

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

March 27, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 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, 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 Karen Lippoldt, Youthville; Bob Cumming, Jim Whitney, Rickey Baker, Les Langston, John Mishler, and Farol McMillan, citizens; C. J. Walker, Ronald Jamison, Matt Doffing, Eric Barker, John Westbrook, James Conrad, Cory Whitlock, Leslie Babb, Chris Parker, Aaron Cherney, Cody Struthers, Ronald Jamison, Carlene Stevenson, and Katie Gette, 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 March 13, 2007

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

2. Mayor's Recommendations

Mayor Walker with Council consensus appointed Anthony Geissingering as firefighter and Ryan Shackelford for Planning Commission.

3. Public Forum

No one addressed the Council.

4. Presentation on Youthville – Foster Homes

Karen Lippoldt Foster Care Recruiter/Trainer, representing Youthville addressed the Council. Lippoldt distributed to each Council Member a packet of information on Youthville. Lippoldt stated that Sedgwick County is in a crisis situation with foster kids. There are an abundance of children coming into care and not enough homes. Lippoldt continued to state that she has been going to Council meetings in all the out lying communities in Sedgwick, Sumner, Harper, Butler, and Cowley Counties trying to get more homes. The biggest concern is the teenagers that live day to day in a different facility. According to state regulations a child can only live in a residential facility for 90 days after that they have to leave and a place has to be found for them. These kids spend their days at Youthville waiting for a home and go from one emergency home to another. For most of the kids schooling is nonexistent. Lippoldt stated that most of the kids want to go to school, want to have friends, and want consistency in their lives. Lippoldt stated that there are approximately 1,400 kids in foster care right now and there are only about 250 homes available, and a home can only have four kids at a time. Lippoldt requested for everyone to think of people that might be willing to try foster care and she stated that she would speak to any group that might have an interest in the Foster Care Program.

5. Bids for Parking Lot at City Park

City Administrator Brown stated that the plans for the City Park parking lot is from plans developed by K-State students, reviewed by the Park Advisory Board and approved by the Council. Brown stated that according to the Engineer’s estimate the City does not have enough funds available to pay for the entire parking lot. Brown presented a spreadsheet detailing the bids from the 4 paving contractors. The base bid is for the main part of the parking lot with two separate entrances and exits, excavation, and curb and guttering. Alternate bid #1 is for the Ross Avenue 15 parking stalls to the south of the parking lot along with curb and guttering. Alternate bid #2 is for 22 parking stalls on Ross Avenue west of the current concession stand and on further to the Methodist Church parking on Ross Avenue. Brown reviewed the base bids and the alternate bids.

Contractor	Base Bid	Alt. 1	Alt. 2	Total
Engineers Estimate	142,244.00	38,194.00	57,786.00	238,224.00
APAC Shears	102,220.00	18,733.50	33,289.00	154,242.50
Cornejo	109,790.00	11,464.00	42,314.00	174,568.00
Kansas Paving	136,681.00	33,726.50	56,766.00	227,173.50
Lafarge	125,015.90	22,555.00	40,370.00	187,940.90

Brown stated that APAC Shears is the overall total low bidder. Brown continued to state that in the 2007 budget there could be \$60,000 available from the Park budget and the drainage budget. If the Council were still interested in doing the project the additional funds would have to be obtained by financing. Brown stated that he advised the bidders due to a couple of circumstances they may not be notified right away as to whether the bid was awarded. Council Member FitzGerald stated that he is in favor of doing the whole parking lot along with the drainage, curb and guttering and getting rid of the ditch on Ross Avenue. Mayor Walker stated that the bids came in less than the Council originally discussed and questioned how the City would obtain financing? Brown stated that he has not discussed financing with the local banks as he was not sure of the amount and if the Council would decide to continue with the parking lot. Council Member Carlson stated that if the total amount of \$154,000 was financed then there would be additional funds in the park budget to perhaps do restrooms or some additional park improvements. Council Member Justice stated that he has stated his concerns before and is not sold on the 15 parking stalls on the east. Justice explained that there would be cars backing out at the intersection of Third Avenue and Ross Avenue and at the entrance to the park and that will create a traffic nightmare. The Council discussed at length various portions of the plans for the parking lot and parking stalls. Mayor Walker stated that the Council talked over the same things previously and agreed to send the plans out for bid. FitzGerald questioned if City Administrator Brown would check on various ways for financing? City Attorney Amerine stated that she attended a conference where the Department of Agriculture had a presentation on grants, low interest loans and loan guarantees. A Department of Agriculture project from a rural community with a population of fewer than 20,000 could qualify if it is for off street public parking. Brown stated that first staff needs to know if the Council is still interested in doing the project and direction on the possible amount to be financed. After a brief discussion, staff was directed to check into the Departments of Agriculture grants or low rate interest, and to check with the local banks and to provide various options.

6. Bids – City Equipment

City Administrator Brown stated that the 1969 dump truck that is up for bid is for scrap only and not for street use, as a title would not be issued. Brown reported that 3 bids were received for the 1969 dump truck; Ron Lambert \$51.00, Rick Baker \$175.00 for the truck and \$25.00 for the snow blade, and Gary Berger \$305.00. Brown requested that if Council accepts a bid that he requests to be in the motion a time frame stipulated for removing the vehicle.

MOTION: Council Member FitzGerald made a motion to accept the bid from Gary Berger for \$305.00 for a 1969 International dump truck for scrap with a stipulation that it is to be removed from the sewer ponds in 30 days. Council Member Justice seconded the motion and it passed unanimously.

7. **Senior Community Center and Director Update**

City Administrator Brown referenced a proposal for the Clearwater Senior/Community Center Advisory Board prepared by several individuals from the Senior Center using Haysville as a model. This is the formal way that allows the Mayor and Council to appoint members to the Advisory Board and a formal way for recommendations to the Council concerning the programs and operations at the building. The structure for the Senior/Community Center Advisory Board will be somewhat like the Library Board. Brown then referenced the Clearwater Senior Center Planning Committee, which is comprised of only seniors above the age of 55. The draft included the wording of membership and the Council discussed that would be changed. The Senior/Community Center is available for everyone in the community to use and there is absolutely no membership involved. Brown then referenced the job description for the Senior/Community Center Director and discussed the recommendations presented by the seniors. Brown explained that in Haysville the Events Planning Committee is in charge of decorations, and setting up the room for events. They are basically a volunteer group. Council Member Justice stated that the proposals presented by the seniors looks fairly good, but his concern is that nowhere does it show the involvement of the Director. Brown stated that in Haysville the Advisory Board is accountable for the funds from Sedgwick County and for the budget with advice from the Director. The Events Planning Committee will have limited funds for activities at the Center and can do fund raising for additional funds. After a brief discussion, the Council advised staff to make the discussed changes to the proposals.

8. **Resolution Regarding Ambulance Lease/Purchase Agreement**

City Attorney Amerine stated that she reviewed the Resolution provided by Home Bank & Trust for the purchase of an ambulance. Amerine stated that it directs her to review the agreement and negotiate appropriate modifications. Amerine continued to state that the agreement is not prepared and will not be prepared until Home Bank receives the approved and signed Resolution. Council Member FitzGerald questioned if staff was successful in requesting Home Bank & Trust to waive the \$300.00 documentation fee. City Clerk Wright stated that the fee is being waived. Mayor Walker stated that the Resolution is Council approval to enter into an agreement for the lease/purchase of an ambulance. Amerine stated that she would review the agreement as soon as it is available. Wright stated that Home Bank is also requesting that the Council approve a Proposal Acceptance. City Clerk Wright assigned Resolution 2-2007.

MOTION: Council Member Justice made a motion to approve the Proposal to enter into lease/purchase financing as written, minus the \$300.00 documentation fee, with Home Bank & Trust. Council Member Berntsen seconded the motion and it passed unanimously with Council Member Carlson abstaining.

MOTION: Council Member FitzGerald made a motion to approve Resolution No. 2-2007 referencing financing an ambulance pending City Attorney Amerine's review of the agreement before final signature. Council Member York seconded the motion and it passed 4 – 0 with Council Member Carlson abstaining.

9. Wire Transfer Authorization – Home Bank & Trust

City Clerk Wright stated that twice a month a wire transfer is required to send employees 457 Contribution funds to AllFirst Bank. Home Bank & Trust is requesting that all eligible check signers approve the Wire Transfer Authorization. By consensus, the Council approved signing the Wire Transfer Authorization.

10. Access Agreement with Owner of Clearwater Senior Residences

City Administrator Brown stated that the only access to the parking lot of the senior residence from Janet Avenue is thru the Senior/Community Center parking lot. In order to guarantee that the senior residences always have access, Mark Cox of South Crest L.L.C. is requesting an Access and Parking Easement Agreement to guarantee access to Janet Avenue. City Attorney Amerine stated that the agreement also states that if there is overflow parking at the Senior/Community Center they can park in the senior residences parking lot. Brown continued to state that on the construction of the senior residences staff has requested that a drainage outlet be installed in Reserve B and it has been requested several times. All of the drainage from the parking lot goes into Reserve B and there is no exit pipe. Brown stated that Mark Cox operates that he is accessible when he needs something and hard to find when staff requires information. Brown suggested that the Council approve the agreement tonight, but authorize staff to hold the agreement pending installation of the drainage pipe.

MOTION: Council Member York made a motion to approve the Access and Parking Easement Agreement between the City of Clearwater and South Crest L.L.C for access to the senior residences from Janet Avenue. Council authorizes staff to hold the signed agreement pending actual installation of the drainage pipe in Reserve Pond B. Council Member Carlson seconded the motion and it passed unanimously

11. Review Aquatic Center Rates

City Administrator Brown stated that Council requested that staff contact other Aquatic Centers to check on membership prices. Brown stated that he was able to get a copy of a survey that was done recently by another City. Brown reviewed various rates stating that Council Member Carlson had requested a proposal on a family pass to give a break on

cost to larger families. Brown stated that when the City had the old pool and family memberships were available, it was difficult to define a family and the pool was losing a lot of money. Since the construction of the new Aquatic Center there have only been single passes for \$40.00 and it has been coming very close to breaking even. After reviewing the survey on pool rates and a lengthy discussion the Council suggested to try having family memberships again.

The City will offer a family membership for a family of 4 for \$120.00 with each additional family member being \$30.00. In order to determine the number of people in the household, it will be by the number of exemptions on the 2006 tax return. If there were any objection to showing the tax return as proof, then a family membership would not be offered. The family membership would be able to be purchased from City Hall and a specified time at the Aquatic Center to be determined at a later date after discussion with the pool manager. All other rates will remain the same for the 2007 season.

MOTION: Council Member FitzGerald made a motion to provide a family membership to the Aquatic Center of up to 4 people for \$120.00 with each additional family membership at \$30.00 each and available for a specified time period with the proof of amount of family members determined by the 2006 IRS dependents. Council Member Justice seconded the motion and passed unanimously.

At 8:30 p.m. Mayor Walker request a five-minute break.

At 8:35 p.m. the Council returned to regular session.

12. **Reports**

City Administrator Brown questioned if the Council had reviewed the job description for Fire Chief that was provided in the packet? By consensus, the Council approved the job description.

City Administrator Brown stated that last year at well #7 the chlorine had deteriorated the piping that goes under ground and it had to be replaced. Brown continued to state that a similar thing has happened at well #6 and well #8. The problem is due to the age of the wells and well #6 has the worst deterioration and the plan is to redo it in 2007 and well #8 in 2008. Ernie Misak has had a couple people look at the wells and is recommending that the Council approve the bid from Layne Western for well #6 in the amount of \$3,966.00, plus \$250.00 if only one well is done this year. By consensus, the Council approved the bid from Layne Western. Brown stated that well #6 is right on the corner of 103rd & Hoover.

City Administrator Brown reported that the old well house by the Aquatic Center has

been demolished and the new well house has been started. The air stripper has been delivered and is setting on the slab of the new well house. Brown stated that the City has worked with KDHE to get all of the appropriate permits done and ended up forgetting the building permit. City staff had completed the permit for work on well #2 next to the water tower.

City Administrator Brown reported that a police officer has contacted the people at the corner of Hellar & Gorin concerning removing the old refrigerator in the back yard.

City Administrator reported that the new ambulance is due to be delivered on April 16th. EMS Director, Wayland Whitlow is in the process of obtaining the state license. Brown stated that there has been a situation come up that the Medical Society that sets up the protocols they had a problem that with Dr. Papish being the only medical advisor and there was not a backup. That has been worked out with Dr. Young, the medical advisor with Sedgwick County, to be the backup medical advisor. Brown reported that the Ambulance Director has to report to the State Board of EMS and the Medical Society for Sedgwick County in order to keep the Clearwater Ambulance service functional.

City Administrator Brown stated that on Friday a group of 15 senior citizens met and interviewed the three candidates for the Senior/Community Director.

City Administrator Brown reported that on March 17th the Chamber of Commerce sponsored a City Council candidate forum. A tape of the forum will be aired on Community Cable Channel 7.

Council Member Berntsen questioned if there is any word on the repairs for the tennis courts? City Administrator Brown stated that he talked to the contractor concerning the spots where there is a surfacing issue. Brown stated that he does not have a time that the work would be done.

Council Member Justice questioned why the fountains at Chisholm Ridge are not working? City Administrator Brown stated that because of the rain, the level of the ponds are so high that the fountains have been turned off.

Council Member FitzGerald stated that Joe Castor contacted him and he is interested in beginning an astronomy club. Castor requires a place where there is some avoidance from direct light for regular night-sky observing. Castor has checked around the City and a possible site is the firing-range near the sewer ponds. Castor told FitzGerald once he obtains a site for his telescopes. Castor will then be contacting school groups, Scout groups, and other youth in the area. After a lengthy discussion, the Council suggested that Castor check out the brush dump and see if it would be more suitable for his astronomy club.

Council Member FitzGerald requested that in the future the check that is received periodically from recycling should be sent to the Unity Lodge #273 at PO Box 304, instead of sending the check to the Lions Club. The Lions Club has not had any involvement in recycling for quite some time. The Masons will then distribute the funds to the organizations that help with the recycling.

13. Executive Session - Personnel

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

At 9:30 p.m. the Council returned to regular session with no action taken.

Mayor Walker requested a Special Council Meeting on April 3rd at 7:00 p.m.

City Administrator Brown stated that he has contacted Waste Management and the spring cleanup is scheduled for May 4th & 5th. Brown stated that the people with the hazardous waste are not available so it was suggested to have the hazardous waste cleanup on April 26th & 27th.

City Administrator Brown reported that there would be a Transportation Enhancement Grant opportunity in the fall for an 80/20 grant. The downtown plan could be an application in this program.

14. 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 March 27, City Council meeting.

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

Cheryl S. Wright, City Clerk