

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
April 8, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 8, 2014, 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 York, Mayor; Jim Whitney, Paul G. Clark, Chris Griffin, Burt Ussery, Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Barbara Salinas, City Clerk; Janet Amerine, City Attorney, Gene Garcia, Police Chief; Public Works Director, Ernie Misak; Donald Schauf, EMS Director Others present at the meeting were: James Kohman, EBH & Associates; Paul Rhodes, Times Sentinel; Ron Witt, Shirley Palmer-Witt City Residents.

Mayor York called the meeting to order at 6:35 p.m. York gave the invocation, which was followed by the Pledge of Allegiance. The Clerk called the roll to confirm the presence of a quorum.

Approval of the Minutes of the Regular Meeting of March 25, 2014

Council Member Ussery made a motion to approve the minutes as written. The motion was seconded by Council Member Papish and passed unanimously.

Mayor's Recommendations

No Recommendations at this time.

Public Forum

No one from the public came forward at this time.

NEW BUSINESS

Consider a Request to Utilize the Sports Complex for a Benefit Co-Ed Softball Tournament

Shirley Palmer-Witt stated to the Council that she would like approval for an all-night benefit tournament to be held on Saturday, May 17 and Sunday, May 18, 2014. Palmer-Witt asked if the fees and lighting costs could be waived so more money could be raised for the family. There will be 16 teams playing in the tournament at \$200 per team. Council Member Papish asked which two fields they would be using. Palmer-Witt stated the south 2 fields. Palmer-Witt has spoken to Recreation Director and the dates are available for use. Palmer-Witt asked if the temporary fencing could be removed. Public Works Director stated yes.

Council Member Ussery made a motion to allow the tournament to use the Sports Complex as presented. Council Member Griffin seconded the motion and passed unanimously.

Council Member Papish asked if there would be beer involved and Palmer-Witt stated no.

Public Works Director Ernie Misak asked if the school had been asked about the use of the fields on those dates. Palmer-Witt stated that Recreation Director Zook had told her the fields would be in use on Saturday morning for softball and baseball practices and then would be available.

Council Member Whitney stated this tournament needs to go through Recreation Commission.

Presentation from Jim Kohman, P.E., Project Engineer, EBH & Associates

Jim Kohman from EBH & Associates gave the Council an updated handout. Kohman went over the history of the project. KDHE philosophy has been for years that no pond is too big. Kohman stated that he does not always agree. Kohman further stated that a large pond tends to stagnate and will have algae issues and sludge issues. The sewer samples that were taken indicate there are sludge issues at cell #3. Council Member Ussery asked if sludge was customary. Kohman stated yes. Kohman went through different recommendations and suggestions on the handout maps. Council Member Ussery asked Public Works Director how long it has been since the last expansion. Director Misak stated 2003.

Kohman stated on the preliminary map the ponds are oversized. Kohman stated that baffles could be put in the ponds to help restrain the flow of liquid. The baffles would help to shade the area because algae cannot grow in the shade. The baffling is expensive at \$50 a linear foot per baffle. Another option is recirculation. A report was sent in to KDHE and they liked the recirculation plan. Recirculation adds oxygen and that helps to keep the water clean.

Kohman stated that there are a few things that could be done as interim measures. In the absence of the baffles, recirculation would be a good start. The city could move the injectors and add step variations to get the ultimate use of the mixes. Waterfall could be added to the steps variations to drive oxygen. The higher the oxygen contents the less algae. Kohman stated other microbes will consume oxygen so there is a need to aureate the water. On the diagram cell 1 and cell 2, what the city has now, Kohman would propose a step plan. The steps should be three feet apart where the water will fall so it can create more oxygen. The City needs to increase surface area of the pond to maximize the amount of oxygen in the water.

Council Member Ussery asked if it is 100% liquid. Kohman stated that solids are gone but we would still have microbes.

Council Member Griffin asked how often the sludge is cleaned up. Kohman stated that it is not often; infrequently, but it would not hurt to address now. He further stated that cell one had mostly sludge. He suggested leaving as is and using as a holding cell. Director Misak stated that the addition of a strainer has eliminated large solids. Council Member Papish asked about discharge. Director Misak stated that they are constantly discharging between cell 1 and 2.

Kohman stated that under the order, the City must take action now. The irrigation issues will take time to draft proposals and can be political. EPA ammonia regulating may happen as soon as five years and irrigation will require time to plan. Treatment alternative would be irrigation rather than discharge. Council Member Ussery asked if we need more space/area for irrigation. Kohman stated that it could be done on 70 acres. Brown stated that we have 25 acres. Director Misak stated that when proposed this in the past, 35 acres north of the plant, take about 19 million capacity and we have approximately 50-55 million gallons to get rid of.

Council Member Whitney stated that KDHE advised the Council in the past that we cannot irrigate on anything that is eatable animal or human, which limits crops to irrigate. Kohman stated that it is only crops grown for human consumption. Council Member Whitney commented on previous issues with the KDHE. We had a mechanical plant and were told to go to lagoons; those were built, now 10 years later they are not working.

Council Member Whitney asked how the process will work and if KDHE allow us to shut down. Kohman stated that KDHE will allow a temporary discharge permit. He further stated that we could go with an advanced treatment plant, but that may not be feasible either, citing the City of Goddard as an example that is not working. Council Member Whitney asked, what the ultimate goal is, with consideration given to the interim solutions.

Council Member Ussery agreed that getting to the final step is the ultimate goal, minimizing interim steps, which is irrigation.

There was discussion on surrounding areas and their issues with ponds. The Council expressed concerns regarding the interim measures and if those measures could eventually be discarded or of no value to the reaching the ultimate goal. Kohman stated that the pressing goal is to satisfy the EPA's order to avoid fines and interim measures are beneficial to the city's goal.

Council Member Ussery asked if there were any examples of other areas who have tried the interim and irrigation methods. Kohman stated that irrigation works and requires upkeep. He cited an irrigation system for a golf course in Stockton, Kansas that is currently under construction. Council Member Whitney stated that past test results from the lagoons indicated our water was too salty for irrigation purposes and we were told we would be required to alternate with fresh water. After testing, we do not have enough fresh water to do this.

Council Member Ussery asked if what is proposed would be airborne or sub. Kohlman stated that it could be airborne and described the requirements and methods of irrigation and cost savings with airborne irrigation.

The discussion of irrigation prompted concerns regarding the type of irrigation methods as well as possible litigation from irrigation damages. Kohman suggested that city owned land is preferable for irrigation purposes. There may be some considerations by the Bureau Chief, Municipal Section, but those would only apply to cities with a population of 1,500 or less. Director Misak stated that what we put in place may resolve our issues and we would not need to go to irrigation. Misak stated that we could also look at the ammonia limits.

Council Member Ussery asked if the EPA ammonia regulations are speculation, to which Kohman stated, yes. Council Man Ussery asked if the interim steps are a part of the long term investment. Kohman described a plant in Hydro, Oklahoma that has a three acre pond, population of approximately 1,000, who are using a process called Electrocoagulation and it is working. This is a technique used for wash water treatment. It is an electricity-based electrocoagulation technology that removes contaminants that are impossible to remove by filtration or chemical treatment systems.

Council Member Ussery raised concerns about how irrigation will affect us in 20 years with a 10% growth and a 20% demand on our system. He questioned our plan based on today's numbers. Kohman stated that pond one has over 120 day retention time. There is plenty of capacity.

Council Member Ussery asked how many aerators we have currently. Misak stated that we currently have 2 in pond one and 1 in pond 2.

Council Member Whintey stated the temporary solution will get the City by with the KDHE; implementing an interim plan and moving towards irrigation will show them we are doing something, regardless as to whether it works or not.

Director Misak stated that he had visited with Jim regarding solutions and since we are uncertain if they will work or not, Misak suggested that we rent, on a temporary basis, pumps to pump from cell four to cell one. He stated that we could try for 3 months and monitor what is happening. He stated that we can put a pump in the transfer box and pump out of there, building a cascade, which would all still be beneficial, regardless. He stated we can do the same on the discharge side. He suggested a pilot test and if it works then we can build permanently. Council Member Ussery agreed.

Council Member Ussery asked what the City's responsibility is to respond. Kohman stated that the city will be required to complete items in the plan and be held accountable for completion. Kohman stated that we define our direction and wait for comment from the KDHE. Our response is due the end of April.

Council Member Ussery asked where the funding would come for this project. Brown stated that it would come from the sewer fund and rates would have to be raised at some point. Council Member Ussery asked about the time frame for budget years; what would be done this year. Brown referred to the draft schedule and stated that costs would depend on how many steps are done in 2014 and 2015. He stated that the first 11 steps on the schedule would bring us to the evaluating in 2015. Council Member Ussery asked what the cost was for steps 1-11, required steps. Kohman offered input on the estimated costs breakdown and cost factors such as KDHE response, engineering and contractors. He referred to the summary and cited approximately \$113,000 as the worst case scenario based on solutions presented. It was understood that any interim action would come after the KDHE review of our submitted plan.

Council Member Ussery stated that when we receive the plan back, around budget time we could tie a price tag for 2015. We would be able to look at both the worst case scenario and all other options when looking at budgeting. Council Member Ussery asked how long we had to complete, if it continues to 2016. Kohman referred to the schedule for deadlines and stated this is what he is asking the Council to approve. Council Member Ussery asked if there is a date when it must all be implemented after the plan is approved. Kohman stated that his plan is to propose a few steps, and wait on results. Results would not be available for up to 90 days after first step completion. He stated that we also must consider the weather variable. Council Member Ussery stated that this gets complex when trying to budget for costs over calendar years. Kohman reviewed Table 3 with regard to costs submitted and proposed, high range, low range for interim solutions and irrigation measures. He offered to recalculate separately and provide totals that would not include irrigation.

Council Member Whitney asked Kohman if he would be involved in this process. Kohman stated that if the city wishes to hire him, yes. Kohman stated that the first step is to get the report done and needs input from Council on the schedule to move forward. Kohman stated that there are some things that can be done now, such as the pump that Director Misak mentioned.

Council consensus to submit the report as submitted.

Discuss and Consider Approval of an Ordinance Pertaining to Storing Vehicles on Private Property in the City of Clearwater

Chief Garcia stated that City Attorney Janet Amerine has refined the Ordinance from the suggestions from City Council. City Attorney stated there were 2 changes made to the Ordinance. Chief Garcia stated that this Ordinance is workable and they will initiate a campaign to inform the citizens of Clearwater and then eventually to enforce. The process will start with a written complaint.

Council Member Ussery made a motion to approve Ordinance 983 with changes as written. Council Member Whitney seconded the motion and passed unanimously. Roll call vote, Papish, yea; Whitney, yea; Clark, yea; Ussery, yea; Griffin, yea.

Discuss and Consider Approval of an Amendment to the Clearwater Code, Chapter 11.04, Section 11.04.020, Cereal Malt Beverages-Public Consumption

City Attorney Janet Amerine stated that the behavior is already illegal and a citation can be issued for "consumption". Currently, an alcohol citation would be heard in District Court and cereal malt beverage ticket would be heard in Municipal Court. This change would require all charges heard in Municipal Court.

Council Member Ussery asked why the City would want that expense and extra work in the City's Municipal Court. Chief Garcia responded that the law is easier to enforce when the court is here in the city. If District Court handles the case it is most likely dismissed because of lack of prosecution. District County would handle all cases in Sedgwick County. Chief Garcia stated that liquor is a state law similar to a traffic offense. The fines would reside here and not be any different than the traffic offense and the court costs would stay in the City.

Council Member Papish asked about the driveway on a resident's own property. Chief Garcia stated that your private drive is not accessible to the public such as a driveway or parking lot privately owned that is public accessible such as Casey's, or bank or Duckwall's.

Council Member Ussery made a motion to accept Ordinance 984 with changes made to Chapter 11.04, Section 11.04.020. Council Member Clark seconded the motion and passed. Papish, yea; Whitney, yea; Clark, yea; Ussery, yea; Griffin, no.

Discuss and Consider Amendments to the Park Board/Tree Board

City Attorney Janet Amerine stated that the Tree Board and Park Board are combined. Amerine stated that the two boards could be eliminated. In Section 8 of the Park Advisory and Tree Board by Laws, it states that the City Council can amend these bylaws at any time with notice provided not less than 4 days prior to the meeting at which such amendments are to be considered. City Attorney Amerine had the City Clerk mail out a four day notice so it could be talked about at the City Council meeting. If this plan does not work, another 4 day notice can be issued and Park Board and Tree Board can be reinstated.

City Attorney Amerine stated the changes in Sections 3 and 4 are about membership, meetings and disqualifications. The old bylaws for the Park Advisory state there are members at large and appointed from different organizations. The new wording in Sections 3 and 4 states that the Recreation Commission and the Park and Tree Boards will function as three separate boards ruled by the same members. Qualification for membership, appointments, and vacancies shall be filled according to the bylaws of the Clearwater Recreation Commission.

City Attorney Amerine stated another change in Section 4 members wishing to include items on the Recreation Commission agenda pertaining to Tree Board or Park Board issues are to contact the Recreation Director no later than 5 days prior to the next regular meeting. The Recreation Commission meets the second Wednesday of the month at 6:30 p.m.

City Attorney Amerine stated that if the City Council or the Clearwater Recreation Commission is not happy Section 8 may be used to notify the Recreation Commission and change things back.

City Administrator Kent Brown stated that the joint meeting between the Clearwater Recreation Commission and the City Council was a not a decision making meeting. It was a discussion between the two boards. City Administrator Brown would advise City Council to not approve these changes until after the Recreation Commission meets in April so their concerns and comments may be addressed as well.

Mayor Mike York asked if this Board was not working because of lack of quorum month after month. City Administrator Kent Brown stated yes, it was hard to have a quorum at the monthly meetings.

Council Member Clark recommends that City Council wants to hear feedback from the Recreation Board so will table this until next meeting.

Review Recreation Director Job Description

Council Member Ussery stated that he did not know this would be on the agenda for this meeting. Council Member Ussery has looked at the job description. Council Member Ussery has talked to a Recreation Commission member and the current Recreation Director and made a few suggestions to the current agreement. City Administrator Kent Brown stated he has a few comments to be incorporated and would like to have the suggestions from the Recreation Commission before this is approved. The original job description was created when the position was created years before.

Council Member Whitney suggested waiting to finish this discussion at the next meeting.

Mayor Mike York tabled this item until the April 22nd meeting.

Appoint Voting Delegate and Alternate to the Annual Business Meeting of the Kansas Municipal Utilities

City Administrator Kent Brown stated that his group has made a special effort to have cities appoint a delegate. The Kansas Municipal Utilities does a lot of work with the utilities. City Administrator Brown states that he has gone to several of the meetings.

After some discussion, there was Council consensus to appoint City Administrator Kent Brown as the delegate for the Kansas Municipal Utilities Business Meeting. Council left it up to staff to determine the alternate voting member.

Department Head Reports

EMS Director Donald Schauf reported at the last storm spotter meeting it was discussed that there is not a plan for a natural disaster in Clearwater. There would be responders here to help for a maximum of 72 hours. The group of EMT's started early stages of coming up with a plan to help this town sustain itself until Federal help can arrive to help.

Council Member Ussery commented on the appointment process coming up in May. Council Member Ussery would like Director Donald Schauf to mark by the appointment name how often the person responds, level of training, and their certification. Council Member Ussery would also like to see a list of the volunteers that respond the most and how many ambulance runs. City Administrator Kent Brown stated that he keeps track of the fire calls on a monthly basis. Director Schauf stated that most of the volunteer fire fighters have a full time career in fire and respond when they are able. Director Schauf will pass this information on to Fire Chief Schauf.

Police Chief Gene Garcia stated that he maintains logs of the Police Department training. Each officer must have 40 hours of training each year. Chief Garcia stated the Chamber of Commerce would like to hold a community event in the City Park on June 21st promoting the Chamber. The Chamber will serve hot dogs and more information will be provided as the event gets closer.

Chief Garcia reported that there will be signs posted on the tennis court roads about trucks parking. The signs will specify where the trucks may or may not be parked.

Council Member Papish stated there has been lots of activity according to the Police report.

Public Works Director Ernie Misak stated that there are two wells running at the Sports Complex. Misak was going to test sprinklers today but there was a baseball game not on the schedule. The temporary backstop behind the softball field has been replaced. A citizen has donated some panels and a new backstop has been created. The sewer cleaning was completed. The town is divided into 3 segments so each part of town gets a sewer cleaning every 3 years. There were no issues. Graffiti in the tree house has been repainted and cleaned up. The library storage building behind the library has been painted. The concession stand building doors have been resealed at the Sports Complex. Director Misak estimates that the electric bill for the well house #2 runs \$400 a month. Misak would like to have City Council approval to use gas heat and convert hot water tank at the pool to gas as well. Council gave consensus.

Council Member Ussery stated that he would like to see communication between Public Works Director and Recreation Director. Council Member Ussery further stated the Sports Complex and the pool are what the City would like to see the Recreation Director play a bigger role in the operation of those two things.

Council Member Whitney stated that the person cleaning the bathrooms in City Park is doing a great job. Council Member Whitney also stated there are two big pot holes at the corner of First and Janet, and there is a wide crack on a street in Park Glen.

Committee Reports

No Committee reports at this time.

Claims & Warrants

Council Member Papish asked about the claims and warrants in the Council books that go out on Friday and then another updated list on the night of the meeting. Council member Papish asked if that duplication was necessary. City Clerk Salinas stated the report has to be updated to generate the information for the check to be printed. After some discussion Council would like the Claims and Warrants at the table on Council meeting Tuesday, not in books on Friday.

City Clerk Barbara Salinas presented the claims and warrants as of March 25, 2014 in the amount of \$82,785.86.

After discussion, Council Member Whitney moved to authorize payment of the claims and warrants for \$82,785.86. The motion was seconded by Council Member Clark.

Old Business

Council Member Ussery asked if there was an agreement in place with Dollar General about their high weeds. Council Member Ussery and Council Member Griffin asked about the agreement between the City and the Historical Society. The vehicles in back yards and the Water Rights Application can be removed from the Old Business.

Staff Reports

City Clerk Salinas had nothing to report.

City Attorney Amerine stated there will be changes to the open and carry laws were predicted and as predicted, occurred.

City Administrator Brown stated at the last Planning Commission meeting the variance was approve for the property at the corner of Kansas and Byers.

City Administrator Brown asked if Council wanted the follow-up strategic planning before the City Council budget talks begin in May.

Council Reports

Council Member Ussery asked City Clerk Salinas if she had the updated calendar ready. City Clerk Salinas reported that she was working on it and would be ready for the next meeting.

Council Member Papish had nothing to report.

Council Member Clark had nothing to report.

Council Member Whitney asked if the new fire gear had been ordered. EMS Director stated that they are getting sizes and will place the order. The gear should arrive in 30 – 45 days after the order has been placed.

Council Member Griffin reported that the stop signs had been placed at the corner of 151st Street and 63rd. Council Member Griffin would like to send a thank you.

Mayor Mike York had nothing to report.

City Administrator Brown stated that City Wide Clean-up is next week April 18th and 19th. There will be some High School students available to help the Public Works if Council knows of anyone that needs assistance.

Adjournment

Being no further discussion to come before the Council, Council Member Ussery moved for adjournment and the motion was seconded by Council Member Clark. The motion carried unanimously.

The Meeting adjourned at 9:40 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Barbara Salinas, 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 April 8, 2014 regular meeting of the Clearwater City Council.

Given under my hand and official seal of the City of Clearwater, this 22nd day of April, 2014.

Barbara Salinas , City Clerk