

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

**CITY COUNCIL MEETING**

**MINUTES**

**February 26, 2008**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 26, 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, Judy Armstrong, and Jim Whitney. Council Member FitzGerald 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 Tom Winters, Sedgwick County Commissioner; Joe Brock, Sedgwick County Noxious Weed/Household Hazardous Waste; Ernie Misak, Clearwater Public Works Director, Paul Rhodes, Times Sentinel; Marvin Schauf, Fire Chief; and Don Fitch, citizen

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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 February 26, 2008**

**MOTION:** Council Member York 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, appointed Roy Riggs as part time Police Officer and Mark Bailey as Police Reserve.

Mayor Justice introduced Jodi McBee the newly hired Deputy City Clerk. Jodi stated that she worked at Conway Bank in Wichita, that she is married to Mike, has two children Sydney 8 and Raegan 3 ½ and lives on S. Grant.

3. **Public Forum**

No one addressed the Council.

4. **Sedgwick County Commissioner – Tom Winters**

Tom Winters stated that he was pleased to be in Clearwater and is here with his County Commissioner hat on to introduce Joe Brunk. Winters stated that before his introduction he would like to put on his REAP (Regional Economic Area Partnership) hat. Winters continued to state that he is the chairman of REAP, which is made up of 35 local governments including 7 counties and 28 cities with Clearwater being one of the cities. This is a good group of elected officials that are doing good things in the area of affordable airfares and workforce development. REAP is the main pass through of Federal Department of Labor dollars that come into this region. Winters stated that he would like to thank Judy Armstrong for her faithful participation at meetings, attending summits and seminars and all of her work for REAP.

5. **Request for Hazardous Waste Remote Collection Event**

Sedgwick County Commissioner Tom Winters introduced Joe Brunk, Director of Sedgwick County Noxious Weed/Household Hazardous Waste facility located near the corner of Stillwell and Seneca in southwest Wichita. Winters continued to state that the concern is about how to make Sub Title D landfills as safe as they can be. Sub Title D landfills are ones that are approved by the federal government to take hazardous household waste. There are strict guidelines on how the landfills are to be constructed, how they are to be monitored and how they are to be operated. Winters stated that there is always a concern if a landfill should develop a leak and like everything else prevention is the best part of preventing a problem. Sedgwick County is encouraging their citizens to not put hazardous waste in the regular trash. Winters continued to state that we all know that there is stuff in the garage, utility room, and under the kitchen sink that we don't want or use any more. Sedgwick County has started a process of having remote collection sites for hazardous waste and would like to have one in Clearwater this spring.

Joe Brunk started with a brief history of the household hazardous waste collection program, stating that the program started about 5 years ago and has grown, is more conveniently located, and is open more hours. Brunk stated that he is here to ask the Council to co-host with Sedgwick County on a household hazardous waste remote collection event. Brunk stated that Sedgwick County would organize, operate and bear most of the expenses for the event. The event is for the collection of household hazardous waste and not for businesses in the area. The City of Clearwater is asked to provide minimal equipment and services.

Sedgwick County provides/funds the following:

- a. Trained labor for sorting, processing, and packaging the waste
- b. Transportation of hazardous wastes
- c. Hazardous waste disposal costs
- d. Tent, tables, and miscellaneous equipment
- e. Oil trailer
- f. Labor for set up and take down
- g. Advertising for the event (regional)

City of Clearwater provides/funds the following

- a. Labor to unload the vehicles (no special training, can use volunteers)
- b. Traffic signage and traffic control
- c. 20 cu yd trash dumpster and trash disposal cost (dump truck or other may be acceptable)
- d. Site to hold the event
- e. Advertising for the event (local)
- f. Forklift, with or without operator
- g. Site cleanup before and after the event

Joe Brunk stated that he and City Administrator Brown found a perfect site for the event. The location would be in the parking lot on the west side of the EVS building. The vehicles can enter on Ross and exit on Grant. The date for the event is scheduled for April 5<sup>th</sup> and the event would be operated for four hours. Mayor Justice suggested that the event be held from 9:00 a.m. to 1:00 p.m., as it would be a better time for him to get students needing community service to help with the event. Brunk stated that the collection site would be for any chemical that comes from the house, batteries, fluorescent lights, and medicine.

**6. Council Recommendation on Membership and Participation Agreement Southern Kansas SWAT**

City Administrator Brown stated that last year the Council approved an agreement for participation in Kansas SWAT. The only change to the agreement is a name change and the make-up of the board. Mayor Justice questioned if Officer Luckner is only involved? Brown stated that Officer Luckner is the only officer participating and Chief Demars is on the board. Brown stated that he just wanted the Council to look over the agreement to see if they have suggested changes.

**7. Review Proposals for Purchase of Backhoe**

City Administrator Brown reviewed the bids received from four different suppliers

Public Works Director Ernie Misak stated that all but the B115 from Wichita Tractor and the 4CX from Sellers Equipment are standard backhoes with large tires in the back and

small tires in the front. The B115 and the 4CX are loader backhoe with four equal sized tires and are similar to a high loader. Misak stated that he did contact Sellers Equipment and for \$2,200 a 5 year 3,000 hour warranty could be purchased. Misak continued to state that normally there is 500 hours put on the backhoe in a year. Misak stated that he would like to review the specs more thoroughly and would like to operate a couple of the hoes at the facilities to see the difference in operation from a standard hoe and a loader hoe before a decision is made. Mayor Justice stated that from a previous conversation he believes that all of the backhoes would fit on the trailer that Public Works has requested to purchase with the exception of the Cat from Foley Equipment. Misak stated that Sellers Equipment has no guarantee of a buy-back, but the rest of the vendors do have a buy-back option and the best value for a trade-in is at 2,000 hours. Misak stated that he would have a recommendation for the Council at the next meeting. After a brief discussion, Mayor Justice requested that staff talk to the local banks concerning financing.

Ernie Misak left the meeting.

**8. Authorize RFP to Finance Land Purchase**

City Administrator Brown stated that at the last meeting the Council authorized Steve Martens to present a contract for the purchase of land that is in the northwest NW ¼ Sec. 24. Brown stated that the total amount required at closing is \$345,000 after the \$5,000 earnest money was paid. Closing on the land is scheduled for March 20<sup>th</sup>. Brown continued to state that he is requesting authorization to send out to the local banks a request to finance the purchase of the land by a lease/purchase agreement. By consensus, the Council authorized Brown to sent out the RFP. Brown stated that he would have bids available at the next meeting.

**9. Request to USD #264 Board for Information on Generator for a Possible Community Shelter at School Facility**

City Administrator Brown stated that he was approached by Council Member Whitney concerning the City trying to work with USD #264 on how a generator could be attached to the electrical systems at one of the schools for use as a Community Emergency Shelter. Council Member Whitney stated that after a meeting with Superintendent Mike Roth and Mike Petersen they have found out that the current emergency generator at the high school would only run the emergency lighting, the security controls, and the coolers. Whitney stated that in order to have a Community Emergency Shelter an electrical engineer would have to be hired to find out how to get emergency power to the locker rooms for shower facilities, commons area, and the kitchen. The question is who is going to pay for the initial study? Whitney stated that he is suggesting that the City and USD #264 step in and assist the members of the community that have been working with the Red Cross to find the best possible place in the City of Clearwater for a Community Emergency Shelter that

could have emergency power. The Methodist Church is good for a temporary stay, but the restroom and shower facilities are limited and the amount of people that could be adequately served is limited. Whitney stated that he wants to know if there is a consensus of the Council that this is a project that they want him to continue to pursue and if it is then should it be on the agenda for the next joint City USD #264 meeting. After a brief discussion, the Council agreed to send communication to the USD #264 Board that the City would be willing to pay for half of the cost of hiring an Electrical Engineer for a study of facilities. After the study both boards would know if there is a building that would be feasible and the estimated cost of the project. After receiving the results of the survey, then the information could be brought before the taxpayers to see if there is any interest in using tax dollars for a Community Emergency Shelter.

Don Fitch stated that he suggests inviting the Red Cross to give a briefing on what is a shelter, their requirements for operating an emergency shelter, and what to expect in an emergency situation. Fitch continued to state that there are 50 volunteers trained to operate the shelter and they have the ability to serve 70 people. The only problem with the Methodist Church is that there is not an emergency generator in case there is a power loss. Fitch stated that with a Red Cross shelter there could be a situation where you would be asked to house emergency victims from other states and this could create a problem using the school.

**10. Request From Jeff Laha to Use City Park Shelter and Block off a Portion of Ross for Summer Scorchers August 9, 2008**

City Administrator Brown stated that he received a request from Jeff Laha to use the City Park shelter and to block off Ross Avenue from First to Fourth for the 2<sup>nd</sup> Annual Clearwater Summer Scorchers Road Race. The road race will be held on August 9<sup>th</sup> and replaces the road race that used to be held during Fall Festival. By consensus, the Council approved the request from Jeff Laha.

**11. 2008 Private Vehicle Mileage**

City Clerk Wright requested to raise the mileage rate paid to employees using their private vehicles for City business. Wright also requested that the Council establish that the private vehicle mileage reimbursement rate would be determined from the State of Kansas Website/Accounts and Reports as authorized by K.S.A. 75-3203a and such be made part of the Personnel Rules and Regulations Handbook. By consensus, the Council approved the request.

**12. Reports**

City Attorney Amerine reported that in March she would be attending the Attorney's meeting at the Rural Water Board.

City Administrator Brown reported that General Laboratories, Inc. in Hutchinson does not have a formal contract. The charge per month for the testing of wastewater samples is \$162.00, which is about \$100.00 per month less than A & E Laboratories. The reduction in cost will be lost by the trips to Hutchinson to deliver the samples.

City Administrator Brown reported that Police Chief Demars would be out of town for the rest of the week for family medical purposes.

Council Member Whitney reported that there is a vehicle sitting on the street at 431 S. Third with a "07" expired tag.

Council Member Whitney stated that he has gone around town and thinks that the tree trimming looks good.

Council Member Whitney stated that he has had several neighbor complaints concerning the property at 231 N. Prospect. It appears that the people have moved and left a lot of trash in the yard. Mayor Justice requested staff to send a letter to the last known owner.

Council Member Armstrong stated that she attended the Senior Advisory meeting and things seem to be going very well. The new planning board is getting along very well and more activities are planned.

Council Member York stated that he received a letter from Charles Smith representing the Chisholm Trail R/C club. City Administrator Brown read the letter as follows: "The Chisholm Trail R/C club would like to have the mobile home frame currently at the city dump. We would like to use it for a walk bridge across the creek on our current club site. If you have any further questions concerning this matter you can contact Charlie Smith at 584-6920 or David Freeman at 316-522-5797. Thank you for the support you have shown our club, and your time in considering this matter." By consensus, the Council approved to give the mobile frame to the Chisholm Trail R/C club.

Mayor Justice stated that he has had conversation with three members of the Clearwater Recreation Commission concerning the City Park and Sports Complex. Justice continued to state that he is not hearing much support for moving the ball diamond out of City Park. Justice continued to state that he thinks that the Council is going to have to make a final decision one way or another on the ball diamond. If the ball diamond is not going to be moved then a fence should be installed and then the Park Advisory Board and Council would have a better idea which portion of the park can be used for other activities. Justice stated that the skate park should never have been put at the Sports Complex and it should be moved to City Park by the school buildings and by where the kids hang out that use the skate

park. If the skate park is moved then there should be a plan and the skate park needs to be done right. The Council briefly discussed putting some shade structures at the Sports Complex and discussed various parts of City Park.

**13 Executive Session – Attorney Client**

**MOTION:** At 8:30 p.m. Council Member Berntsen made a motion to enter into executive for attorney client purposes for a period of 60 minutes. Council Member Armstrong seconded the motion and it passed unanimously.

At 9:20 p.m. the Council returned to regular session with no action taken.

**14 Adjournment**

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

Given under my hand and official seal of the City of Clearwater, this 11th day of March 2008.

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Cheryl S. Wright, City Clerk