

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

August 11, 2009

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 11, 2009, 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, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. Lyle Berntsen, 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 Paul Rhodes, Times-Sentinel Newspaper; Donald Schauf and Bill Kenney, Clearwater Emergency Services; Mary Schauf, Clearwater Volunteer Fire Department; Gene Garcia, Clearwater Police 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 28, 2009

MOTION: Council Member York 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

There were no appointments or resignations.

3. Public Forum

Mary Schauf stated she had driven through Harper and noticed there was a cage where people could dump their cardboard boxes for recycling. Schauf stated she thought a recycle drop off site for boxes would be good for people who are moving in to town. Mayor Justice stated the recycle drop off sites could cause problems because people put things into them that aren't recyclable. Justice stated that was something that the City would have to

research.

4. Public Hearing for 2010 Budget

At 6:35 p.m., Mayor Justice opened the public hearing for the 2010 budget. Justice asked for questions or comments from Council, Staff, and the audience. Being there were no comments, Justice stated he would leave the hearing open for approximately 30 minutes.

5. Bid Review for Restrooms/Concession Stand in City Park

City Administrator Brown stated the bid opening for the restrooms/concession stand building in City Park was held at 4:00 p.m. earlier today. Brown stated the base bid is just for a restroom. Alternate bid #1 is to add a concession stand, alternate bid #2 is to provide counters and installation at the concession stand, alternate bid #3 is to upgrade to stainless steel fixtures in the restrooms, and alternate bid #4 is to provide a 40 gallon water heater in lieu of an instant water heater. Brown reviewed the bids as follows:

<u>Company</u>	<u>Base Bid</u>	<u>Alt 1</u>	<u>Alt 2</u>	<u>Alt 3</u>	<u>Alt 4</u>	<u>Total</u>	<u>Days to complete</u>
Bauer & Son	101,954	19,607	2,924	4,851	N/C	129,336	150
Caro	99,450	16,500	2,800	4,800	N/C	123,550	100
Compton	129,200	17,300	3,400	4,600	N/C	154,500	130
Commerce	94,000	20,000	4,000	5,000	N/C	123,000	90
Descon	102,971	18,203	4,381	4,749	N/C	130,304	90
Eby	102,700	15,700	3,500	2,800	-400	124,300	60
Netco	113,870	17,800	3,980	5,080	N/C	140,730	180
Robl	98,000	19,300	2,385	4,000	N/C	123,685	150
Sky	112,500	17,500	3,200	5,200	1,000	139,400	75
Sutherland	113,600	22,641	3,390	6,000	-130	145,501	120

Brown went on to state that the total balance of all park funds is \$187,023.75, of which a portion is already committed. Council agreed the bids were higher than expected. Mayor Justice stated that the City was the contractor for the pump house and it turned out nice. Justice suggested Public Works Director Misak get bids from local subcontractors to construct the building. Whitney stated he was not in favor of spending that kind of money for a building to house restrooms. After a discussion regarding costs, Council gave consensus to reject all bids. The City will request bids from subcontractors for the building on its own, using the plans purchased from the architect

6. **Change Order Caro Construction for Change in Ceiling Tile**

City Administrator Brown stated that a formal change order has been submitted for the change in ceiling tile and extending the bulkheads for the City Hall remodel project.

MOTION: Council Member Frischenmeyer made a motion to approve the change order to Caro Construction for change in ceiling tile in the amount of \$520. Council Member Whitney seconded the motion and it passed unanimously.

7. **Ordinance to Change the Zoning from R-1 to I-1 Clearwater Business Park**

City Administrator Brown stated that the Planning Commission is recommending changing the zoning from R-1, Single-Family Dwelling District, to I-1, Light Industrial District, for the Clearwater Business Park. Brown explained that any property annexed into the City comes in at the default zone of R-1. Brown reviewed the zoning change process. City Clerk Wright assigned ordinance number 908.

MOTION: Council Member York made a motion to adopt Ordinance #908 to Change the Zoning from R-1 to I-1 for the Clearwater Business Park. Council Member Frischenmeyer seconded the motion and it passed on a roll call vote of 4-0.

8. **Review Ordinance Setting Fees to Produce Public Records**

City Administrator Brown stated that Interim Police Chief Garcia requested the review of the ordinance setting fees to produce public records. Garcia stated that the Police Department recently has had to produce some public records under court order which has taken up a lot of time. Garcia stated that the fees that the City charges for those documents were low in comparison to surrounding cities. Garcia stated that he would recommend updating the fees. City Attorney Amerine discussed options of how to charge when a large record request is received. After a discussion regarding records and fees, Council directed staff to review the ordinance and work on coming up with some updated fees to present at a future Council meeting.

9. **Booster Club Request for Funding in the 2009-2010 School Year**

Mayor Justice stated that the Clearwater Booster Club is requesting funding for the 2009-2010 school year. Justice stated that in his opinion giving money to the Booster Club was not a good use of tax dollars. Council Member Frischenmeyer stated that he believed it was a good thing to support the Booster Club because school athletics is a draw for people to

move to Clearwater. Frischenmeyer continued that in his opinion it was sending the wrong message by not supporting the Booster Club. Council Member York stated that he believed the draw from the school is academics, not athletics, and therefore the Booster Club is not something the City is responsible for supporting. Council Member Whitney stated that if the Booster Club supported all activities in all schools, not just the high school, it might be something he would be in favor for the City to support.

MOTION: Council Member Frischenmeyer made a motion to become a business member of the Clearwater Booster Club in the amount of \$100 for the 2009-2010 school year. The motion died for lack of a second.

10. 2010 Budget

At 7:25, Mayor Justice closed the budget hearing.

MOTION: Council Member Whitney made a motion to adopt the City of Clearwater 2010 Budget as written. The motion was seconded by Council Member York and passed on a roll call vote of 4-0.

11. Consent Agenda

Council gave consensus to pay Certified Engineering Design \$19,185 for business park utility improvements and \$56,277 for survey design and construction plans and specifications for Clearwater Business Park.

Council gave consensus to pay Randal Steiner \$2,378.44 for City Hall ceiling and lighting design.

12. Reports

Mayor Justice reported that he had signed one contract for the EMT training class for Jordan Ford.

City Clerk Wright stated that staff went back to 2004 in researching the billing error on Venture 4, LLC that was discussed at the previous meeting. A refund of \$3,126, of which half is water and half is sewer, will be sent to the customer.

City Clerk Wright stated that checks had been mailed to individuals and businesses for the Neighborhood Revitalization Program. These are refunds of 2008 property taxes for improvements made to property in the City. The total amount is \$16,631.44, of which the

City's portion is \$6,178.04.

City Clerk Wright stated that the Senior Center received additional funding from Sedgwick County and the Department on Aging for going up a senior level 1. Funding was \$5,000 and it has been increased to \$18,000 in the year 2010. Wright stated that Senior Center Director Carl Shaffer and others have worked hard in a short time to acquire the additional funding. Council Member York stated that Shaffer is a credit to the community and his job for growing the Senior Center so quickly. Council agreed to recognize Shaffer and the Senior Center for their efforts at the next meeting.

Interim Police Chief Garcia stated that he has the stickers and forms ready for the special use vehicles to begin registering vehicles to comply with the new ordinance. Garcia stated he is also working on a more uniform dress code for the police department.

City Administrator Brown stated that Public Works Director Misak has been in contact with the KDHE regarding the nitrate levels at well #2. After some retesting, it is deemed that the well has been and is now in compliance due to procedures already in place.

City Administrator Brown stated that Public Works has an opportunity to purchase a heater/melter to assist in small crack repair on city streets. Currently, Public Works has to rent a machine for \$450/day or \$1,400/week. The projected purchase price for a used heater/melter is \$4,000. Council agreed it would be beneficial to look into purchasing the used equipment as long as it is in good shape and will be used by Public Works.

City Administrator Brown stated that the lease to the AT&T cellular tower at the brush dump has been assigned to American Towers. The lease itself has not changed in any way, it has only changed companies responsible for the lease.

City Administrator Brown stated that the City is taking bids for the 1965 dump truck. If no bids are received that are acceptable, the truck will be taken to auction.

City Council Member Whitney requested a portable restroom be moved closer to the new skate park. City Administrator Brown stated a restroom will be moved from the soccer field to west of the concession stand near some posts to be secured so it wouldn't be knocked over.

City Council Member Whitney stated he has been asked if the windmill could be placed in the park soon. City Administrator Brown stated that staff needs to receive direction as to what should be around the base and what type of fencing should go around

the windmill. Whitney stated that both the Masons and the Lions Club told him they would be willing to help monetarily. Council directed staff to discuss with the Park Board ideas for the base of the windmill.

Council Member York stated he needed to send weed letters to Walt's for the lot to the north and a house in the 200 block of north First.

Mayor Justice stated that some maintenance needs to be done along the railroad and ditch on the Diagonal. Justice continued that he understands it is the railroad or county's responsibility to clean up those areas outside of city limits and near railroad tracks, but the ditch along the Diagonal near Wood and Tracy is not being maintained currently. The City needs to step up to maintain areas that are not being taken care of by those parties responsible.

Council Member Whitney asked who is responsible for mowing east of the Senior Center and who is responsible for the trailer that is blown over in the weeds. City Administrator Brown stated that the owner of the senior residences is responsible for the weeds and the trailer. Council directed staff to write a letter to the property owner.

13. Executive Session-Legal

MOTION: At 8:15 p.m., Council Member York made a motion to go into Executive Session for legal matters for a period of 20 minutes. Council Member Frischenmeyer seconded the motion and it passed unanimously. Council, City Administrator Brown, and City Attorney Amerine were invited into the session.

At 8:35 p.m., Council returned to regular session with no action taken.

14. Executive Session-Legal

MOTION: At 8:35 p.m., Council Member Frischenmeyer made a motion to go into Executive Session for legal matters for a period of 10 minutes. Council Member York seconded the motion and it passed unanimously. Mayor, Council, City Administrator Brown, and City Attorney Amerine were invited into the session.

At 8:45 p.m., Council returned to regular session with no action taken.

15. Executive Session-Real Estate

MOTION: At 8:45 p.m., Council Member York made a motion to go into Executive Session for real estate matters for a period of 15 minutes. Council Member Keeler seconded the motion and it passed unanimously. Mayor, Council, City Administrator Brown, and City Attorney Amerine were invited into the session.

At 9:00 p.m., Council returned to regular session with no action taken.

16. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member York 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 August 11, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 25th day of August, 2009.

Jodi McBee, Deputy City Clerk

