

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

**CITY COUNCIL MEETING**

**MINUTES**

**December 9, 2008**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, December 9, 2008, 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, Mike York, Lyle Berntsen, David FitzGerald, Sandi Keeler, and Jim Whitney. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Jodi McBee, Deputy City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Mary Schauf, Clearwater Fire Department; Christian Bates, Greg Welch, Travis Burton, Heath Davis, Keith Berntsen, Clayton Lauer, Andrew Campbell, Justin Patrick, Katelin Horsch, Allison Boyd, Jon Staton, Russell Johnson, Shae Goodman, Phillip Cass, Camiell Williams, Sara Harman, Kristen Arebalo, Riley Decker, Kurt Barnett, Trisha Brown, Aimee Grether, Garrett Weidman, Meghan Smith, Alex Criswell, Brittani May, Nathan Persinger, Tyler Spencer, Matt Moore, Jared Wise, Kyle Smothers, Loren Hack, Nathan Furches, Nate Bailey, Tony Jeffress, Donald Wolfe, Levi McGuire, Clearwater High School Government students.

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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 November 25, 2008**

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

**2. Mayor's Recommendations**

With Council consensus, Mayor Justice accepted the resignation with regrets of Jeff Syrios as Municipal Court Judge effective December 31, 2008 due to his election to a position at the Sedgwick County District Court.

With Council consensus, Mayor Justice appointed Becky Hurtig as Municipal Court Judge effective January 1, 2009.

3. **Public Forum**

No one addressed the Council.

4. **Contract with Reeves Electric for Lights in City Park**

City Administrator Brown stated that the contract with Reeves Electric for lights in City Park has been reviewed and approved by City Attorney Amerine. Several attachments have been added to the contract, which includes services provided, a materials list, and bid sheets for the sports lights and the security lights. Brown stated he spoke with Reeves' Insurance Company and everything is in line for the Workman's Compensation Insurance and the Performance Bond. Amerine stated that there is a blank in the contract for Council to insert a completion time on the project after receipt of the equipment. After a brief discussion, consensus was to add 90 days to the contract as a completion time. Council Member Whitney stated he was concerned that the security lighting mentioned in Attachment D on the contract states the security lights will be installed on the west light pole. Whitney stated the west pole is not close enough to playground area of the park and lights on the west pole would just light up the back end of the ball field. Lighting on the east pole would better serve the playground and shelter house areas. Brown stated he could ask Musco if it is too late to have both sets of security lights installed on the east pole in right field, one to aim north and the other to aim east. Mayor Justice stated that if the holes were already drilled in the poles, the City may have to leave the lights the way they are because it would be too costly to make the changes. Whitney asked if the total project costs were still approximately \$60,000 that Council had originally agreed. Brown stated there have been a few additions to both Musco and Reeves original bids with the addition of the security lights, but those amounts were minimal in comparison to the total cost of the project.

**MOTION:** Council Member FitzGerald made a motion to enter into a contract with Reeves Electric to install sports lighting and security lighting at City Park for a total cost of \$18,058.91 with an addition of 90 days to #3 of the contract and Reeves provides Workman's Compensation Insurance and a Performance Bond. Council Member Berntsen seconded the motion and it passed unanimously.

5. **Supplemental Contract with Kansas Fence to Redo Fencing on Field 3 at Sports Complex**

City Administrator Brown stated that Council had requested an additional quote from Kansas Fence to redo the fencing on Field 3 at the Sports Complex. Brown reviewed the bid from Kansas Fence in the amount of \$4,525. Council Member Whitney stated that he and Brown had met and requested a tension bar be added to the bottom of the fence poles to attach the fence fabric so the fencing would no longer curl. That bar is not included in this bid. Brown stated they should table the discussion until the correct bid was received from Kansas Fence.

**6. Review Current Budget and Discuss Possible Encumbrances for 2009**

City Administrator Brown stated he included a summary of what the Council has accomplished this year from the 2008 Budget Planning Session from the Summer of 2007 to assist in reviewing the current budget and any plans for possible encumbrances for 2009. Council Member FitzGerald and Whitney both stated they appreciated seeing the progress Council had made this year. Brown reviewed some of the issues that are still in progress and will need money encumbered to complete such as the City Hall remodel, City Park, street projects and the purchase of a sewer jetter. Brown continued to explain that the budget will need to be amended in order to account for some changes in the budget that was set in the summer of 2007 for 2008. A budget hearing will need to be set to make some adjustments for items that were unforeseen when the budget was set 18 months ago. City Clerk Wright reviewed the suggested year-end budget adjustments. Wright stated the adjustments do not affect taxes; they are merely a cleanup of unknown revenues and expenditures that happen throughout the year. Council agreed to set the Budget Hearing for the next Council Meeting on December 23.

**MOTION:** Council Member Berntsen made a motion to set the Budget Hearing for December 23, 2008 at 6:30 p.m. Council Member Whitney seconded the motion and it passed unanimously.

**7. Cereal Malt Beverage Application/License**

City Clerk Wright stated there are three Cereal Malt Beverage Licenses that include Mize's, Kabredlo's, and Pizza Hut. Mize's and Kabredlo's are for packaged sales and Pizza Hut is for consumption sales on premises. These are one-year licenses.

**MOTION:** Council Member FitzGerald made a motion to approve the Mayor to sign Cereal Malt Beverage Licenses for Mize's, Kabredlo's, and Pizza Hut. Council Member Berntsen seconded the motion and it passed unanimously.

City Administrator Brown stated there might be a request coming to the Council for an ordinance to allow Sunday liquor sales.

**8. Consent Agenda**

By consensus, the Council approved payment of the annual dues for the League of Kansas Municipalities for 2009 of \$1,043.97.

**9. Reports**

City Clerk Wright informed the Council of a drop in interest income. The City's Money Market Account interest rate is figured at 0.25% below the Federal Reserve Board Fund rate. That rate dropped from 2% to 1% in October 2008. Therefore, the City has gone from earning 1.75% to 0.75%. Wright had no recommendation for changes, she was just informing Council.

City Clerk Wright reviewed the minutes of January 9, 2007. Those minutes include a motion that designates "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." Wright stated she would be sending a letter to both banks requesting bids for the City's banking services. Wright asked Council if they were still interested in following the policy set in January 2007. After a brief discussion, Council decided to proceed with the bids. They could revisit the process after the bids are received.

City Administrator Brown stated he received the sewer plans from Harlan Foraker, City Engineer, for the Clearwater Business Park. Brown dispersed the Estimate of Probable Cost. Brown explained 2 easements would have to be obtained, as the sewer line will come from Chisholm Ridge and will pass through properties privately owned. Brown reviewed the plan for connecting the sewer line to Clearwater Business Park. Council Member Whitney questioned how much of the Business Park the proposed sewer line would cover. Brown stated the sewer would be connected to the west half of the lots with this proposal. Because of the connection outside the business park property, this will get the sewer two-thirds completed with the last third to be installed with the Second Addition of the Business Park. Brown stated that Foraker would like to send these out for bid on December 30<sup>th</sup>. Brown stated he would rather wait until the middle of January. Brown also stated that the water line proposal is about complete as well. Council Member Whitney suggested sending the water and sewer projects out for bid together. Council directed staff to have bids for water and sewer lines back by the second meeting in January.

City Administrator Brown stated that Public Works has been working on the force main out of Park Glen. The main is not working as it should. They are trying to reconnect the line at another location. They have discovered that a portion of the sewer line was built in a "U" shape to go under a drainage area and that is probably causing the problem. They are looking at cutting the line before the problem area and reconnecting at a manhole south of Park Glen.

City Administrator Brown stated that Public Works has started discharging from the sewer ponds again after the rotenone was put in the ponds. A sample will be taken and sent in for analysis and hopefully the BOD levels will be back on target.

City Administrator Brown stated that the pipe has been ordered to connect Field #1 at the Sports Complex to well water.

City Administrator Brown stated that annual merit increase of salary for the city employees occurs at the beginning of each year. Brown requested Council set a date for the work session to discuss those increases. Council set the work session date for January 3 at 8:00 a.m. at City Hall.

City Administrator Brown stated that in years past the City has bought city employees gift certificates to Mize's. Council agreed to purchase \$25 gift certificates for all paid city employees.

Council Member Whitney stated the 100 block of south Grain needs to be maintained.

Council Member Whitney stated there is a trailer parked in front of 619 Southeast Drive. City Administrator Brown stated the owner has been contacted several times to move the trailer. Whitney stated the trash collector and several neighbors have complained that it is a traffic hazard.

Council Member Keeler stated she had a resident complain of 2 dogs running loose. The animal control officer has since picked up the dogs and the owners have claimed them.

Council Member York asked if the police have contacted the owner of a junk vehicle, which is parked on Hellar. City Administrator Brown stated he would talk to Chief Demars to find out.

Mayor Justice asked if the City could contact Westar about a streetlight that is out

and not in Clearwater. Justice stated the streetlight at the northeast corner of K-42 and 135<sup>th</sup> St W is not in working order. City Clerk Wright stated she would turn it in to Westar.

**10. Executive Session-Personnel**

**MOTION:** At 7:36, Council Member York made a motion to enter into Executive Session for personnel reasons for a period of 20 minutes. The motion was seconded by Council Member FitzGerald and passed unanimously.

At 7:56, Council returned to regular session with no action taken.

With Council consensus, Mayor Justice appointed Catherine Zigtema as City Prosecutor effective January 1, 2009.

City Administrator Brown stated the City purchased a backhoe earlier this year. Staff chose not to finance the backhoe. The money to purchase the backhoe was taken from the Special Highway, Water and Sewer Funds. Brown asked if it was okay with the Council that the backhoe was paid for in full instead of financed. Council agreed it is better to pay cash for purchases rather than finance if possible.

City Administrator Brown stated that Council elections are coming up in April. Filing deadlines are in the middle of January. Council Members York, FitzGerald and Berntsen are up for election.

**11. 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, Jodi McBee, Deputy 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 December 9, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23<sup>rd</sup> day of December 2008.

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Jodi McBee, Deputy City Clerk