

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

**CITY COUNCIL MEETING**

**MINUTES**

**May 26, 2009**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 26, 2009, at 5:30 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, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. 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 Art Gentry, Citizen; Donald Schauf, Clearwater EMS; Marvin Schauf and Mary Schauf, Clearwater Fire Department; Gene Garcia, Clearwater Police Department.

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Mayor Mike Justice called the meeting to order at 5:30 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 May 12, 2009**

**MOTION:** Council Member Berntsen 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**

With Council consensus, Mayor Justice appointed Jason Templin as Firefighter.

**3. Public Forum**

No one addressed the Council.

4. **Change Order From Nowak Construction Company Inc. to Decrease the Total Contract From \$168,461.00 to \$71,754.91**

City Administrator Brown stated that the change order from Nowak Construction Company Inc. to decrease the total contract from \$168,461 to \$71,754.91 is the formal document halting utilities as requested by Council at the Clearwater Business Park. The final total includes unused materials and other items the City now owns and can use somewhere else, but most of the cost is to complete the utilities to the edge of the property.

**MOTION:** Council Member Keeler made a motion to adopt the change order from Nowak Construction Inc. to decrease the total contract from \$168,461 to \$71,754.91. Council Member Whitney seconded the motion and it passed unanimously.

5. **Request from the Police Department to Dispose of Surplus Property**

Mayor Justice stated that Acting Police Chief Garcia is requesting to dispose of surplus property in the Police Department. All necessary precautions have been taken to ensure that all information or recognition of the Clearwater Police Department has been removed from the property. Council gave consensus to allow the Police Department to dispose of surplus property.

6. **Consent Agenda**

City Administrator Brown reviewed the consent agenda items as follows:

- Final payment for the amount of \$71,754.91 from Nowak Construction Company for utilities at the Clearwater Business Park
- Quotation from Layne Christensen Company for repairs at well #7 for the amount of \$9,512
- Invoice from Early Bird Lawn Care, Inc. for a 2001 Ford F350 dump truck for the amount of \$12,500

**MOTION:** Council Member Berntsen made a motion to approve the payment of the consent agenda. Council Member Whitney seconded the motion and it passed unanimously.

7. **Reports**

City Administrator Brown stated that well #8 booster pump and the fluoride injector

have both been maintained because of malfunction. The hose for the chlorine at well #6 has also been repaired.

City Administrator Brown stated that there have been several hurdles in preparing the pool for it's opening. A vapor lock caused the pump to the slides to malfunction and has since been repaired. The mushroom was not working properly and has also been repaired. There is still a leak at the pool that is causing a loss of water when the filtration pump is on. The pool is operational. Public Works is working to find the leak.

City Administrator Brown stated he is researching issues with burning at the brush dump. Several concerned citizens have commented on the smoldering of cut grass.

Council Member Whitney stated that in the 200 block of south Tracy where the street was cut to fix the water line the hole is falling in again.

Council Member Berntsen stated that part of the street has caved in slightly at the northwest corner of Ross and Tracy.

Mayor Justice stated that at the southeast corners of Ross and First and Ross and Fourth the gravel has been washed out and needs to be repaired.

**8. Executive Session-Legal**

**MOTION:** At 5:53, Council Member Berntsen made a motion to enter into executive session for 5 minutes for legal reasons. Council Member Whitney seconded the motion and it passed unanimously.

At 5:58, Council returned to regular session with no action taken.

**9. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member York moved for adjournment. The motion was seconded by Council Member Keeler and passed unanimously.

At 6:00, Council broke into 2010 budget planning session.

**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 May 26, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 9<sup>th</sup> day of June, 2009.

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Jodi McBee, Deputy City Clerk