

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

November 24, 2009

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 24, 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, Lyle Berntsen, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Jodi McBee, Deputy City Clerk; Janet Amerine, City Attorney; Ernie Misak, Public Works Director; Others present at the meeting were Marvin Schauf and Mary Schauf, Clearwater Volunteer Fire Department; Shelbi Loger, Lucas Frickey, Breanna Hamilton, Coral Demars, Sara Hoover, Brian Blake, Kaitlyn Schmeissner, Andrea Burns, Kody Terwort, Hope Burke, Kristi Colburn, Federica Bianchetti, Katarina Layton, and Rachel Stewart, Clearwater High School Government Students.

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 November 10, 2009

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

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. Ordinance Amending Section 2.08 Relating to the Order of Business and Procedural

Rules of City Council Meetings

City Attorney Amerine stated that City Administrator Brown asked her to review the public comment section of the ordinance relating to the order of business and procedural rules of city council meetings. Amerine stated in her review she discovered parts of the ordinance are over 100 years old. Amerine stated she revised the ordinance to match how the city council meetings are currently run. The ordinance now includes the time and day of the meetings, the order of business, the use of Roberts Rules of Order, and allows the speakers during public forum 5 minutes to speak. Deputy City Clerk McBee assigned ordinance number 917.

MOTION: Council Member Frischenmeyer made a motion to adopt Ordinance Number 917 Amending Section 2.08 Relating to the Order of Business and Procedural Rules of City Council Meetings. The motion was seconded by Council Member Berntsen and passed on a roll call vote of 5-0.

5. Ordinance Regulating the Use of Public Streets by Hikers and Joggers

City Attorney Amerine stated that at a previous meeting the Council had requested she research how to make the city streets safer for joggers and walkers in the dark. Amerine stated she drafted an ordinance that includes all provisions that have been upheld in court regarding joggers. Amerine reviewed the ordinance which includes the requirement of walkers and joggers to wear reflective clothing at night, walk/jog on sidewalks if available, walk/jog on the left side of the street, and requiring walkers/joggers to keep one ear open when wearing earphones. After a brief discussion, Council agreed to take out the sections regarding sidewalks and earphones, leaving only 5 sections. Council Member Whitney asked that the public be informed of the ordinance by advertising it on Channel 2 and asking the police to tell the walkers/joggers they meet on patrol. Whitney suggested also including the information regarding the ordinance on the next city newsletter. Deputy City Clerk McBee assigned ordinance number 918.

MOTION: Council Member Keeler made a motion to adopt Ordinance Number 918 Regulating the Use of Public Streets by Hikers and Joggers with 5 sections. Council Member Frischenmeyer seconded the motion and passed on a roll call vote of 5-0.

6. Revised Proposal for Restrooms/Concession Building in City Park

Public Works Director Misak reviewed the revised proposal for the restroom/concession building in City Park. Misak stated the revised proposal's dimensions are 15ft. 4in. x 26ft. This building includes the 3-restroom concept with a plumbing chase room without a concession area. The projected cost of the building is approximately \$78,400. Misak stated the proposed cost of the building with the concession stand he reviewed at a previous meeting was approximately \$89,000. Mayor Justice stated that the budget available for the building from various park funds is approximately \$123,000. Misak suggested that an alternate use of the concession stand portion of the restroom/concession building could be used as an office. Council Member Berntsen requested that the price sheet for the prefabricated building also be included in council packets for review. Mayor Justice, with Council consensus, tabled any decision on the building until the next meeting so the Council could review the proposals further.

7. Review RFP for EVS Building Generator

City Administrator Brown stated he needs clarification from Council regarding the EVS building generator. Brown stated that he has discussed the generator with several people and can't get a consistent model for the generator for the building to send out for bids. A request for bid with a specific generator may limit the response. Brown stated that an alternative would be to send out an RFP and provide what the building has for electricity.

The City can spell out what they want in a generator and the proposals would come back with what each company has to offer that fits the request. After a brief discussion, Council gave consensus for staff to send the RFP for the EVS building generator. Mayor Justice requested that the City Engineer review all proposals submitted to ensure that each proposal fits the building's power needs. Brown asked if there was any interest in getting a portable generator instead of a fixed generator. Brown stated a portable generator could also be used at City Hall or the police station for back up power. Council agreed they would like to focus on a generator to serve the EVS building only at this time.

8. Larsen & Associates Request for Access for Soil Boring 319 W. Ross

City Administrator Brown stated that the City has received a request to do soil borings at the Wes Tackett EVS Building at 319 W. Ross. This location is formerly a Sedgwick County maintenance yard. Larsen & Associates was hired by KDHE to conduct an environmental investigation in the vicinity of an underground storage tank that was previously on the property. Council Member Whitney asked why the boring is being requested. Brown stated they have done soil borings before at this location, but he was not given a reason behind why they are requesting the boring now. Council directed staff to contact Larsen & Associates for additional information before they agreed to have the mayor sign the authorization to access private property.

9. Review of Personnel Rules and Regulations Sections V thru VI

City Administrator Brown began the review of Sections V thru VI of the Personnel Rules and Regulations. The sections included are Benefits and Other Employee Benefits. Council suggested the following changes:

- Article V, Section 2, Subsection D. states that employees that work less than eight hours on a holiday receive 1 ½ times their hourly wage plus personal time of 1 ½ times the hours worked. Council suggested that holiday time should be paid at double time and personal time should be eliminated.
- Article V, Section 2, Subsection I. pertains to payment of vacation upon termination of employment. Council suggested adding a clause to clarify that vacation pay is forfeited if an employee fails to give their two-week notice.
- Article V, Section 9 discusses Family and Medical Leave. City Administrator Brown reviewed the current policy and a proposed alternative. Council agreed they prefer the alternative because it is more specific. Council Member Frischenmeyer suggested striking the “A” from all references to FMLA, because the City isn’t required to follow the Family Medical Leave Act due to the small number of full time employees.
- Article V, Section 11, Subsection C. pertains to a leave of absence. Council agreed that medical, educational, and emergency leaves are covered in other sections. A general leave of absence section is not necessary. Council suggested striking this section from the policy.
- Article V, Section 12 discusses shared sick leave. City Administrator Brown stated the City doesn’t currently have a shared sick leave policy in place. Council discussed at length different options on how shared sick leave can be structured. Council agreed upon a sick leave pool where each employee could donate no more than 2 days (16 hours) per calendar year. The bank would be capped at 120 days (960 hours). A committee of the Mayor, Council President, and City Administrator would review the requests for shared leave.
- Article VI, Section 9 is in regards to Health Care Programs. Two options were provided under this section. Council agreed to the second option.

- Article VI, Section 10 pertains to higher education reimbursement. City Administrator Brown stated the City has had a higher education reimbursement

policy, but there has never been a budget for it. Council agreed that at the next budget session including higher education reimbursement would be something they would have to review. Council suggested adding that the section only applies to full time employees, class/degree must be job related, and one-year minimum employment after a degree is completed.

10. Reports

Council Member Whitney requested that the City send a letter to SKT thanking them for the use of their bucket truck and two employees to assist in putting up the City's Christmas lights.

Mayor Justice stated he and City Administrator Brown had a meeting with Sedgwick County Commissioners Peterjohn and Norton, Vicki Gerbino, Executive Director and Debra Teufel, Managing Director of the Greater Wichita Economic Development Coalition, and Steve Martens. The meeting was to discuss the Clearwater Business Park. Justice stated they received good information regarding what the City needs to do to assist in marketing the property. The City needs to get estimates from Westar on what it would take to get electricity on site and information from the City Engineer on requirements for additional sewer treatment for large users.

City Administrator Brown stated the beehive grate for the property on Salt Creek Court is in but has not been installed. Public Works will work with the home owner to get access to the property.

City Administrator Brown stated that sixty middle schoolers volunteered to rake leaves around town. City Staff provided names and addresses to the school for the kids to contact. Several property owners expressed their gratitude to the kids.

City Administrator Brown stated the flooring company is still working on the front lobby floor. They are working to bring the shine back to the floor. Brown stated staff is looking at placing a material on the sidewalk in front of City Hall so the ramp isn't slippery during the winter.

11. Executive Session - Personnel

MOTION: At 9:35, Council Member York made a motion to enter into Executive Session for Personnel for 10 minutes. The motion was seconded by Council

Member Keeler and passed unanimously.
At 9:45, Council returned to regular session with no action taken.

12. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member York 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, 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 24, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 8th day of December, 2009.

Jodi McBee, Deputy City Clerk