

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

February 12, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 12, 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, Judy Armstrong, and Jim Whitney. 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 Steve Martens, Grubb & Ellis; Paul Rhodes, Times Sentinel; Ashley & Edward Lange and their children, John Mishler, citizens; Mary & Marvin Schauf, Clearwater Fire Department; Dalton & Jeff Zogleman, Boy Scouts; Chelsea Williams, Kayla Rausch, Lizz Koch, Kim Matzen, Melissa Vondracek, Lindsey Johnson, Keith Monahan, and James Greer, Clearwater High School students.

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 January 22, 2008

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, with Council consensus accepted the resignation of Wanda Robertson with regrets as Deputy City Clerk effective February 8, 2008.

Mayor Justice, with Council consensus appointed Jodi McBee as Deputy City Clerk

effective February 19, 2008.

Mayor Justice, with Council consensus appointed Les Langston, a member of the Planning Commission, to the Water Resources Board.

3. Mayor Justice Recognition of Citizen of the Month

Mayor Justice stated that as Mayor of Clearwater he is going to try and write an article for the Times Sentinel and recognize a citizen each month. Justice stated that there would be forms available at City Hall or nominations can be e-mailed to the Mayor. Justice stated that the first recipient of the Citizen of the Month Award is Ashley Lange. Ashley and her husband Edward and four children reside at 723 Nancy and have lived in Clearwater since July 2006. Justice stated that he came to know Ashley through his mother. Justice's home and trees were covered with toilet paper, as is a Homecoming weekend tradition to toilet paper some houses. Ashley and her children were driving down the street and saw Mrs. Justice cleaning up toilet paper and stopped to help her clean up the yard, not knowing who lived in the house or why there was toilet paper everywhere. Ashley wanted to teach her children about giving back to their community. Justice stated that he visited with Ashley about what brought her, Edward and their children to Clearwater and felt she was the type of person that he wanted to recognize.

4. Dalton Zogleman – Eagle Scout Project

Dalton Zogleman updated the Council on his Eagle Scout project at the Recycling Center. Zogleman stated that he has raised \$1,000, of which \$500 was donated by the City, for his project and still has some outstanding letters for donations. Zogleman stated that he would begin working on the project in the spring. Zogleman made the changes suggested by the Council using recycled fence boards and using steel posts and screws. Zogleman stated that he plans on having a metal sign made from 040 aluminum 3 ft tall and 6 ft wide. Council Member FitzGerald suggested using a slot for sliding the names of the volunteer groups working that particular day. Mayor Justice stated that the City would take care of ordering and purchasing the sign.

5. Public Forum

No one addressed the Council.

6. Executive Session – Real Estate

MOTION: At 6:45 p.m. Council Member FitzGerald made a motion to enter into executive session for real estate purposes for a period of 30 minutes. Council Member York seconded the motion and it passed unanimously. Entering executive session was the Mayor and Council, City Administrator Brown and Steve Martens.

At 7:15 the Council returned to regular session with no action taken.

7. Water System Study Proposal

City Administrator Brown stated that one of the goals from the summer planning session was to have a water system study including distribution, water rights, and water rates. Brown stated that he has received a proposal from Harlan Foraker with Certified Engineering Design giving some background regarding his qualifications for conducting a water system study. Foraker did a water system study for Goddard seven years ago, but other than that he has worked with other cities on partial studies. Brown stated that the proposal from Certified Engineering Design is \$15,500 for the study. Brown continued to state that after talking with some folks he requested some information from Jason Schlickbernd with Wilson & Co. who gave a brief listing of their scope of study on water systems and a listing of previous communities they have done work. Brown stated that what he would like for tonight is whether the Council wants to accept the proposal from Certified Engineering Design or if they would like for Brown to request a proposal from Wilson & Co.

Brown stated that the modeling would map the water from the source of water wells, to the water tower, to the distribution system and then would address the flow at the fire hydrants. Council Member Whitney stated that it appears to him that Harlan Foraker is to subcontract out computer generated tests and Wilson & Co. is going to help the City to do actual flow tests to gather the real data. Whitney continued to state that actual flow test is the only way to get a good reading. After a brief discussion, the Council requested staff to request a proposal from Wilson & Co. and to get more clarification from Certified Engineering Design on his proposal.

8. Recommendation From Park Advisory Board for City Park Improvements

Mayor Justice stated that after reading the recommendations from the Park Advisory Board he has decided not to attend the Recreation Commission meeting to talk about improvements to the skateboard area. Justice continued to state that if there is a ball field constructed at the Sports Complex there is a possibility that the skateboard area could have to be moved. City Administrator Brown stated that the Park Advisory Board (PAB) started with a plan provided by a group of Kansas State architect students Schneider, Janson, and Corbett. Then the PAB using the basic outline added their recommendations to the basic plan in no particular order of priority except where listed. Brown reviewed the initial plan with suggested changes from the Park Advisory Board as follows:

- 1) Gateway park entrance built just north of parking lot at about the crosswalk. May include some sort of fountain or centerpiece in middle.
- 2) Windmill set approximately 100 feet north of gateway entrance. It would be protected at the base – exact item not determined yet. This would be the old windmill that the Masons have restored that originally set at the intersection of Tracy and Ross.
- 3) New set of bathrooms built north and west of the current shelter – in the approximate location of the red playground piece in the shape of a stagecoach or about 20 ft. northwest of the gazebo.
- 4) The PAB feels that the current shelter blocks the view of the park and the metal sheeting is in poor shape. The PAB is suggesting cutting the current shelter in half. The north/south portion kept in place. The east/west portion removed although the concrete kept in place – to open up the sightlines to the remainder of the park.
- 5) Remaining shelter – redo the exterior. Roof to be similar to other roofs in park (aquatic center / well house). Walls or posts to be cut face stone or brick – to replace the metal.
- 6) Build a new ball field in the sports complex to replace the ball field in City Park. Before anything else is constructed in the current ball field area, a new diamond must be built in the sports complex. The PAB is suggesting putting a stage or amphitheatre that can be used for Fall Festival in the location of the current ball field. It is also proposed to have a shelter with a picnic area.
- 7) Entrance and walking path between historical society museum and the aquatic center. The walking path would continue west until it reaches a second pedestrian bridge to be constructed that crosses the drainage area.
- 8) Entrance to the park at the southwest corner – could include a flagpole.
- 9) Gazebo to be moved to north side of park – again opening up the sightlines in playground area.
- 10) Install a basketball court for younger ages north of the playground equipment.
- 11) The PAB is still discussing the playground area, but are sure they want more seating around the playground equipment.

The Park Advisory Board has laid out their recommendations and are now asking for

Council comment before continuing with a listing of projects, prioritization, community participation and/or fundraising on certain projects.

Council Member Whitney stated that he thinks that there should be a decision on ball field before beginning to construct the bathroom. Portable restrooms can be used for a couple of years. All activities in City Park are in a 200 ft. area except for the ball field. Whitney suggested removing all that would not stay in the park before any new construction. Mayor Justice stated that he agrees with Council Member Whitney in regards to the placement of the bathroom. Justice continued to state that almost everything for City Park hinges on whether the current ball field stays in City Park or is moved to the Sports Complex. City Administrator Brown stated that the Park Advisory Board discussed if there was a ball field constructed at the Sports Complex what were the possible locations. It has been suggested to construct the field in the current parking lot close to the concession stand and building a parking lot of the old flyer's field road. The other suggested location is to leave the parking lot as is and build the field on the flyer's field. Whitney stated that there is a third option of putting the ball field at the north end of the west soccer field backing it up next to the existing softball field. Whitney continued to state that all the utilities are available at that location and there is no infrastructure on the east side of the Sports Complex. City Administrator Brown stated that the one obstacle to that location is the Kansas Wildlife and Parks designated that portion of the park in the original grant as a nature area. The Council briefly discussed the future location of the new bathrooms and all agreed it should be at a central location and visible from the street. Mayor Justice stated that he has had phone calls concerning removing the ball field from City Park and he is beginning to believe that there is not a consensus that the ball field should be removed. Justice continued to state that the people that he has talked to do not understand why the City would spend the money to develop a new ball field when there is already a ball field and it would take less money to upgrade the field and lights. Justice also stated that some people have been saying that City Park was donated as a quiet park and that is not a true. Justice stated that City Park could be updated and be made to look very nice with or without the ball field.

At 8:00 p.m. City Attorney Amerine entered the meeting. At 8:00 p.m. Mayor Justice suggested a 10-minute break.

9. Executive Session – Real Estate

MOTION: At 8:10 p.m. Council Member FitzGerald made a motion to enter into executive session for real estate purposes for a period of 5 minutes. Council Member Berntsen seconded the motion and it passed unanimously.

At 8:15 the Council returned to regular session with no action taken. Mayor Justice stated that the Council is authorizing Steve Martens with Grubb & Ellis to negotiate the contract per the Council discussions on behalf of the City of Clearwater and authorize the Mayor to sign the contract.

MOTION: Council Member Armstrong made a motion to authorize Mayor Justice to sign contract per Council discussions. Council Member FitzGerald seconded the motion and it passed unanimously.

Mayor Justice left the meeting. Council President York presided over the remainder of the meeting.

10. Review Meeting with Sedgwick County on Fourth Street Project

City Administrator Brown stated that he and Harlan Foraker met with Sedgwick County Public Works representatives Jim Weber and Joe Brand regarding the status of the Fourth Avenue project. Brown again reviewed that the Sedgwick County project from K-42 south on 135th W. to Diagonal Road has been rescheduled to 2010 and the Fourth Avenue project at a cost of \$1,100,000 has been scheduled as future, which is past the limit of 5 years. Brown stated that there are a couple options for the Fourth Avenue project. The options available is for the City to leave the project in 2013, do the project on our own and get a reimbursement in 2011, or the aggressive approach is to ask for a shift in Sedgwick County projects in 2010 and the City sign an inter local agreement. The Council would have to be sure they would fund the project in 2010 and not back out if the County switches their portion at \$400,000 from another project. Council Member Whitney stated that without the water study completed the Council does not know what might need to be done with the water and sewer lines that are at Fourth & Ross. After a lengthy discussion, the Council decided to leave the Fourth and Ross project at 2013 in the Sedgwick County CIP project until some additional information is received on infrastructure demands. Brown stated that if the City is prepared earlier then the City could request that Sedgwick County move our project forward a year.

11. Review RFP for Purchase of Backhoe

City Administrator Brown stated that the request for bid to purchase a backhoe has been sent to several dealers. The bids along with payment plans are due at City Hall on February 26th. Brown stated that this is just information and no action is requested from the Council.

12. Street Light on Salt Creek Court in Chisholm Ridge

City Administrator Brown stated at the last Council meeting staff was requested to send a survey to the eight residents in the cul-de-sac on Salt Creek Ct. to see if they were interested in a streetlight being installed. Brown stated that he received five responses with four being in favor of the streetlight and one didn't care either way. Council Member Armstrong stated that she drove around in Park Glen and all of the cul-de-sacs have streetlights at the end. Brown stated that the easement for the property has been returned. Brown continued to state that the quote from Westar to install the streetlight is \$1,155.00 and Brown asked the Council if they want to install the streetlight. The Council briefly discussed how it is determined at the time of the plat where streetlights are to be installed and who pays for the installation of streetlights.

MOTION: Council Member FitzGerald made a motion for the City not to pay for the installation of a streetlight at the end of Salt Creek Court. Council Member Whitney seconded the motion and it passed on a voice vote of 4 to 1 with Council Member Armstrong voting against the motion.

City Administrator Brown questioned the Council on what communication they wanted staff to relay to the residents. After a brief discussion, City Attorney Amerine advised staff that the Council found that there was not a profound necessity in the terms of traffic safety. There was a traffic concern but not enough to justify the cost of the streetlight. The Council discussed that it is not the money, but the fact that streetlight placement is decided by the developer and the City at the development stage.

13. Consent Agenda

By consensus, the Council approved payment of \$475.00 to KMU (Kansas Municipal Utilities) for the 2008 non-electric membership.

14. Reports

City Attorney Amerine reported that she attended City Hall Day in Topeka and spoke with Phil Journey concerning the problem of Minor In Possession cases being handled by Juvenile Court instead of handling them in Municipal Court. Amerine explained the problem and Mr. Journey was interested in working toward the problem, but it would be a long-term solution.

City Administrator Brown stated that he and Fire Chief Marvin Schauf attended the Fire District #9 meeting in Belle Plaine. Brown explained that the City has an agreement with Fire District #9 to provide fire service for the west 3/7 of London Township in Sumner County at a cost of 4 mills. The Council had discussed raising the cost for fire protection to 6 mills. Brown was informed by Fire District #9 that they are currently sending 4.7 mills and they do not think they can raise the mill levy for a portion of the district. Fire District #9 thinks in order to raise the fire protection mill there has to be an election, but they plan to

check with the Sumner County Clerk. Brown stated that currently the City is receiving just over \$5,000 per year from Fire District #9. There was some discussion if they would rather get out of the agreement rather than go through the hassle of trying to raise the mill levy for fire protection. Brown stated that there would be more information at a later date.

City Administrator Brown stated that he also spoke with a representative from Illinois Township concerning raising from 4 mills to 6 mills for fire protection. The contract for fire protection is with Illinois Township and not a fire district so it makes the possibility of raising the mill rate a different subject. Brown stated that he explained that the reason for the request for an increase is due to the City purchasing a new fire truck that would enhance the ability to fight rural fires. Council Member Armstrong questioned if the City is trying to get the rural area to pay for the entire cost of the new fire truck. Brown stated that the City residents would also be paying for the new truck.

City Administrator Brown reported that the tree trimming over the streets has been completed. Brown requested that Council members let him know if there are areas that might have been missed.

City Administrator Brown reported that A & E Labs that have been testing our wastewater samples has gone out of business. There are two choices of labs one being in Lenexa and the other one in Hutchinson. Clearwater is on monthly testing and it will have to drive the samples to Hutchinson. Brown stated that he should have a contract by next meeting.

City Administrator Brown reported that the City received notification from the State that the nitrates in well #2 are at 10 and that is the maximum level. Well #3 at the other end of City Park is at 9.3 nitrates and has been at that range for years. The water wells east of town are at about half that range. Brown reported that the air stripper has nothing to do with nitrates. The water from well #2 is also blended with water from the wells out east of town.

City Administrator Brown reported that the City does not have an agreement with the City Prosecutor. Currently the Mayor appoints the City Prosecutor. Brown continued to state that the subject of how the City Prosecutor is paid has come up because there was a case that was appealed to District Court and she is requesting additional pay. Brown stated that it should be spelled out whether appeal cases are paid out of the monthly retainer, since some month court cases are light or whether there is additional pay for cases appealed to a higher court. City Attorney Amerine stated that she has seen the prosecutor pay handled both ways. Brown stated that he would have a sample contract available for the next meeting. Amerine explained the appeal process. Amerine stated that anyone could appeal a judgment from the Municipal Court to a completely new trial at District Court. The prosecutor from Municipal Court handles the case in District Court instead of the District Attorney's office. The case is in front of a District Judge and is in a District Court room.

City Administrator Brown reported that Public Works is repairing various windmills around the City.

City Administrator Brown stated that the Public Works department is in the process of purchasing uniforms.

Council Member FitzGerald questioned if the area east of Clearwater has been surveyed for the placement of the "Welcome to Clearwater" rock? City Administrator Brown stated that it has been surveyed, and he can have a surveyor mark the boundary. FitzGerald stated that he wants to get that project completed.

Council Member FitzGerald stated that he first brought up the crosswalk at Chisholm Ridge in May of 2007 and he had a call as to when it would be completed. City Administrator Brown stated that signs have been installed and the weather has to warm up before the lines can be painted on the street according to Sedgwick County Road Department.

Council Member FitzGerald stated that the 1965 Chevy flat bed truck that the Public Works is using does not look good going down the street. FitzGerald questioned if something could be done about upgrading the truck to make it look better.

Council Member Armstrong reported that she attended the REAP meeting and there was a vote to amend the bylaws to include the Water Resources Board. Armstrong reported that there would be tour of the ASR Fields (water recapture and putting it back into the aquifer) leaving from the WSU Metroplex at 2:00 p.m. on March 7th.

Council Member Berntsen stated that he noticed that the old Dodge Intrepid is still being stored in the EVS building. City Administrator Brown stated that he would check on the status of selling the vehicle.

Council Member York stated that he was contracted by a member of the Flyer's Club wanting to know if the City is willing to get rid of or sell the mobile home frame at the dump. After a brief discussion, the Council suggested that the Flyer's write a letter to the City stating their proposed use.

City Administrator Brown stated that Greg Hilley has contacted the City and he is constructing a new building and he has some topsoil that he would give to the City just for hauling it away. By consensus, the Council agreed to haul the topsoil.

15. 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 February 12, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of February 2008.

Cheryl S. Wright, City Clerk