

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

JANUARY 23, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 23, 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 John Mishler and Bruce Berntsen, citizens; Serenity Fitzpatrick, Jennifer Free, Tanner Bowman, Kelcie Exline, Jena McCulley, Ben Turner, Maureen Whalen, Jenna Mellen, Dan Hermansen, Stephen Morton, Kile Miller, Justin Schneider, and Andrew Strickland, 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 January 9, 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

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. Designate Official Signers at Home Bank & Trust

City Clerk Wright stated that after some amount of research, she has been unable to find it written who is designated as signatory for checks for the City of Clearwater. Wright continued to state that currently the Mayor, Council President, City Clerk, Deputy City Clerk, and Treasurer are authorized to sign checks. It is currently required that each check has 3 handwritten signatures of any of the above combinations. Usually it is the Mayor, Deputy City Clerk, and City Clerk. For the record, Wright requested that the Council designate the official signers at Home Bank & Trust. Wright stated that she would give a copy of the minutes to Dustin Clevenger at Home Bank & Trust.

MOTION: Council Member FitzGerald made a motion to designate the positions of Mayor, Council President, City Clerk, Treasurer, and Deputy City Clerk as the official signatory for all checks. Council Member York seconded the motion and it passed unanimously.

5. Floodplain Ordinance

City Administrator Brown stated that FEMA (Federal Emergency Management Association) is requiring that each community pass a Floodplain Ordinance. This would allow people in the community to apply for flood insurance if they have a structure or building in the floodplain. Brown stated that a similar Ordinance No. 627 was passed over twenty years ago and there is enough change in the wording that a new ordinance is required. The actual ordinance is over twenty pages so it will be adopted by reference. Brown stated that FEMA is renewing the floodplain maps and there are no changes in the Clearwater area. Brown stated that after the Planning Commission reviewed the ordinance it was sent to the Division of Water Resources, it has been signed off and returned. The Planning Commission is recommending it for approval. City Clerk Wright assigned Ordinance No. 871.

MOTION: Council Member Justice made a motion to approve Ordinance 871 Floodplain Ordinance and repeal Ordinance 627. Council Member Berntsen seconded the motion and it passed by a roll call vote of 5 to 0.

6. Sedgwick County Jail Housing Fee Proposal

City Administrator Brown stated that the Sedgwick County Commissioners are continuing to look at funding, revenues and expenses for the jail. One of the ways that is being looked at is to charge a daily fee for prisoners from Sedgwick County municipalities that are being held only on municipal charges. Brown reviewed a housing fee estimate from Sedgwick County and based on the estimate, Clearwater would have been charged in 2005 a yearly fee of \$34,644. Brown stated that \$34,644 would increase the budget by close to 3 mills if all of the funds to pay for the jail came from property taxes. Brown continued to state that the presentation from Sedgwick County to come up with a daily rate covered all direct and indirect costs for prisoners including every jail expense spread over the entire

daily population to come up with the daily rate of \$60.00. Brown stated that Sedgwick County has the authorization to have a 1-mill assessment specifically for the jail that was approved in the 80's when the tax lid was in place and was never actually established as an "identified" tax by the county. Brown stated that there would be a future meeting for the cities in Sedgwick County to discuss the issue before it is put on the Sedgwick County Commissioners agenda for action. Mayor Walker stated that there are police forces in all of the small cities in Sedgwick County and if they were not there what would Sedgwick County be spending in staff to cover all those areas? Walker stated that the citizens of all the municipalities are also citizens of Sedgwick County and are already being taxed for the jail. Council Member Justice stated that everyone in the county is being taxed for the jail and if there is an additional city tax for the jail, then the residents of municipalities are being double taxed, where as the residents of Sedgwick County only pay a county tax for the jail. City Attorney Amerine reviewed her recent tour of the Sedgwick County jail and the conditions. Brown referenced 19-1930 (c) of the statutes where it states "In lieu of charging city authorities for the cost of maintenance of prisoners as provided by subsections (a) and (b), the board of county commissioners of Sedgwick county, may levy a tax not to exceed one mill upon all tangible taxable property of the county to pay such costs and the costs of maintaining county prisoners. No revenue derived from such levy shall be used to pay the costs of counties or cities in other counties. For the purpose of this subsection, if any portion of a city is located within a county levying a tax hereunder, all prisoners of such city shall be deemed prisoners of such county." The Council continued to discuss the issue and gave Brown their comments to pass onto the Sedgwick County Commissioners.

7. Update on Hiring Process for Police Chief

City Administrator Brown stated that there would 2 sets of interviews with 5 candidates for Chief of Police conducted this Friday. The first interview would be with a group of citizens from the community selected by the Council. The second interview would be with the Council. Brown requested that the Council meet at City Hall at 1:00 p.m. and the interviews would be conducted in executive session. City Attorney Amerine suggested since there is no place in City Hall that is secured the interviews should be held at another location that can be secured. After a brief discussion, Brown stated that he would find a secure location and let the Council members know the location. Council Member Carlson requested a copy of the resumes in order to prepare questions. Brown stated he would have the resumes available on Friday and would provide a list of questions.

8. Direction on Bid Process for City Park Parking Lot

City Administrator Brown stated that he has not received anything new from Certified Engineering and requested that discussion on the parking lot for City Park be tabled.

9. Consent Agenda

After a brief discussion, by consensus, the Council approved a sponsorship fee in the amount of \$200.00 for the booth at the 2007 Home Show in Wichita.

10. Reports

City Clerk Wright reported that the cut-off date for filing for City Council election was 12:00 noon January 23, 2007 with the primary to be held on February 27th and the general election to be held on April 3rd. There are 2 Council positions up for election and those filing are: Sandi Keeler, Jim Whitney, Robert Sharp, Stanley Combs, Robert "Bob" Thornton, and Judy Armstrong. A primary will be required for the council race. Filing for Mayor is Michael Justice and Bob Cumming. A primary is not required for the mayor race.

City Administrator Brown reported that if ambulance 401 is not started a certain way it will not start and it has been determined there is a fuel problem. This is the ambulance that is due for replacement this year. Brown stated Wayland Whitlow has sent the specs off to a couple ambulance companies, but has not received any quotes at this time.

City Administrator Brown stated that the police truck was used during the recent snowstorm to pull 4 different people out of the snow.

City Administrator Brown reported that Ernie Misak had a meeting with KDHE regarding well #2 next to the water tower. This is the well that is due to get an air stripper. A different engineering firm has been contracted and it is suggesting a different air stripper. Right now the plan is to tear down the current building on the site and build a larger building that would also house the air stripper. Brown stated that the change in air stripper would cause the City to purchase a chlorinator, an ejector, and a booster pump. Brown continued to state that before the work begins on the air stripper, KDHE wanted the City to have the periodic review of the overall water system in the City. The review is complete and there are no monitoring violations and no maximum contaminate levels. It was noted in the review that there were some deficiencies in the cross connection system, but Public Works is working to improve that situation to make sure there is no back flow into the rest of the water system. It is requested in the report that the water tower be painted next year. Brown stated that it was suggested that the City begin a flushing program, and that they should exercise the valves. Currently the water loss for the City water system is 14% per year, which is just under the level of concern for KDHE and Ernie Misak is trying to identify the areas where the City is losing water. The review suggests that 10% of all water meters should be replaced each year, which would result in replacing about 80 meters per year.

City Administrator Brown stated that it was not in the report from KDHE, but that

each one of the wells should have a separate chlorine room. Any leaking of chlorine can destroy many things at the well house especially anything electrical. Brown continued to state that the chlorine bottles are on behind a wall and Ernie Misak is looking into cutting a hole in the well house and adding a separate door to reach the chlorine bottles and then seal off the wall from the wells. The estimate cost for the doors and is around \$900 per well, plus the cost to cut the concrete at the well house and installation of exhaust fans.

Council Member Berntsen question City Administrator Brown if he has talked to the contractor concerning the damage to the tennis courts? Brown stated that he has not been able to contact him. Berntsen question what kind of warranty is on the tennis courts? Brown stated that there is a one-year warranty on the construction.

Council Member York stated he would like to thank the members of the police department that helped citizens shovel driveways and sidewalks.

Council Member Justice stated he would like to compliment the police department on the way the situation was handled when they had to contact a family about a death in another state. Justice stated that he was unaware that the policy of the police department was to take a minister with them on calls of that nature.

Council Member Justice questioned if the new red dump truck with the plow and spreader was used during the last two snowstorms? City Administrator Brown stated that they were using the plow at various times; however, they were basically using the red truck more for sanding purposes as the blade on the red truck is harder to handle. The blue truck is being used to haul the snow.

Council Member Justice questioned what the policy is for Public Works employees working on the weekend when there is a need for snow removal? City Administrator Brown stated that there is no policy; it is left up to the Public Works Director to make the decision to have his employees work on the weekend. Justice stated that on the first storm since Monday was a holiday nothing major was done to the streets until Tuesday. Justice stated that he believes that the policy of weekend work should be looked at as some opportunities were missed, and it would be much easier to clear the streets on the weekend when there is less activity. Brown stated that Sedgwick County clears North Fourth, Ross and parts of Tracy. Brown continued to state that the other main routes in the City are left up to Public Works. The priorities are Park, Wood, Nancy, around the care facilities, and in front of the schools.

Council Member FitzGerald stated that Public Works was using the old 65 dump truck for sand. FitzGerald continued to state that it is his understanding that the salt and sand is frozen in the new red truck and they are unable to use the truck. City Administrator Brown stated that it did occur. The salt and sand mixture has to be stored outside and it will

freeze if it gets cold enough.

11. Executive Session – Legal

MOTION: At 7:45 p.m. Council Member Carlson made a motion for the Council and City Attorney Amerine to enter into executive session for a period of 20 minutes for legal reasons. Council Member FitzGerald seconded the motion and it passes unanimously.

At 8:05 p.m. the Council returned to regular session with no action taken. Mayor Walker requested a five-minute break.

12. Executive Session - Personnel

MOTION: At 8:10 p.m. Council Member Carlson made a motion to enter into executive session for a period of 45 minutes for personnel reasons. Council Member FitzGerald seconded the motion and it passed unanimously.

At 8:55 p.m. the Council returned to regular session.

Mayor Walker advised City Attorney Amerine to continue to work on a draft of an agreement per Council instructions and present to City Administrator Brown when completed.

Mayor Walker advised staff to notice a Special Council meeting for Friday, January 28 at 1:00 p.m. for Police Chief candidate interviews. Walker also advised staff to notice another Special Council meeting for Monday, January 26 at 6:30 p.m.

City Administrator Brown stated that he is working a job description for a Senior Center Director and should be advertising for such position sometime during the next month.

13. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member York moved for adjournment. The motion was seconded by Council Member Justice 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 23, City Council meeting.

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

Cheryl S. Wright, City Clerk