

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

**CITY COUNCIL MEETING**

**MINUTES**

**March 8, 2011**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 8, 2011, 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, Lyle Berntsen, Sandi Keeler, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Gene Garcia, Police Chief. Others present at the meeting were Marvin Schauf & Mary Schauf, Clearwater Fire Department; Donald Schauf, Clearwater EMS; David FitzGerald, Clearwater Lions Club/Park Board; Rae Gibbs, First State Bank & Trust/Emprise Bank; Cindy Seiler, Emprise Bank; Brenda Hastings, Home Bank & Trust; Kevin Cowan, Gilmore & Bell; Paul Rhodes, Times Sentinel Newspaper; Haley Cook, Jared Vaughn, Cole Cotham, Allie Henry, Jessica Jaax, Frisca Boentarahendro, Jessica Lowery, Emily Lincicome, Hannah Tjaden, Lindsay Lewis, Clay Petersen, & Lindsay 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 February 22, 2011**

**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**

There were no appointments or recommendations at this time.

**3. Public Forum**

Rae Gibbs with First State Bank/Emprise Bank introduced Cindy Seiler, Manager of Emprise's Treasury Management Department, to the Council. Seiler stated that First State Bank is merging with Emprise Bank as of March 25<sup>th</sup>. Emprise will honor the current contract the City has with First State Bank. Seiler stated that Emprise is a community bank and they pride themselves on being involved in small communities.

4. **Department Head Reports**

EMS Director Donald Schauf stated that the EMS department has seen a 20% increase in calls for 2011. They are averaging about a call per day. Schauf & Police Chief Garcia stated they received a grant to purchase 21 new radios. Eleven of the radios went to the police department, where 10 are portables and 1 replaced the radio in the Chief's vehicle. The 10 radios to the Fire Department mainly replace radios in vehicles. This is a savings to the City of about \$70,000. Mayor Justice asked if there radios have to be replaced for the 2013 radio change over that Sedgwick County is requiring. Chief Garcia replied that these radios will not have to be replaced in 2013. These 21 new radios meet the requirements for both the narrowbanding and the Sedgwick County Emergency Management frequency rebanding in 2013.

Fire Chief Marvin Schauf stated that he is waiting on the radio license renewal before purchasing the new radios that were approved for purchase at the last council meeting. Tuesday, March 9, there will be a storm awareness meeting at 7pm at the EVS Building.

5. **Bids for \$480,000 in General Obligation Temporary Notes for Business Park Utilities**

City Administrator Brown introduced Kevin Cowan with Gilmore & Bell, Bond Attorneys, to review the bids for the \$480,000 in General Obligation Temporary Notes for business park utilities. Cowan explained that bid information was sent to the 2 local banks. Both banks returned bids. Home Bank & Trust submitted a bid with a 1% interest rate and First State Bank & Trust submitted a bid with a 1.95% interest rate. Cowan stated that he would recommend Council accept the Home Bank & Trust bid.

**MOTION:** Council Member York made a motion to accept the bid of 1% from Home Bank & Trust for the \$480,000 in general obligation temporary notes for Clearwater Business Park Utilities. The motion was seconded by Council Member Berntsen and it passed unanimously.

6. **Resolution Authorizing and Directing the Issuance, Sale and Delivery of General Obligation Temporary Renewal and Improvement Notes, Series 2011**

Kevin Cowan with Gilmore & Bell, bond attorneys, stated the next formal action is to pass a resolution authorizing and directing the issuance, sale and delivery of the general obligation temporary renewal and improvement notes. Cowan reviewed the resolution. City Clerk Wright assigned Resolution No. 3-2011.

**MOTION:** Council Member Berntsen made a motion to adopt Resolution No. 3-2011 authorizing and directing the issuance, sale, and delivery of general obligation temporary renewal and improvement notes. The motion was seconded by Council Member Whitney and it passed unanimously.

7. **Approval of Emprise Bank Treasury Management Resolution**

City Clerk Wright reviewed Emprise Bank's treasury management resolution. Wright explained that the document spells out what city employees can do with the City's money at the bank. Wright and City Administrator Brown both have all powers granted by the resolution. Carol Reitberger, Billing Clerk, will have the ability to make decisions regarding automated clearing house payments. Wright recommended that Council President York sign the documents since Mayor Justice will be stepping down soon.

**MOTION:** Council Member Frischenmeyer made a motion to authorize Council President York to sign Emprise Bank Treasury Management Resolution. The motion was seconded by Council Member Whitney and passed unanimously.

8. **Request from Park Board for Concrete Pad and Partial Sidewalk for Small City Park Shelter**

David FitzGerald, Lions Club member and Park Board member, addressed the Council to request a concrete pad and partial sidewalk for the small city park shelter. FitzGerald stated that the Recreation Commission has agreed to donate \$1,500 towards the project. FitzGerald stated that the Park Board discussed the project and is requesting that the City go out for bids on the project. The concrete pad under the shelter would be 20 x 20. The sidewalk would run along the south of the shelter at 6 foot wide with extensions for future sidewalk toward the east to the museum, to the south towards the windmill, and to northwest toward the corner of the park. This would prepare the groundwork for a future walking path in the park. FitzGerald stated that one of the members of Lions Club might have access to some concrete and the Lions Club might consider pouring the sidewalk to the museum. Mayor Justice asked City Administrator Brown if there was any money in the Park budget for assistance with the project if the bid came in higher than \$1,500. Brown stated that the City could possibly assist with about \$500 but not much more. FitzGerald stated he thought he might be able to request additional funds from the Recreation Commission. FitzGerald stated that maybe the City could pay for the sidewalk from the windmill to the shelter. Justice stated that the sidewalk from the windmill to the shelter could be an addendum to the bid request. Council directed staff to request bids for the concrete pad and partial sidewalk at the small park shelter with an addendum for a sidewalk from the shelter to the windmill.

9. **Review Specifications for Handicap Ramp on Tracy near Ross**

City Administrator Brown reviewed specifications for a handicap ramp on Tracy south of Ross. Brown stated that at a previous council meeting there was discussion of needing a handicap ramp at the southeast corner of Tracy and Ross. Due to several obstacles, the closest the ramp could get to the corner is between the driveway to the Dr. Papish's office and the alley on Tracy. Brown stated an additional issue is that part of the sidewalk running along Dr. Papish's office is in very poor condition. A portion of the sidewalk would need to be repoured if the handicap ramp is installed. Brown asked the Council if it was their wish to have the ramp installed at that location, if they would include

the additional sidewalk in the project, and if it would be feasible for the public works department to do the work. Mayor Justice stated that it made sense to fix the sidewalk if the City installs the handicap ramp. Council Member Whitney expressed his concern with the City paying for sidewalk on private property. It then opens the door for others to request the City pay for sidewalk on their property. Council Member York suggested requesting the property owner to pay for the materials and the public works department doing the labor. Council Member Keeler stated that she thought the proposed ramp is too far from the front of the building for handicap parking. Whitney asked if it would be more expensive to add a ramp in front of Dr. Papish's office on Ross. Brown stated there would be a loss of a parking space if they installed a ramp on Ross. Whitney stated that it may take more engineering and cost, but it might be better for people who use the handicap ramp to have access closer to the building. Council directed staff to look into what it would take to redo the existing handicap ramp at Ross & Tracy and to speak to the property owner about sharing costs.

**10. Final Review of Street Improvement Plans – Clearwater Business Park & First/Ross**

City Administrator Brown reviewed the street improvement plans for Clearwater Business Park & the intersection of First and Ross. Council Member Whitney stated that he didn't think it was necessary to have an island at the entrance to the Clearwater Business Park. Whitney stated islands make it difficult for truck traffic to enter and they require additional maintenance. Whitney stated that street paint can accomplish the same idea and reduce costs. Council agreed to remove the island from the plan. Brown stated that the street at the business park extends 400 feet from Ross, which gives access to the first lot. Brown also reviewed the drainage. Brown went on to discuss the proposed valley gutter for the intersection of First & Ross. Brown stated that this will hopefully reduce or eliminate the pooling of water at the sidewalk on the northwest corner. Council gave consensus approval of the street improvement plans with the removal of the island at the entrance of the Clearwater Business Park.

**11. Consent Agenda**

Council gave consensus to pay the progress audit billing to George, Bowerman, & Noel in the amount of \$7,200.

**12. Reports**

City Attorney Amerine stated that a hearing is set for March 15 regarding the Mertens' case.

City Administrator Brown stated that Mayer Specialty Services will start with the annual sewer cleaning tomorrow.

Council discussed the work at field #1 at the sports complex. There is still some drainage work to be done. City Administrator Brown stated that there is a junction box

that was 2-3 feet above ground before the improvements. It is now at ground level. The box will have to be raised above ground. Council Member Whitney stated he met with the baseball group regarding the sprinkler system. They did not come to resolution at this time. Whitney stated that the first application of fertilizer has been placed on the ballfields.

Council Member Whitney asked for an update on the schoolhouse at the museum. City Administrator Brown stated he has not received any information.

Council Member Whitney asked for an update regarding water rights. City Administrator Brown stated that the water office had not heard the request.

Council Member Whitney stated that he had received some complaints that the school zone sign on Fourth Street is too small. City Administrator Brown stated he would look at the sign. Whitney also asked why the school zone speed limit was in effect from 11am-1pm. Brown stated it is for the kindergartners, but he would look into adjustments.

Council Member Whitney stated that the signs at the entrances to town are looking worn. Whitney stated that the City should start thinking about replacing them.

Mayor Justice stated that the property at 818 E. Ross is collecting junk in the yard that needs to be cleaned up.

**11. Executive Session - Personnel**

**MOTION:** At 8:00 p.m., Council Member Berntsen made a motion to enter into Executive Session for personnel purposes for 5 minutes. The motion was seconded by Council Member York and passed unanimously.

At 8:05 p.m., Council returned to regular session with no action taken.

**12. Executive Session - Legal**

**MOTION:** At 8:05 p.m., Council Member Keeler made a motion to enter into executive Session for legal purposes for 10 minutes. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

At 8:15 p.m., Council returned to regular session with no action taken.

**13. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Berntsen 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 March 8, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 22nd day of March, 2011.

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Jodi McBee, Deputy City Clerk