

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

November 25, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 25, 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: David FitzGerald, Jim Whitney, and Mike York. Mike Justice, Lyle Berntsen, and Sandi Keeler were absent. 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 Leah Henry, Ashton Watt, Luke Westbrook, Alyssa Campbell, Austin Buller, Amanda Newlin, Chuck Marsh, Chelsea Hines, Kaci Wells, Kaitlin Stearns, Kurtis Hoover, Katelin Horsch, Svenja Hoft, Luisa Gentile, Alexandra Friday, Matthew Moore, Jonathan Mettee, Tate Bowman, Tyler Spencer, Jacob Headgepath and James Burnett, Clearwater High School Government students.

Council Member York called the meeting to order at 6:30 p.m. York 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 11, 2008

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

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. Ordinance Amending Various Sections of the Municipal Code to Coincide with the

Zoning Code on Telecommunications Towers

City Attorney Amerine stated that an ordinance was drafted amending various sections of the municipal code to coincide with the zoning code on telecommunications towers. The ordinance was reviewed and recommended for approval by the Planning Commission. The ordinance is correcting some wording in the Telecommunication Ordinance, which refers to the old zoning code. Amerine stated that the phrase “The Zoning Ordinance for the City of Clearwater” replaced all references to the Chapter 17 of the previous zoning code. There are no other substantive changes. City Clerk Wright assigned Ordinance No. 900.

MOTION: Council Member Whitney made a motion to adopt Ordinance No. 900 Amending Various Sections of the Municipal Code to Coincide with the Zoning Code on Telecommunications Towers replacing the reference to Chapter 17. Council Member FitzGerald seconded the motion and it passed on a roll call vote 3 to 0.

5. Contract with Musco Lighting and/or Reeves Electric for Lights in City Park

City Administrator Brown stated that Council had directed staff at the last Council meeting to renegotiate the contract with Musco Sports Lighting to include several changes. Musco agreed to all the changes but that of adding Reeves as a subcontractor to Musco. One change in the revised contract is a retainage of 10% until the lighting is installed and in working order. Section 8 of the agreement allows for retainage, but later in Section 12 of the contract there is reference to no retainage being allowed. Brown stated he reviewed that section with Brad Thompson and Karen Robinson of Musco and they will allow the City to strike out the no retainage statement in Section 12 of the Manufacturer’s Agreement. Brown continued that the previous agreement with Musco for the lighting at the Sports Complex was handled in the same way this one is proposed. Musco was the equipment supplier and Decker Electric was the electrical installation contractor for the City. There was no agreement with Decker only a bid. Brown stated they would take an extra step with this project. Brown and City Attorney Amerine will be working up an agreement with Reeves Electric to install the lights at City Park.

MOTION: Council Member Whitney made a motion to approve the Manufacturer’s Agreement with Musco Lighting in the amount of \$41,000 with the sentence regarding retainage in Section 12 being struck from the agreement. Council Member York seconded the motion and it passed with a vote of 2 to 1, with Council Members Whitney and York in favor and Council Member FitzGerald against the motion.

Brown stated with the approval of the agreement, Musco can get started with the manufacturing of the lights. Brown stated he would have to contact Musco so they could install the proper brackets to mount the additional lighting that had been requested by Council at previous meetings. Council Member FitzGerald stated that there needs to be lighting aimed more toward the park area. Council directed staff to request Musco to add the brackets for security lighting on the back of the poles.

Brown reviewed Reeves Certificate of Insurance, which includes \$2,000,000 liability coverage. Reeves insurance would cover any damages to the lighting equipment from unloading of the equipment to completion of installation. Council Member York noted that there was no dollar amount stated under Workman's Compensation. Brown also stated that he suggested Reeves get a Performance Bond. The performance bond guarantees the installation of the lights is complete if Reeves is unable to finish the job. The cost of that bond, \$400-\$600, would be in addition to Reeves original quote, since that was not originally requested. City Attorney Amerine stated she would recommend that the City request the Performance Bond. Brown continued to review the materials and service list provided by Reeves Electric. Brown stated another option would be to have Reeves install conduit for a future sound system. Council agreed the work for a future sound system could be done at a later date. Brown stated that Reeves would have 6 poles removed from around the ball field and 2 poles in the park area will be cut to 30 feet to allow power to be supplied to the well house. After a brief discussion, Council agreed the City would request Reeves obtain Workman's Compensation insurance coverage and a Performance Bond.

6. **Supplemental Contract with Kansas Fence to Redo Fencing on Field 2 & 3 at Sports Complex**

City Administrator Brown stated a solid quote was received for the fence at Field 2 at the Sports Complex. A revised drawing of the field with 190-foot sidelines and a 215-foot center field was sent to Kansas Fence. The bid came back at \$16,882, which was lower than the previous bid. Brown stated the bid is still out for the fencing at Field 3.

MOTION: Council Member Whitney made a motion to approve Kansas Fence's revised bid of \$16,882 to fix the fence at Field 2 in the Sports Complex. Council Member FitzGerald seconded the motion and it passed with unanimously.

City Administrator Brown stated that the payment for the fence at both Fields 2 and 3 will be split 3 ways between the City, USD #264, and the Clearwater Recreation Commission. The Recreation Commission and the School District each agreed to a maximum of \$8,000 to be spent on Fields 2 and 3.

7. **Council Discussion on Whether to Continue Tax Rebate Incentive Program**

“Neighborhood Revitalization”

City Administrator Brown explained that the tax rebate incentive program “Neighborhood Revitalization” was implemented 3 years ago to encourage improvement to property in the City of Clearwater. The program reimburses the difference in property tax after the improvement of property in the City of Clearwater, except for Park Glen and Chisholm Ridge. The rebated money comes from the City, Sedgwick County and USD #264 and is paid for a 5-year term. The payment schedule declines over that 5-year term. Application must be submitted to the City. The rebate may start after completion of the project and assessment by the County Appraiser. Council Member York asked whether the rebate is transferable upon sale of the property. Brown stated the new property owner would receive the rebate to the 5-year term. City Clerk Wright stated the process takes a couple of years from start of the project to receipt of the rebate. Brown went on to explain that the program is ending at the end of 2008 and if the City would like to keep the program going, then the other entities involved need to be contacted to see if they have interest in renewing the program for another 3 years. Council directed staff to look into keeping the Neighborhood Revitalization program going. City Attorney Amerine suggested reviewing the physical boundaries of the program since the annexing of the properties north of the City and the Business Park has been done since the program originated. Brown stated he would find out if there is any interest from the county and the school district in renewing the program before Council looks at the details.

8. Staff Direction on Rebuilding Restrooms in City Park

City Administrator Brown requested to table the discussion on rebuilding the restrooms in City Park for a later meeting.

9. Reports

City Administrator Brown stated a proposal has been received from Steve Swift Construction to finish the sidewalks around the ponds at Chisholm Ridge. A portion of the proposal is to install sidewalk on the southwest corner of the west pond, connect the sidewalk to the crosswalk on Ross and to connect the sidewalk to the east pond for \$2,400. The other portion of the proposal is to pour a drainage slab at the low water crossing from the west pond for \$1,250. Council Member FitzGerald stated that the sidewalk to the crosswalk on Ross needed to be put on hold until Sedgwick County informs the City whether the crosswalk can be moved. Council Member Whitney agreed that if the price could be adjusted, the sidewalk to Ross should be put on hold.

MOTION: Council Member FitzGerald made a motion to approve the proposal from Steve Swift Construction for \$1,250 for the drainage slab at the low water

crossing of the west pond and adjust the price of the \$2,400 proposal to install sidewalk at the southwest corner of the west pond and connect the sidewalk to the east pond and exclude the sidewalk to Ross. Council Member Whitney seconded the motion and it passed unanimously.

City Administrator Brown stated that the Maintenance Department is working to fix a 2-inch water line that was hit by another utility company north of town along 129th St.

City Administrator Brown stated that there is a fire hydrant leaking at Hellar & Gorin. The hydrant is old and the top is loose. It doesn't have a valve, so a valve will have to be purchased in addition to a new fire hydrant.

City Administrator Brown stated that the force main at the main sewer line coming out of Park Glen is going to be cut off and attached to the line running along the ditch on 4th Street. The lift station pumps in Park Glen are running all the time and this should alleviate that problem.

City Administrator Brown stated that he had a discussion with Council Member Whitney & Public Works Director Misak regarding getting well water run to the large baseball diamond at the Sports Complex. All the other fields have been converted to well water, this field is the only one left that is on City water.

City Administrator Brown stated that he attended a recycling seminar put on by Waste Connections. They will be initiating a program for single stream curbside recycling in the area for their customers. There would have to be a change in the franchise contract to take advantage of the program in the City of Clearwater. Brown stated he was making the Council aware of the new program because Sedgwick County will probably require curbside recycling at some point in the future.

City Administrator Brown stated the 2nd meeting in December is on the 23rd. Council Member FitzGerald stated he would be in favor of cancelling that meeting. Brown stated that whether the meeting was held would depend on if there were any agenda items and if there were enough Council Members able to attend.

Council Member Whitney stated that he met with City Administrator Brown regarding items at the Sports Complex that needed some attention. There is quite a bit of work that needs to be done on the fence at Field 3. Public Works Director Misak is looking into getting well water hooked up at Field 1. Whitney stated he noticed a majority of the stubs had been cut off the trees and they looked much better and safer.

City Clerk Wright stated the new water and sewer rates have been implemented and

will be mailed on the November 20th billing.

10. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member FitzGerald moved for adjournment. The motion was seconded by Council Member Whitney 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 November 25, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 9th day of December 2008.

Jodi McBee, Deputy City Clerk