

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

**CITY COUNCIL MEETING**

**MINUTES**

**March 23, 2010**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 23, 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, Jim Whitney, Sandi Keeler, Lyle Berntsen and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were Marvin Schauf & Mary Schauf, Clearwater Fire Department; David Ryland & Amy Layton, citizens; Amaris Campbell, Ashley Ingram, Coral Demars, Katarina Layton, Tyler Martin, & Mitch Youngers, 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 March 9, 2010**

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

**2. Public Forum**

David Ryland, resident of 204 S. Second, stated that he owns a refrigerator trailer that had been parking at the Sports Complex. At the last Council meeting, semi tractor-trailer parking was disallowed on public property. Ryland stated he would like to request the parking be reestablished. Ryland stated that he has requested parking at several local businesses but he was turned down. Ryland went on to state that there are no other parking options in the vicinity. Council Member Whitney suggested the driveway east of the ball

diamonds at the sports complex near the old fliers field for parking. City Administrator Brown stated that additional millings could be placed at the end of the drive so the trailers wouldn't get stuck. Mayor Justice stated that there is a possible parking area behind the high school, if the school was willing to open it up for trailer parking. Justice stated he could speak to Superintendent Roth about whether the school is willing to allow trailer parking on their grounds. Justice stated the Council would review options and make a decision at a later time.

**3. Mayor's Recommendations**

Mayor Justice, with Council consensus, appointed Joshua Hecker as EMT and accepted the resignation of Monty Ray as EMT with Clearwater Emergency Services.

Council Member Berntsen excused himself from the meeting due to conflict of interest in the next discussion.

**4. Bids for Concrete Sidewalk in City Park Connecting the Parking Lot with the Windmill**

City Administrator Brown reviewed the bids for the concrete sidewalk in City Park connecting the parking lot with the windmill as follows:

Steve Swift Construction	\$5,265 with completion in 7 days
Triple B Construction	\$4,779 with completion in 3 days

Brown stated that staff recommends the low bid.

**MOTION:** Council Member Frischenmeyer made a motion to accept the bid from Triple B Construction in the amount of \$4,779 for the sidewalk at City Park connecting the parking lot with the windmill. The motion was seconded by Council Member Whitney and passed unanimously.

Council Member Berntsen rejoined the meeting.

5. **Request from Paul Rathke to Have Exhibition Old Timers Ball Game in City Park on Sunday July 4<sup>th</sup>**

City Administrator Brown stated that Paul Rathke is requesting to have an exhibition old timers ball game in City Park on Sunday, July 4<sup>th</sup>. This game would be part of the several mini-events the Clearwater Area Chamber of Commerce 125<sup>th</sup> year Committee plans on having throughout the year. Brown stated that when the city park property was deeded to the City it included a provision that no organized ball can be played at City Park on Sundays. City Attorney Amerine stated that the provision is legally restrictive, but there is no formal consequence. Amerine stated that according to the attorney's opinion written in regards to the deed, a lawsuit could be filed to stop an organized Sunday ball game. After a brief discussion, Council agreed to inform Rathke that if he wanted the game to be played at City Park it would have to be scheduled on Saturday July 3<sup>rd</sup> or Monday July 5<sup>th</sup>. If they are intent on playing the game on Sunday July 4<sup>th</sup>, then the game will have to be moved to the Sports Complex due to the deed restrictions.

6. **Sedgwick County Provides Corrected Valuation/Tax Rate for 2010**

City Administrator Brown stated that due to an error in state assessments of utilities, the mill levy was inadvertently lowered. Brown stated that when Council finished the budget in August, Council left the mill levy the same as the previous year. The state assessed utility portion of the valuation was given to the City as \$373,965 in June and in November it was reported as \$988,250. This resulted in the mill levy being reduced to 41.767. If Council decides that it wants to go back up to the 43 mills it used as a basis for the 2010 budget for the 2011 budget, it could be perceived that taxes are being raised. Brown stated that he is bringing this to the Council's attention at this time to inform the public of the error.

7. **Review Plans for Emergency Shelter Building**

City Administrator Brown reviewed the plans for the emergency shelter building. Brown stated that one more piece of information needs to be submitted then the plans should be approved. Brown stated the automatic transfer switch has been delivered. The switch will be installed at the EVS building electrical panel to get ready for the generator. The generator is still on order. Council Member Whitney stated that it was previously mentioned that a diesel tank should be placed at the EVS building to supply the generator. Whitney suggested starting to look into diesel tanks.

## 8. Reports

City Administrator Brown stated that the water tower will be drained for maintenance on Thursday, March 25. The 4 inch drain valve will be replaced at the water tower. They will also look at installing a valve on a water line that runs through the park.

City Administrator Brown stated that Ground Water Resources is gathering information on static water levels and pumping water levels for the application for increasing water rights at the well field east of Clearwater. The pumping water levels measure the water level in the well casing after the well has pumped for a significant amount of time.

City Administrator Brown stated a pedestrian crossing was installed on Ross west of the Chisholm Ridge entrance. Brown stated that the crossing is larger than anticipated and the City is looking to have it reduced. The crosswalk was installed to replace the crosswalk at the intersection of Chisholm Trail and Ross. Moving the crosswalk away from the intersection will hopefully better assist the pedestrians in crossing the street.

City Administrator Brown stated that there is a strong odor coming from the sewer ponds. Cell #1 is turning over due to the extreme swing in temperatures and there is no solution to the problem at this time.

City Administrator Brown stated that the annual sewer cleaning will be next week. Notices will be placed on doors this week for those properties affected.

City Administrator Brown stated that the Police Department has been working to have vehicles moved that have been improperly parked on properties throughout the community.

City Administrator Brown stated that the City has received a quote from one insurance company and is awaiting another quote by the end of the week for property, general liability, and workman's comp insurance. The renewal date with the current property insurance company, EMC, is April 1, 2010. If a change in insurance companies happens after April 1<sup>st</sup> there could be a lapse in coverage. After a lengthy discussion regarding insurance coverage, Council agreed to schedule a special meeting to review the insurance quotes on Tuesday, March 30 at 7:00 am.

Council Member Keeler commended the Fire Department for their work on the house

fire on South 3<sup>rd</sup>.

Council Member Whitney stated that there are several potholes on Tracy and 4<sup>th</sup> Avenues. City Administrator Brown stated that Sedgwick County is responsible for 4<sup>th</sup> north of Ross unless a previous street cut by the City causes it. One of the potholes on Tracy is caused by a street cut.

Council Member Whitney stated that he was originally against providing parking for semi tractor-trailers. Whitney stated that after listening to Mr. Ryland, he stated he would like to work with him if possible. Council discussed other possible options for truck parking. Council agreed that if the east drive of the sports complex wouldn't work for trailer parking, then there are no other options in town.

**9. Executive Session - Legal**

**MOTION:** At 8:15, Council Member Berntsen made a motion to enter into Executive Session for personnel reasons for 5 minutes. The motion was seconded by Council Member Keeler and passed unanimously.

At 8:20, Council returned with no action taken.

**10. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Berntsen 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 March 23, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 13th day of April, 2010.

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Jodi McBee, Deputy City Clerk