

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

AUGUST 10, 2010

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 10, 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 York, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. Mayor Mike Justice and Council Member Lyle Berntsen were absent. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Jason Gearhardt, Police Department. Others present at the meeting were Donald Schauf and Bill Kenney, Clearwater EMS; Paul Rhodes, Times Sentinel Newspaper.

Council President York called the meeting to order at 6:30 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.

1. Approval of the Minutes of the Regular Meeting of July 27, 2010

MOTION: Council Member Keeler 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 recommendations.

3. Public Forum

No one addressed the Council.

4. Ordinance Revising the Equipment Reserve Fund

City Administrator Brown stated that Council had requested funds to be transferred to an Equipment Reserve Fund for the 2011 budget. The current ordinance on the books is being revised. This is not a tax-based fund. The Equipment Reserve Fund is funded by transferring money from other funds and is used as a financing mechanism to purchase equipment. City Clerk Wright assigned ordinance number 927.

MOTION: Council Member Keeler made a motion to adopt Ordinance Number 927 revising the Equipment Reserve Fund. The motion was seconded by Council Member York and passed on a roll call vote 4-0.

5. Final Review of the 2011 Budget

City Administrator Brown reviewed the 2011 budget to be submitted for publication. Brown explained that upon approval, this is the budget that will be published in the newspaper. The budget summary sets the maximum amount of taxes and the maximum amount of budget expenditures for the budget year. At the budget hearing, Council can choose to lower what is published, but the amounts cannot be raised. The budget hearing will be at the August 24th council meeting. At that time the budget will be set for 2011. City Clerk Wright reminded Council that at the end of each year, the budget can be amended to show actual revenue and expenditures instead of estimated figures. Money can be moved around at that time, but the tax revenue cannot be changed. The budget summary shows a total expenditure of \$3,040,947 and a mill levy rate of 46 mills with a total \$635,707 coming from taxes.

MOTION: Council Member Frischenmeyer made a motion to publish the notice of Public Hearing for the 2011 budget. Council Member Keeler seconded the motion and it passed unanimously.

6. Ordinance Providing for the Hours and Fees for Access of the City Dump

City Attorney Amerine reviewed the amended ordinance providing for the hours and fees for access to the city dump. Amerine stated that at the previous council meeting, Council discussed charging residents and businesses to use the brush dump. Amerine stated this ordinance allows Council to set the dump hours and fees by resolution. City Clerk Wright assigned ordinance number 928.

MOTION: Council Member Whitney made a motion to adopt Ordinance Number 928 Providing for the Hours and Fees for Access of the City Dump. The motion was seconded by Council Member Frischenmeyer and passed on a roll call vote 4-0.

7. **Sample Resolution Establishing the Rates and Service Fees Charged to Citizens for Accessing and Using the City Dump**

City Administrator Brown reviewed the sample resolution establishing rates and service fees charged to citizens for accessing and using the city dump. Brown stated that at the previous council meeting, the Council had proposed a \$20 residential user annual pass, a \$75 commercial user annual pass, and \$5 one-time use fee. Council Member Whitney asked if the City should charge a one time commercial use fee as well. After a brief discussion, Council tabled the resolution until the next meeting.

8. **Draft of Public Opinion Letter to Explain Waste Connection RecycleBank Service**

City Administrator Brown reviewed the proposed public opinion letter explaining Waste Connections RecycleBank service. Brown stated the letter will go to all city residents along with a flyer from Waste Connections explaining what can be recycled. Council Member Keeler stated that the letter should emphasize that taking the smaller cart at a reduced cost eliminates being able to have extra bags or additional items picked up with the cart at no charge. Council Member Whitney suggested adding a statement in the letter regarding Sedgwick County considering requiring mandatory recycling in the near future. Council directed staff to the make the suggested changes and bring the letter to the next council meeting.

9. **Reports**

City Attorney Amerine reviewed a request from the Court & Police Departments to add a \$25 booking fee and a \$10 fingerprint fee to those defendants who are arrested and booked into jail. These fees would cover costs charged to Clearwater by Sedgwick County. Amerine stated that Council has also talked about increasing court costs. Currently, court costs are \$55 for every ticket issued in the City of Clearwater, such as dog at large or speeding tickets. Police Officer Jason Gearhardt suggested charging criminal and

misdemeanor violations different court costs. After a brief discussion, Council directed staff to draft an ordinance adding a \$25 booking fee and \$10 finger print fee to defendants arrested and booked into jail and increasing court costs from \$55 to \$65 for misdemeanor offenses and \$130 for criminal offenses.

City Attorney Amerine stated that there is a new seatbelt law in Kansas. Officers can now pull over a vehicle exclusively for failure to wear their seatbelt and they will be fined \$5.00 plus court costs. Amerine stated that the Court and Police Department would like to increase the fine to \$30 plus court costs. After a discussion regarding fines and costs, Council agreed that \$85 for a seatbelt ticket was excessive. Council agreed to a \$5 fine with no court costs was acceptable for a seatbelt fine.

City Administrator Brown stated that there have been two fires in the hedgerow behind the liquor store and next to the E Free Church. Brown stated that is on the land dedicated for the business park. Brown stated that the information he has received is that the fires have been started intentionally.

City Administrator Brown stated that there was a dedication ceremony for the new flagpole at the Senior Center. There were 41 people in attendance.

City Administrator Brown stated that the Richmond School would be put up for nomination on Saturday, August 14 for the State and National Historic Register. The Richmond Schoolhouse sits behind the museum in City Park.

City Administrator Brown stated that a building code issue has come up between the generator and the EVS building. Westar requires an additional disconnect switch so the generator doesn't back feed into their meter. Brown reviewed the work that Reeves Electric will have to do to get the electrical up to code. Reeves Electric is charging \$1,185. Council Member Whitney stated that the City needs to get the okay from Westar before any work is started. Council gave consensus to go ahead with the work upon receiving Westar approval.

City Administrator Brown stated that he has contacted APAC regarding the cracks in the asphalt on Lee in front of the bank. Brown stated he is awaiting a response from APAC as to when the asphalt is scheduled for repair.

Council Member Whitney stated that he received a resident complaint about the overgrown bushes at Prospect and Nancy.

Council Member Whitney stated that ornamental grass on the northwest corner of Prospect and Park is still obstructing the view of on coming traffic. Council Member Whitney asked if it possible to pass an ordinance that there can be nothing planted to obstruct the view of traffic. City Administrator Brown stated that it is already in the zoning ordinance.

Council Member Whitney stated that the asphalt on Nancy between Gorin and Prospect is starting to crack and needs to be repaired.

Council Member Whitney stated the grate by the new sidewalk at Mimosa Arms has not been installed.

Council Member Whitney stated there are 10-foot tall weeds between the bridges on south 4th. City Administrator Brown stated that is school property. Brown stated he would contact the school maintenance department to have it cleaned up.

Council Member Whitney asked for a final cost of what was spent to build the concession/stand restroom building in September.

Council Member Frischenmeyer stated there is a lot of overgrowth in the alleys around town. City Administrator Brown stated he would send some letters to remind residents that it is the homeowner's responsibility to keep the alley clear of obstructions.

Council Member York stated that the alley at the end of the 300 block between Lee and Gorin is in bad shape. City Administrator Brown stated that he is aware of the problem and hopes to have it fixed during the next street project as a long-term solution. In the mean time, Brown stated that he will go over possible solutions with Public Works Director Misak.

10. Executive Session-Real Estate

MOTION: At 8:20, Council Member Keeler made a motion to enter into Executive Session for real estate for 15 minutes. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

At 8:35, Council returned to regular session with no action taken.

Officer Jason Gearhardt addressed the Council to revisit the issue of fines for failure to wear a seatbelt. Gearhardt reviewed the new seatbelt law that is part of the Standard Traffic Ordinance (STO) that is passed by the State of Kansas. City Attorney Amerine stated that the City adopts the STO annually and if the City would like to change the fine for failure to wear a seatbelt that can be written into the ordinance adopting the STO. After a brief discussion, Amerine stated that she will prepare 2 ordinances, one with the \$5 fine with no court costs and one with the \$30 fine with no court costs. Council may vote for which they prefer at the next council meeting.

11. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Keeler moved for adjournment. The motion was seconded by Council Member Frischenmeyer 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 August 10, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 24th day of August, 2010.

Jodi McBee, Deputy City Clerk

