

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

**CITY COUNCIL MEETING**

**MINUTES**

**February 9, 2010**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 9, 2010, 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; Cheryl Wright, City Clerk. Others present at the meeting were Marvin Schauf and Mary Schauf, Clearwater Fire Department; Kristin Zimmerman, WAMPO; Tyler McGrath, Jake Everhart, Adam Keiss, Kaleb May, A.J. Lauer, Tricia Vogel, Clearwater High School Government Students.

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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 January 26, 2010**

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

**2. Mayor's Recommendations**

Mayor Justice, with Council consensus, appointed Gene Garcia as Interim Police Chief.

**3. Public Forum**

No one addressed the Council.

**4. WAMPO Presentation**

Kristin Zimmerman with the Wichita Area Metropolitan Planning Organization (WAMPO) addressed the Council to review the 2035 Metropolitan Transportation Plan. Zimmerman reviewed the history of WAMPO and the long-range transportation plan for the region. This transportation plan is mostly federally funded. Zimmerman explained that projects were submitted to WAMPO and a Project Advisory Committee selected projects to include in the transportation plan. Zimmerman stated that the focus for selected projects are regionally significant projects. Zimmerman invited Council to visit the WAMPO website to provide feedback on the project scenarios that were chosen. Mayor Justice asked why 135<sup>th</sup> Street was not chosen to be part of the improvement project. Zimmerman stated that she believed that 135<sup>th</sup> Street was not submitted as a project. City Administrator Brown stated that improvements to 135<sup>th</sup> Street are part of the Sedgwick County Capital Improvement Plan, which does not include federal funds.

**5. Executive Session - Personnel**

**MOTION:** At 6:50, Council Member Keeler made a motion to enter into Executive Session for personnel reasons for 5 minutes. The motion was seconded by Council Member Frischenmeyer and passed unanimously. Council, Mayor, City Administrator Brown, and Interim Chief Garcia entered the executive session.

At 6:55, Council returned to regular session with no action taken.

With Council consensus, Mayor Justice appointed Eugene Hiebert as a Part Time Police Officer, providing Hiebert completes and passes the pre-employment requirements.

**6. Bids for Electrical Generator at EVS Building**

City Administrator Brown reviewed the bids for a generator for the EVS Building and eventually the emergency shelter as follows:

Central Power Systems	Central Power Systems	Cummins Central Pwr	Foley Equipment	Mid America Power Systems
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Item	Kohler 50REOZJC & Model K1 ATS	MTU (John Deere eng) 50GJCDT3 & KATGD	Cummins 50 DSFAC & OTEC ATS	Caterpillar		Kohler 50REOZJC KSP-DFNC-0100S
				D50-6S 50kw 100 amp ATS	D50-6S 50kw 100 amp ATS	
Base price quoted	\$18,916.00	\$22,783.84	\$23,750.00	\$21,138.64	\$19,730.00	\$19,764.00
<b>Total Quote</b>	<b>\$18,916.00</b>	<b>\$22,783.84</b>	<b>\$23,750.00</b>	<b>\$21,138.64</b>	<b>\$19,730.00</b>	<b>\$19,764.00</b>
Warranty	1 yr	2 yrs/3000 hr included	5 yr/ 1500 hr included	2 yrs included	2 yrs included	2 yrs included
	2 yr - all costs waived					
	Quote valid for 10 weeks		weather - gen set enclosure & exhaust silencer	Cat Finance - 12 mos 0%, 24 mos 0%, 36 mos 1.9%, 48 mos 2.87% and 60 mos 3.46%		Maint proposal to be presented upon job completion
			\$1,750.00			
Other items	Lead time 7 weeks	Lead time 8 weeks	225 amp ATS = \$675.00	Lead time 21 weeks	Lead time 21 weeks	Lead time 6 weeks

Brown stated that the lower of the two Foley Equipment bids requires the City to join the National Joint Power Alliance to receive the discounted price. Brown stated that he had Tim Reeves with Reeves Electric review the bids. Reeves stated that he was the most familiar with Caterpillar Generators. Mayor Justice asked what was budgeted for the purchase of the generator. Brown stated there is no budget in 2010 for the generator; the money will have to be borrowed or taken from another part of the budget. Mayor Justice stated that purchasing the Caterpillar model from Foley Equipment would allow the City to finance with Cat Finance at 0% interest, which would get the City to the 2011 budget. Council Member Whitney stated that he didn't like that Foley's lead-time is 21 weeks, where Central Power Systems' lead-time is only 7 weeks. Brown stated that the shelter wouldn't be ready in 21 weeks so the longer lead-time won't be an issue.

**MOTION:** Council Member Frischenmeyer made a motion to join the National Joint Powers Alliance, purchase a Caterpillar generator from Foley Equipment in the amount of \$19,730, and finance the generator with Cat Finance at 0% interest for 24 months. Council Member Whitney seconded the motion.

Council Member Whitney stated he was frustrated that the City has to finance \$19,000 when it spends approximately \$200,000 on the parks. Council Member Berntsen agreed that he would rather pay cash for purchases as well. But, since the financing is at 0% interest it isn't costing the City any more money. Council Member Keeler asked if the price of the generator included delivery. City Administrator Brown stated that the price of the Caterpillar generator did include delivery. Reeves Electric would have to have the concrete pad ready when the generator is delivered.

**MOTION:** The motion passed unanimously.

**8. Review Reply from Certified Engineering Harlan Foraker and Ground Water Associates on Preparation of Water Rights Applications Proposal**

City Administrator Brown stated that at a previous meeting Council had requested that Ground Water Associates move forward with applying for additional water rights at the well fields east of Clearwater. Brown stated he has received a letter from Ground Water Associates agreeing to pursue obtaining additional water rights from the Division of Water Resources for a cost of approximately \$3,000. The letter also stated that if the Division of Water Resources required any additional work on Ground Water Associates part, they may have to charge additional fees but would not do so without consulting the City. Brown stated that staff also received the population forecast for an additional 5 years to 2035 that Ground Water Associates had requested from the City Engineer, Harlan Foraker.

**MOTION:** Council Member York made a motion to enter into a contract with Ground Water Associates Inc. to apply for additional water rights with the Division of Water Resources in the amount of \$3,000. The motion was seconded by Council Member Berntsen and passed unanimously.

**9. Sewer Ordinance Changing Annual Rate Increase from January to March**

Mayor Justice stated that the Council had agreed to change the annual sewer base rate increase from January to March at the previous meeting. City Clerk Wright assigned ordinance number 920.

**MOTION:** Council Member Berntsen made a motion to adopt ordinance number 920 changing annual sewer base rate increase from January to March. The motion was seconded by Council Member Frischenmeyer and passed with a role call vote of 5-0.

**10. Set Date for Spring and Fall City Wide Clean-up Weekends**

Mayor Justice stated that dates need to be chosen for the spring and fall City Wide Clean-up Weekends. City Administrator Brown stated that previous cleanup weekends have been the third weekends of April and October. Brown stated that trash franchise contracts are up this summer. If the City goes with the same trash company then the date will be already set, but if the City goes with a different trash company then dates may have to be

changed for the fall cleanup weekend. Council agreed to set the spring cleanup weekend for April 16 & 17 and the fall cleanup weekend for October 15 & 16.

**11. Review Personnel Rules & Regulations XIII Discipline and XIV Grievance and Hearings**

City Administrator Brown began the review of Section XIII regarding Discipline and Section XIV regarding Grievance and Hearings. Council and staff suggested the following changes:

- Article XIII, Section 4 pertains to cause for termination. Council suggested removing the last sentence.
- Article XIII, Section 5 discusses Disciplinary Action. Council discussed at length reasons to suspend with and without pay. Mayor Justice stated he wants employees to understand that suspension doesn't always come with pay.
- Article XIII, Section 7 is regarding Notice to Employees on Discipline and Termination. City Administrator Brown stated that there are two alternatives in this section. Council suggested using the first example.
- Article XIV, Section 3, Subsection H states that grievance hearings can be held in public if both the City and Employee agree in writing. Mayor Justice stated that he didn't believe that any employee grievance hearing should be held in public. Council agreed to have City Attorney Amerine review this section.

**12. Reports**

City Clerk Wright stated that the Census Bureau is requesting a donation of space for a 2010 census worker to work out of City Hall for 15 hours a week for 2-4 weeks. This census worker would be available to the public at City Hall to distribute forms or answer any questions. The Census Bureau is requesting that the City sign Conditions for Donation of Services and Space Agreement agreeing not to charge for the space. The Bureau is also asking for a recommendation for a person to take the census position. Council agreed to sign the agreement.

City Clerk Wright stated that the CHS After Prom Committee is requesting a financial donation. Council denied the request.

City Clerk Wright stated that at the last council meeting she brought up the 125<sup>th</sup>

year celebration of Clearwater and the 25<sup>th</sup> year celebration of Fall Festival. Mayor Justice stated he had received a suggestion to use the money for the fireworks at 4<sup>th</sup> of July and move the fireworks display to Fall Festival Weekend. Council Member Whitney suggested a community dinner. Mayor Justice stated that there is a dinner held on the Sunday of Fall Festival Weekend. The City could do something in conjunction with that dinner. Mayor Justice stated he received another suggestion of honoring some life long members of the community.

City Administrator Brown stated that “School Zone Ends” signs will be installed on Ross to clarify the boundaries of the 20mph school zone. Sedgwick County will be installing the signs because Ross is a county road.

City Administrator Brown stated that the variance for the new restroom/concession stand building was taken to the previous Planning Commission meeting. The request has been delayed because the Planning Commission had some questions for City Attorney Amerine.

City Administrator Brown stated he has been contacted by Sedgwick County again regarding the 4<sup>th</sup> Ave. street project. Brown stated that if the City decides to move ahead with the improvements to 4<sup>th</sup> Ave., the County would relinquish maintenance to the City but would still be willing to do snow removal. Brown stated that Sedgwick County is ready to start the planning portion of the 3 year process of repaving 135<sup>th</sup> Street.

City Administrator Brown stated he met with Dale Zoglmann, who is the architect for the emergency shelter. The plans should be done in two weeks. Then the plans will be reviewed by the City and then on to FEMA.

City Clerk Wright stated that the Clearwater Area Chamber of Commerce will be hosting a circus on Friday, May 28. Executive Director Jennifer Arnold will come to a future council meeting to request use of the City Park ball field.

Mayor Justice stated he would like to draft a letter to the Sedgwick County Commission relaying the City’s frustration with the County settling with the cities that have not been paying their jail fees. Justice stated that Clearwater paid its fees, and it was unfair for those cities that didn’t pay their bills to get a break.

**13. Executive Session - Personnel**

**MOTION:** At 8:55, Council Member Berntsen made a motion to enter into executive session for personnel for a period of 50 minutes. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

At 9:45, Council returned to regular session with no action taken.

Mayor Justice, with Council consensus, increased the salary of Gene Garcia \$800 per month while he is Interim Police Chief.

**14. 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.

**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 February 9, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of February, 2010.

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Jodi McBee, Deputy City Clerk

