

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

June 26, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 26, 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, Lyle Berntsen, David FitzGerald, Judy Armstrong, and Jim Whitney. Mike York 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 Paul Rhodes, Times Sentinel; Gary Black, Jeremy Olsen, and Del Marion, Waste Management; David Lies, Lies Trash Service; Hershel West, Waste Connections; Kim Demars, Police Chief; Marvin Schauf, Fire Chief; John Mishler, Mary Schauf, Donald Schauf, Geri Denniger, and Maggie Leibold, citizens.

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 June 12, 2007

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

2. Mayor's Recommendations

Mayor Justice recommended and received Council consensus on the appointment of Judy Armstrong, Joan Fleming, Amy Marsh, Jim Charles, and Terry Sullivan to the Senior & Community Center Advisory Board. Justice stated that everyone was contacted and all have agreed to serve on the Senior & Community Center Advisory Board. Justice stated that there are still openings on the Historical Museum and Park Advisory boards and on the Planning Commission. The Planning Commission opening is for a person living outside of the City, but in the area of influence.

3. Public Forum

No one addressed the Council.

4. Award Contract for City Trash Franchise

City Administrator Brown reported that requests for bid were sent out to several different trash companies. Brown stated that three different trash providers responded with proposals. Brown reviewed the bids for the franchise of the City of Clearwater residential trash service for the next three years beginning with the current trash provider Waste Management and presenting to the Council all three bids.

CITY OF CLEARWATER RESIDENTIAL SOLID WASTE COLLECTION-FRANCHISE FOR THREE YEARS

	Monthly Charge	Addl. Cart Per Mo.	Bulk	Clean-Up	Alt. 1 Per Month Addl. Cost	Alt. 2 Per Month Addl. Cost
Waste Management	10.50 10.75 11.00	3.00		5.00 Roll-Offs Tipping Fees	2.75 PU every 2 wks	2.00 Plus Tipping Fees Per Clean-Up
Lies Trash Service	9.00 9.00 9.00	5.00	\$6.00 to \$15.00	Roll-Offs Tipping Fees	3.00	500.00 Plus Tipping Fees Per Clean-Up
Waste Connections	8.50 8.75 9.00	2.50		15.00 Roll-Offs No Cost Incl. Disposal	3.50 PU every 2 wks	No Cost

Council Member FitzGerald questioned how much each clean-up day has cost the City? Brown stated that the City is billed the tipping fee and on an average there are 8 to 10 roll offs and depending on the weight it is usually \$200 to \$350 per roll off. FitzGerald questioned on alternate no. 1, curbside recycle, is the monthly cost for every house or can each resident decide if they want curbside recycling? Brown stated that it was presented in the bid request as a citywide proposal, so if the Council decides to have curbside recycling it would be for everyone. Council Member Whitney wanted to make sure that the proposal from Waste Connection included no cost at all for the two city wide clean up weekends. Hershel West representing Waste Connection stated that is correct that it would be at no cost to the City. Mayor Justice asked each of the representatives from the trash companies if the

Council was not prepared to make the decision on curb side recycling prior to August 1st. would the cost remain the same? Each representative assured Justice that the cost would be the same, but it could take a little bit of time to have the recycle bins available. Waste Management stated it would have to be the entire City before recycling would be available. Waste Connection mentioned a minimum of 300 homes participating in curbside recycling. David Lies stated that they would provide curbside recycling for any number of those requesting it and there would be no minimum restriction of participation. Hershel West with Waste Connections stated that David Lies had mentioned that Lies did not require a fuel charge clause in their contract and Waste Connection would not be adding a fuel surcharge either. Justice told the Council that the only thing that they had to decide tonight is the trash provider for the City trash franchise. Council Member Armstrong stated that she thinks that the citizens of Clearwater should have a say in whether they want to pay an additional amount each month for curbside recycling.

MOTION: Council Member FitzGerald made a motion to accept the proposal from Waste Connection for the three-year franchise agreement for the City's residential solid waste removal. Council Member Berntsen second the motion and it passed 4 to 0 by a roll call vote.

Mayor Justice thanked all three companies for submitting bids. Justice then thanked Waste Management for the last six years of good service to the City. Gary Black, Waste Management thanked the Council and stated that it has been a pleasure working the staff over the past 6 plus years. Justice requested City Attorney Amerine to draw up the franchise contract between the City of Clearwater and Waste Connection. The Council discussed at length the pros and cons of having the twice a year city wide cleanup either at one central location or curbside pickup. Council Armstrong suggested before the clean up dates putting door hangars on all of the doors giving the information on the cleanup. Council Member Berntsen suggested putting a phone number on the door hangar for those who have something they are unable to get to the dumpsters. An effort could be made to get community service people to help in that regard. Council Member Whitney stated that he would like to see the cleanup kept at a central location, but the City has to do a better job of informing people of the date of the cleanup. Justice advised staff to check on door hangars to let people know the date of the citywide cleanup. The Council continued to discuss at length various aspects of the recycling and citywide cleanup. No decision was made on recycling, but a consensus of the Council to leave the twice a year cleanup in a central location.

5. **Resolution to Authorize Project for Construction of Curb & Gutter and Parking Lot at City Park**

City Administrator Brown stated that this is the Resolution that authorizes the project to construct curb and guttering and a parking lot in the City Park. The project has to be

authorized by resolution before financing can be obtained for the project. City Clerk Wright assigned Resolution No. 8-2007. Council Member Whitney referenced an error on page 1 of the resolution with an incorrect amount. Wright stated that the amount of \$170,000 that is written below is the correct amount. Wright continued to state that the Bond Attorney made a typing error and she would make sure it was corrected.

MOTION: Council Member FitzGerald made a motion to approve Resolution No. 8-2007 with corrections authorizing the construction of a parking lot and curb and guttering at City Park. Council Member Armstrong seconded the motion. The motion passed 3 to 1 with Council Members FitzGerald, Armstrong, and Berntsen voting in favor and Council Member Whitney voting against the motion.

6. **Bids for Temporary Notes for City Park Parking Lot**

City Administrator Brown stated that one bid for the temporary note for improvements in City Park was received from First State Bank at an interest rate of 4.22%.

MOTION: Council Member Armstrong made a motion to accept the bid from First State Bank for \$170,000 in temporary notes at an interest rate of 4.22%. Council Member FitzGerald seconded the motion and it passed 3 to 1 with Council Members FitzGerald, Armstrong, and Berntsen voting in favor and Council Member Whitney voting against the motion.

7. **Resolution Authorizing and Directing the Issuance of \$170,000 in Temporary Notes for Construction of Curb & Gutter and Parking Lot at City Park**

City Administrator Brown stated that since the Council has accepted a bid for the temporary notes this resolution authorizes the issuance of the temporary notes in the amount of \$170,000 for the improvements in City Park. City Clerk Wright assigned Resolution No. 9-2007.

MOTION: Council Member FitzGerald made a motion to approve Resolution No. 9-2007 authorizing and directing the issuance of \$170,000 in temporary notes. Council Member Armstrong seconded the motion and it passed 3 to 1 with Council Members FitzGerald, Armstrong, and Berntsen voting in favor and Council Member Whitney voting against the motion.

8. **Review Bids for Purchase of Police Vehicle**

Mayor Justice stated that car #3; the Intrepid has had numerous repairs and is the

vehicle to be replaced. City Administrator Brown stated that bids were received from 4 different dealerships and all of the vehicles are equipped with the police package. Brown stated that the lowest bid is from Pfaff Chevrolet for a 2008 Impala. Chief Demars advised Brown that the Impala has shown to have problems with the brakes similar to the Intrepid. Brown stated that Chief Demars is recommending that the Council approve the purchase of a new 2006 Crown Vic from Olathe Ford in the amount of \$21,470.00 at 6.9% interest. Council Member FitzGerald questioned why the recommendation is to purchase a 2006 when a 2008 is available at Lubbers. Brown stated that the 2006 Crown Vic is a new vehicle, with all of the new vehicle warranty and over the three-year lease the cost per month for the 2006 is \$668.89, while the 2008 is \$747.88 per month. The Council continued to discuss the 2006 Crown Vic compared to the 2008 Crown Vic. Council Member FitzGerald questioned what would be done with the Intrepid? Brown stated that Chief Demars plans to sell the vehicle.

MOTION: Council Member Berntsen made a motion to enter into a three-year lease of a 2006 Crown Vic from Olathe Ford for the amount of \$21,470. Council Member Whitney seconded the motion and it passed unanimously.

9. Ordinance Annexing Land to the City of Clearwater

City Administrator Brown stated that the land to be annexed into the City is the same land that came before the Council previously as an island annexation. The request for island annexation was sent to Bob Parnacott, Assistant Counselor for Sedgwick County for approval. Parnacott informed Brown that the only thing that separates the property and the City is Diagonal Road and the railroad so it would not be an island annexation according to state statute. City Clerk Wright assigned Ordinance No. 878.

MOTION: Council Member Berntsen made a motion to approve the request for annexation. Council Member FitzGerald seconded the motion and it passed 4 to 0 on a roll call vote.

10. Review Bid from Emergency Fire Equipment for a 2,000 Gallon Tanker/Pumper

Marvin Schauf, Fire Chief stated that he received a proposal for a tanker/pumper from Emergency Fire with a 2,000-gallon tank and a 1,000-gallon pump at a cost of \$148,500. Schauf stated that for an additional \$12,000 a pumper/tender with a tandem axle chassis with a 2,500-gallon polyurethane tank that will not rust could be purchased. Council Member Whitney stated that the 2,500-gallon vehicle really makes more sense as it can be used in the rural areas, but it can also be hooked up to the fire hydrant and can be used not only for a water carrier, but it is also a water pumper. Whitney continued to state that the tandem axle is a lot better than the single axle for weight distribution. Mayor Justice questioned how long the proposal is good for? Schauf stated that he asked for a 2008 price.

After a brief discussion, staff was directed to check on financing and directed Schauf to obtain additional quotes.

11. Recommendation From Park Advisory for Lights at City Park

City Administrator Brown stated that the Park Advisory Board reviewed and discussed several types of lighting for the new parking lot at City Park. It was decided to use lights similar to the ones at the basketball court. The poles would be 20 ft. high with 2 single shoebox lights and one double shoebox light. The photo control sensor is not included in the cost of \$2,600 for the three lights. After a brief discussion, by consensus, the Council approved the lights suggested by the Park Advisory Board for the City Park.

12. Bids for Fescue Sod & Installation at Senior & Community Center

City Administrator Brown stated at the last meeting the Council reviewed a proposal for sod for the Senior & Community Center. The proposal was for roll sod and by consensus, the Council requested staff to get additional bids for squares of sod. Brown stated that he received bids for fescue sod from Simon Lawn and Landscape for the amount of \$4,798 and R/S Lawns, Inc. submitted the same bid in the amount of \$4,810 only changing the roll sod to small squares. Brown stated that the sprinkler system has been installed. Council Member Whitney stated that the sprinklers should be run in order to fill the trenches and boxes before the final grade is done. City Attorney Amerine inquired of Brown if the new bidder was able to see the bid submitted at the last meeting when preparing his bid and Brown answered “no”.

MOTION: Council Member Whitney made a motion to accept the bid from Simon Lawn and Landscape in the amount of \$4,798 to put sod at the Senior & Community Center. Council Member Berntsen seconded the motion and it passed unanimously.

13. Review 2008 Budget

City Administrator Brown stated that last meeting staff presented the general budget and this week staff is presenting the balance of the budget funds. Brown explained that the Employee Benefits Fund is where a portion of the health insurance is paid. The balance of the health insurance is paid out of the water and sewer funds. Brown stated that this is the end of the three-year commitment with the State Health Insurance program. Brown stated that staff is looking at other possibilities for employee health insurance coverage. Brown continued to state that this is also the fund that the City contribution to KPERS is funded. In 2008 the City portion of KPERS will raise from 5.31% to 5.93% of the employees salary. Brown reviewed that the Special Liability fund is for the umbrella insurance coverage for the City.

City Administrator Brown reviewed that the Special Highway Fund is the place in the budget where the funds are accumulated for the bi-annual street project. The next street project is in 2008. The lease payment for the street sweeper is also paid out of the Special Highway Fund. Brown stated that the street sweeper pays off in 2008.

City Administrator Brown stated that a portion of the Capital Building Fund is the City's portion of the Aquatic Center annual payment. The balance of the 4 mills is applied to the bi-annual street project.

City Administrator Brown reviewed the Bond & Interest Fund stating that fund pays the interest and principal on the bonds obtained by the City. The revenue for this fund is strictly from property tax. Brown then reviewed the water and sewer funds.

Mayor Justice stated that staff has presented the entire budget. In each of the funds all of the department head and Council requests have been included. Next meeting staff will show what the mill levy would be if every thing was left in the budget. City Administrator Brown stated that staff would then present suggestions of cuts and other possible ways to get the budget to the point that the Council wishes.

14. Reports

City Attorney Amerine stated that Sergeant Gearhardt is concerned about the curfew ordinance. With the current ordinance parents are responsible for the child and the parents are charged instead of the child that is violating the curfew. Amerine stated that Sergeant Gearhardt has proposed a change in the ordinance making it similar to the tobacco violation so that it does not go to juvenile court. By consensus, the Council instructed Amerine to prepare the ordinance.

City Administrator Brown stated that he received a quote from Steve Swift for sidewalks on the north side of Fourth Avenue from the Museum to Elaine. Brown stated that he has requested Steve Swift to come talk to him concerning a quote for the curb on the north side of the 100 block of east Ross.

City Administrator Brown stated that he has been working with Harlan Foraker, Certified Engineering Design for a water and sewer system study including a fire hydrant study. Brown stated that Harlan Foraker has provided Bank Oklahoma with a proposed layout of the property behind the Post Office.

City Administrator Brown stated that there was some damage at the aquatic center created by kids breaking down a fence and getting into the pool. The damage has been repaired by Public Works.

Council Member FitzGerald reported that the house at the northwest corner of Hellar & Gorin has a refrigerator, trash, and brush in the yard and should receive communication from the City.

Council Member FitzGerald reported that the Lions Club as a service to the community picked up 8 huge loads of limbs out of the alleys on Saturday. FitzGerald stated that the alleys are a mess and in terrible shape.

Council Member Whitney stated that there is a 18-wheeler semi refrigerator truck that parks in the area of 701 Southeast Drive. The semi was parked from Friday until 10:15 on Monday with the refrigeration running, cycling on and off. Whitney stated that he received several calls concerning the truck and he could hear the truck cycling at his house two blocks away. Whitney stated that he thought there was an ordinance not allowing semi to park on the city streets.

Council Member Whitney questioned if the generator at well #7 is operational? City Administrator Brown stated that he is not sure of the status of the generator, but knows that Ernie Misak has made several calls to Foley Tractor.

Council Member Whitney questioned if any of the parts have been received or if any work has been done on the fire hydrants? City Administrator Brown stated that at this time he does not have any information on the hydrants.

Council Member Whitney stated that he received several phone calls concerning standing water in the alleys. Whitney stated that there are trees that need to be trimmed in the alleys. City Administrator Brown stated that in some cases some of the dirt must be removed from the alleys before any milling is put down, because we do not want the alley higher than the yard. Brown stated that the alleys are to be maintained by the City for driveability by the utility trucks.

Council Member Armstrong stated that she thinks it is really important to provide residents with flyers communicating what can be taken to the brush dump.

Council Member Berntsen questioned the status of the tennis courts? City Administrator Brown stated that he has not received a second opinion regarding the tennis courts.

15. Executive Session - Legal

MOTION: At 9:25 p.m. Council Member FitzGerald made a motion to enter into executive session for personnel reasons for a period of 50 minutes. Council Member Berntsen seconded the motion and it passed unanimously. Mayor Justice requested that the Council, City Administrator Brown, City Attorney Amerine, and Police Chief Demars attend the executive session.

At 10:15 p.m. the Council returned to regular session with no action taken.

16. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member FitzGerald moved for adjournment. The motion was seconded by Council Member Berntsen 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 June 26, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 10th day of July 2007.

Cheryl S. Wright, City Clerk