

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

July 22, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, July 22, 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; Jodi McBee, Deputy City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Kim Demars, Police Chief; Donald Schauf, EMS Director; Marvin Schauf and Mary Schauf, Fire Department

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 July 8, 2008

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

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. **Executive Session-Personnel**

MOTION: At 6:35 p.m. Council Member York made a motion to enter into executive session for a period of 5 minutes for personnel reasons. Council Member FitzGerald seconded the motion and it passed unanimously.

At 6:40 p.m. the Council returned to regular session with no action taken.

Mayor Justice appointed Jodi McBee Acting City Clerk for the time period of July 24-August 18, 2008, while City Clerk Wright is on a leave of absence.

5. **Final Plat Clearwater Business Park**

City Administrator Brown reviewed the final plat for the Clearwater Business Park. The Planning Commission has already approved the final plat with a few changes, which have been accomplished by Harlan Foraker. Brown reviewed the drainage plan, with a discussion of water flow in the development into the 3 drainage ponds and further into Fourth Street ditches on the west side and a creek on the east side. Council Member Whitney spoke about the slope of the retention ponds being maintainable. Whitney was concerned that the ponds slope would be too steep to mow, like the pond on Janet. Brown also discussed pond detention storage and the size of piping leading out of the ponds. Brown then discussed the planning commission additions and improvements to the original plat. Brown stated there is enough of a fall from the Business Park to Chisholm Ridge for a sewer line, consequently, an easement was added to the south end of the park. The Planning Commission also added an 80-foot contingent street easement between Stars and Stripes and Duraform and on the east edge of the property, which will also include the utility easement. The east designated contingent street easement will be for a possible future street to connect the business park with 103rd near the high school. There is also a 200-foot flood way easement along the creek on the east side of the property, which follows FEMA's flood plain. Brown mentioned the roads in the park would need to be named before the final plat goes out for record. Mayor Justice asked if lots maybe further subdivided later. Brown stated industrial lots maybe subdivided more often than residential.

MOTION: Council Member FitzGerald made a motion to approve the final plat of the Clearwater Business Park. Council Member Whitney seconded the motion and it passed unanimously.

City Administrator Brown requested council give direction to have Harlan Foraker submit a contract to draw up specifications for utilities. Mayor Justice asked if the county needed to approve the plat. Brown stated the final plat would just have to be recorded in the

register of deeds office and then land would be ready for sale. With no more discussion, Council gave consensus for Harlan Foraker to submit a contract to draw up specs for utilities in the Clearwater Business Park.

Council Member Berntsen excused himself from the meeting and took a seat in the audience at 7:10.

6. Bids on Concrete Approach in Alley Between Lee and Tracy

City Administrator Brown stated bids were received for a concrete approach in the alley between Lee and Tracy. The approach is necessary to relieve flooding in the yards of David Coon and Ruby Fisher. Steve Swift Construction submitted a bid in the amount of \$1420 and Triple B Construction submitted a bid in the amount of \$1242.00. Brown stated staff recommended taking the low bid.

MOTION: Council Member FitzGerald made a motion to approve Triple B Constructions bid of \$1242 for the approach in the alley in the 100 block south between Lee and Tracy of \$1242. Council Member York seconded the motion and it passed unanimously.

Council Member Berntsen rejoined the meeting at 7:15.

7. Police Vehicle Lease

Mayor Justice stated Council had previously requested Chief Demars get an additional quote on a police truck. Justice asked council for some discussion on how the police truck should be replaced and whether the current police truck should be handed down to the Public Works Department. City Administrator Brown stated the previously approved patrol vehicle had been picked up by the Police Department from Olathe Ford. A quote for a 2008 Ford F-150 truck and a 2008 Ford Crown Victoria were received from Olathe Ford for an additional police vehicle and a quote from Lubbers Ford in Cheney was received for a truck for Maintenance. The police lease purchase vehicles agreement does not have a residual at the end of the lease, where the truck for Public Works would have a lump sum amount to pay at the term of the lease. Brown stated the quotes for the car and the truck were almost equal from Olathe Ford. Council Member Whitney stated he thought that handing down the truck to the maintenance department would be the best value, as the city already owned the truck. Chief Demars stated he had no preference for a car or a truck. Council Member York asked what would be done with the Ford Ranger that Ernie Misak, Public Works Director, was driving. Brown stated the older Ford that Jim Vulgamore was driving would probably be the truck that needed replacing. Chief Demars suggested handing down the retired public works truck to the Animal Control Officer. Council Member Berntsen

asked Chief Demars if the quoted truck was suitable for his purpose. Demars stated that the only thing that needed to be done to the new truck would be to switch over the lights. Demars stated that the truck could be used in transporting prisoners and hauling equipment. Council Member FitzGerald stated he like the idea of being able to hand down trucks from department to department. Council Member Whitney stated that since the price difference between the car and truck was so minimal, it would be advantageous to the city to have a truck that could be used within different departments. Mayor Justice stated that Misak could decide which Public Works vehicle could be passed to the Animal Control officer and the animal control truck could be sold at auction.

MOTION: Council Member York made a motion to enter into the lease purchase agreement for the 2008 Ford F-150 from Olathe Ford in the amount of \$23,760.00 for the police department. Council Member Berntsen seconded the motion and it passed unanimously.

Officer Demars requested that Intrepid be stripped and taken to auction to be sold. Council gave consensus to take the last Dodge Intrepid to auction.

Mayor Justice asked Chief Demars what could be done to better mark the four way stop at 4th and Ross. There was a wreck at that intersection earlier today where a large uniform truck ran the east bound stop sign and hit a car, with the driver of the car only receiving minor injuries, but the accident could have been much worse. Chief Demars said he has officers sit at that intersection every day and the problem is constant. Council discussed several options for improving the intersection. City Administrator Brown said he would get with the county to find a solution.

8. Park Board Review of Rendered View of City Park Plan & Recreation Commission Actions

City Administrator Brown distributed the updated rendered view of the city park by Landworks Studio. The modifications that the Park Advisory Board and Council had suggested were included along with a stage at the north end of the park. Brown stated that he and Mayor Justice had sat in on a Recreation Commission meeting. Both Justice and Brown stated the meeting was positive. The Recreation Commission has offered \$100,000 toward the installation of new lighting at the city park ball field with any money left over to be used for any improvement to City Park that the council sees fit. . Council Member FitzGerald stated he was concerned that the Recreation Commission trying to buy their way into keeping the ball diamond at City Park. FitzGerald said there are other expenses at the Sports Complex that could be paid with the Rec. Commission's money. Mayor Justice stated that since the money is a gift from the Recreation Commission, the city should use it how they requested. Brown went on to discuss the lighting at City Park ball fields. Brown has met

with a representative from Mussco, a lighting company, who is working on a bid for the lights at the ball diamond, which needs to be replaced due to age. Brown stated the estimate would be ready by next council meeting. Jim Whitney stated he had been out to the park to measure where the temporary fence would be set for the ball field. Whitney said there is only 82 feet between the 275 foot fence line and the west edge of the shelter house and that isn't very much room. York also stated his concerns with the placement of the light poles. After a lengthy discussion, council decided no action be taken until an estimate for lighting is received from Mussco.

9. 2009 Budget

City Administrator Brown reviewed the 2009 Budget. Brown stated that this budget, with the recommended changes from council, would have the mill levy would go down about a mill and one half. Cuts within the budget were with the façade of City Hall, Economic Development, and a reduction in City Park improvements. Council Member Whitney asked if the mill levy stayed the same would the city be able to start the improvement to City Hall, start the generator, and start the park improvements. Council discussed whether to lower the mills or leave them same. After a short discussion, Council gave consensus to leave the mill levy the same as last year. Brown went on to discuss the water fund. The cash balance has been going down. Brown suggested looking at increasing revenue by raising water rates, both base and usage. Council discussed increase options. Mayor Justice mentioned rates haven't been raised since 1996. Council directed staff to research surrounding communities' water and sewer rates. Council Member FitzGerald asked if the water study has come back. Brown stated it had not. City Attorney Amerine stated that many times the water studies come back with recommendations to increase water rates. Staff will come back to next meeting with water fees and the budget hearing could be set at the next council meeting. Brown stated that the sewer fund is in balance at this time, but the city will have to look at raising rates for sewer as well. Council Member Berntsen asked if the rate could be raised again in a month if the initial rate increase was deemed insufficient. Brown stated it could be raised again if needed. City Clerk Wright stated other communities are also calling to investigate water and sewer rates. Council Member Whitney suggested looking at a rate structure for increasing in increments every year or other year. Brown stated that a rate increase before the end of the year would help start getting the water fund back on track.

Judy Armstrong joined the meeting at 8:35

10. Consent Agenda

City Administrator Brown stated annual maintenance for the water tower by Utility Service Company is due to be paid in the amount of \$4751.80. Council gave consensus to pay the Utility Service Company \$4751.80 for annual service of the water tower.

11. Reports

City Clerk Wright stated the auditor report is not complete, but the auditors found an error in the billing for the school district. In 2007, the sewer rates were calculated incorrectly. The school was overcharged in the amount of \$4877.26 over a nine-month period. Wright suggested refunding the amount in a one-time refund.

MOTION: Council Member Armstrong made a motion to refund \$4877.26 USD #264 for over charges on the sewer. Council Member Berntsen seconded the motion and it passed unanimously.

City Administrator Brown stated the Village has been asked to put a sidewalk to the Senior Center. The city would need to extend the sidewalk from the Senior Center with a curb cut and across the street would need a curb cut and meet the Village's sidewalk. Steve Swift Construction, who is doing the work for the Village, gave a quote to the City for \$1325 for the sidewalk on City Property.

MOTION: Council Member York made a motion to approve the proposal from Steve Swift Construction to install a sidewalk on city property from the Village property line to the Senior/Community Center in the amount of \$1320. Council Member Berntsen seconded the motion and it passed unanimously.

City Administrator Brown reviewed the agreement between the Good Neighbor Nutrition Program and the Senior Center. The Senior Center hasn't had an advisory board in past, and now that it does; the board can give the Senior Center director authority to sign the agreement. Brown needs council consensus to approve the structure of signing the agreement. Brown stated that the advisory board was set up to run the Center and that the authority should be given to them to give to the director. After a short discussion regarding the relationship between GNNP and Senior Center, council gave consensus for the Senior Center Advisory Board to give authority to the Director to sign agreements.

City Administrator Brown reported the Recreation Director Zook and her summer employee had cleaned up the area around the Chisholm Trail Historical Marker at the Sports Complex. The sports complex has also been sprayed for weeds and they were working to remove the dead weeds in the field and along the fences. The redo of the fence quote for Field #2 has yet to be received.

City Administrator Brown report the Public Works department was in the process of the wide crack repair 100 and 200 block of S. Gorin. With high oil and asphalt prices, Brown recommended to continue with the wide and some small crack repair in the streets,

but hold off on the biannual street project until the business park entrance is ready to be installed. Hopefully, oil prices will come down and resurfacing could be included in the price of the streets in the Business Park. Mayor Justice clarified that Brown doesn't want to hold off for two years on the street project, just delay it until prices possibly drop and the business park entrance is ready to be installed.

City Administrator Brown stated the Public Works Department was continuing to change out water meters, which would increase the accuracy of water usage. Public Works is going to start changing out a water line next week at Garvey Elevator due to several water leaks in the past few months.

City Administrator Brown stated the drainage project at City Park has started. The council had previously approved 300 feet to be done. Brown is going to have them finish it to the bridge. Council Member FitzGerald asked whether the ramp at the cross walk was going to be done in this project as well. Brown stated he needed to get with the school to see if they would help in the cost since it is on their property.

An individual who lives on Diagonal Road regarding trash service approached City Administrator Brown. They would like city trash service, due to the considerable cost difference in getting trash service on their own. Council stated they would consider annexing the property into the city and only then could they receive utilities and trash.

Council Member Whitney asked whether the city wheat had been sold. City Administrator Brown stated that it had not.

Council Member FitzGerald stated there were several low hanging limbs in the town. FitzGerald suggested next time the city trims trees it should be when the trees have leaves on them.

Council Member FitzGerald stated that it had been previously approved to hire a part time recycle employee to man the recycle center on the first and third Saturdays of the month. FitzGerald asked why someone hadn't been hired yet. City Administrator Brown stated that he had been trying to contact someone regarding the employment opportunity but was still trying to get in touch with them. Fitzgerald also mentioned looking into a chopper to chop plastic to save space and transportation costs. Council Member York questioned whether the Council could consider increasing recycle times. He has come across several instances when large amounts of recyclable could have been dropped off to the recycle center, but no one was available to open the building. Brown stated that a public works employee could be contacted to assist in drop off of recyclable if they were at the city shop. Mayor Justice agreed, but didn't want city employees called from another project to unload recyclables. After a discussion on recycling, Brown stated the city might consider adding additional times

to the recycle center.

Council Member Whitney mentioned the weeds on Beagley's and Falke's properties were getting tall. Whitney asked if the city could mow the property and send the bill to the property owner. Brown stated the city was set up to do so. Mayor Justice stated he agreed with Whitney, that if a letter had been sent to the property owner and the owner didn't take care of the weed problem, the city should have the property mowed and add the bill to their taxes.

City Attorney Amerine stated she did work with Steve Marten's attorney on the listing agreement for the business park property, the agreement has been signed and Marten's is now the City's broker.

Mayor Justice stated some new residents were complimentary toward city staff for being friendly and helpful. Justice commended staff for their work.

Mayor Justice requested Public Works mow and spray the weeds at the end of the drainage ditch and around the curb on Kansas and 4th.

12. Executive Session-Personnel

MOTION: At 9:17 p.m. Council Member FitzGerald made a motion to enter into executive session for a period of 5 minutes for personnel reasons. Council Member Berntsen seconded the motion and it passed unanimously.

At 9:22 p.m. the Council returned to regular session with no action taken.

MOTION: Council Member FitzGerald made a motion to compensate Jodi McBee \$100 per week in absence of Cheryl Wright. Council Member Berntsen seconded the motion and it passed unanimously

13. 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, Acting 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 July 22, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of August, 2008.

Jodi McBee, Acting City Clerk