes. Council Member Berntsen seconded the motion and it passed unanimously.

**13. Executive Session**

**MOTION:** At 9:30 p.m. Council Member FitzGerald made a motion for the Council and City Administrator Brown to enter into executive session for a period of two hours. Council Member Berntsen seconded the motion and it passed unanimously.

At 11:20 p.m. the Council returned to regular session with no action taken.

**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 York 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 January 9, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of January 2007.

Cheryl S. Wright, City Clerk