

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

April 8, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 8, 2008, 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, David FitzGerald, Judy Armstrong, and Jim Whitney. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Kim Demars, Police Chief; Marvin and Mary Schauf, Clearwater Volunteer Fire Department; Paul Rhodes, Times Sentinel; Michael Maus, Brittney Comstock, Amanda Townsley, Chase Gusland, James Gross, and Mark Ramsey, Clearwater High School Government students.

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 25, 2008

City Administrator Brown stated that it was incorrectly stated in the meeting that the replacement boards for the bleachers at the Sports Complex cost \$4,500 and it should have been \$400 to \$500.

MOTION: Council Member York made a motion to approve the minutes of the meeting with the correction. The motion was seconded by Council Member FitzGerald and passed unanimously.

2. Mayor's Recommendations

There were no appointments or resignations.

3. **Public Forum**

No one addressed the Council.

4. **Request From First State Bank to Block off a Portion of Lee Avenue on Friday, May 9th**

City Administrator Brown reported that he received a request from First State Bank to block off Lee Avenue from Ross Avenue south to the alley on Friday, May 9th from 4:00 p.m. to 8:00 pm. The event is the 2nd Annual Community Appreciation Night and Kids Fest. Brown stated that the event last year was a tremendous success and blocking off the street did not cause any problems. By consensus, the Council approved the request by First State Bank to block off a portion of Lee Avenue.

5. **Review Police Procedures Manual**

City Administrator Brown stated that a couple meeting ago the Council reviewed the first twenty pages of the Police Procedures Manual and this week the Council will review the next twenty pages. Mayor Justice questioned section 4.408 dealing with approved weapons for officers. Police Chief Demars stated that the approved weapons for officers are the same as approved by the Kansas Law Enforcement Training Center (KLETC). Demars continued to state that the City furnishes the officers a Glock .45 caliber and the City also furnishes 9 mm ammunition for people with smaller hands. Demars stated that while off duty an officer can carry a smaller weapon if that is their choice. The officer must have his personal weapon approved and they also must qualify that weapon at the range. Demars stated that most of what would be covered in the twenty pages are requirements passed down by KLETC. Mayor Justice then questioned if all officers are certified and approved to carry the ASP? Demars stated that there would be some re-training certification on the ASP, but as of right now everyone that is carrying the ASP is qualified. Council Member Whitney questioned if all of the officers are certified on the Taser? Demars stated that all of the officers are trained on the Taser with the exception of one part time officer. Council Member FitzGerald questioned what kind of training a part time officer receives? Demars stated that part time officers can be used by the department up to 1,000 hours per year before the requirement kicks in that they have to attend the part time academy. The part time academy runs for two weeks and is 40 hours. Officer Riggs attended a part time academy in Sumner County, which was sanctioned through the KLETC and took a little longer as it met once or twice a week. Reserve officers do not attend a part time academy and must be with a full time officer at all times. Reserve officers are limited in the activity that they are allowed to do and their training is done internally. Reserve officers do qualify to carry a weapon and are qualified on the Taser. Council Member Whitney questioned if the City provides vests for all of the officers? Chief Demars stated that vests are provided, but it is an option as to whether the officer wears the vest especially under extreme heat conditions. An officer wearing a vest can get overheated very easily. Demars stated that currently all officer

wear their vests. The Council and Demars briefly discussed high-speed pursuits and roadblocks.

Council Member Whitney stated that he has received a lot of good public comment concerning the way the officers are handling execution of search warrants dealing with the drug cases. Demars stated that the officers are now getting the training and experience and Officer Luckner and Sergeant Gearhardt are doing a tremendous job. Demars stated that Officer Clem began his time at KLETC on Monday.

6. Nuisance 118 S. Byers

City Attorney Amerine stated that the Council should authorize the Mayor's signature on the "Order of Violation Notice to Abate" on the property at 118 S. Byers. The notice would then be mailed to Mr. Braman and he would have 10 days to request a hearing.

MOTION: Council Member FitzGerald made a motion to authorize Mayor Justice to sign the Notice to Abate on the property located at 118 S. Byers. Council Member Armstrong seconded the motion and it passed unanimously.

Council Member FitzGerald stated that the property at 231 N. Prospect has been cleaned up and the neighbors are very appreciative. City Administrator Brown stated that Jodi McBee contacted the mortgage company requesting them to secure and clean up the property.

7. Review Letter to Fire District #9 Regarding Terminating Agreement for Fire Fighting

Council Member Armstrong stated that the letter to Fire District No. 9 and the letter to all of the property owners in the west 3/7 of London Township in Sumner County were very well written. City Administrator Brown stated that the letters have not been mailed, as he wanted to make sure that the Council wanted that strong of a communication sent. Fire Chief Marvin Schauf stated that Fire District #9 had not informed the London Township Board that the agreement for fire protection with Clearwater has been terminated. Schauf stated that he would be attending the meeting of the London Township Board next week. By consensus, the Council agreed to mail the letter as written.

8. Consent Annexation – Justin & Charity Miller 8039 Butterfly Court and Brian & Amber Cotton 8051 Butterfly Court

City Administrator Brown stated that he received "Consent Annexation" requests from Justin & Charity Miller at 8039 Butterfly Court and Brian & Amber Cotton at 8051 Butterfly Court in Prairie Meadows Estates. Brown stated that since the request is for an island annexation if the Council approves the request then a Resolution to the Sedgwick

County Commissioners is required to request permission to annex the properties.

MOTION: Council Member FitzGerald made a motion to approve the annexation of Lot 10 Block 2 of Prairie Meadows Estates Addition SEC 11-29-2W. Council Member Armstrong seconded the motion and it passed unanimously.

MOTION: Council Member Armstrong made a motion to approve the annexation of Lot 7 Block 2 of Prairie Meadows Estates Addition SEC 11-29-2W. Council Member FitzGerald seconded the motion and it passed unanimously.

9. **Resolutions Requesting the Board of Sedgwick County Commissioners to Make Certain Findings Regarding Annexation of Properties**

MOTION: Council Member Berntsen made a motion to approve Resolution 3-2008 requesting the Board of Sedgwick County Commissioners to approve annexation of Lot 10 Block 2 of Prairie Meadows Estates Addition SEC 11-29-2W. Council Member York seconded the motion and it passed unanimously.

MOTION: Council Member York made a motion to approve Resolution 4-2008 requesting the Board of Sedgwick County Commissioners to approve annexation of Lot 7 Block 2 of Prairie Meadows Estates Addition SEC 11-29-2W. Council Member Berntsen seconded the motion and it passed unanimously.

City Administrator Brown stated that after the Sedgwick County Commission rules on the annexation there would be a public hearing at the Clearwater Planning Commission meeting with the City requesting to change the default zone of R-1 (single family dwellings) to R-L (residential low density).

10. **Officially Designate Tenant Farmer for Land Purchased by City of Clearwater**

City Administrator Brown reported that Marion Barrow farmed the land purchased by the City when it belonged to Saunders. Brown stated that Barrow came in and told Brown that there is certain paperwork involved with the crop programs that will require a signature from a representative of the City. Brown stated that he is requesting that the Council authorize the Mayor to give Brown a limited 'Power of Attorney' for farm tenancy only. The farm payments from the FSA office are done automatically and will require routing information from the City.

MOTION: Council Member Armstrong made a motion for Mayor Justice to sign a limited power of attorney to manage agricultural property owned by the City

and authorize City Administrator Kent Brown to deal with the tenant farmer. Council Member FitzGerald seconded the motion and it passed unanimously.

By consensus, the Council designates Marion Barrow as the tenant farmer of the agriculture property in Section 24 recently purchased by the City until otherwise notified. After a brief discussion, the designation does not limit the Council to improve any portion of the property.

11. Review Aquatic Center Rates and Lifeguard Salaries

Mayor Justice stated that it has been 5 years since there has been an increase in the lifeguard salaries. City Administrator Brown stated that being a lifeguard is a profession that if they come back the second year they get an increase in salary. Brown continued to state that it is youth employment and the pool manager is pretty lenient working around sports activities and camps. Brown stated that City staff looked at lifeguard salaries in surrounding cities and found that Clearwater is on the low end of the scale. Brown explained that the minimum wage was raised; however, recreation is not included in the minimum wage requirement. Brown stated that staff did a quick mathematical review based on the number of hours worked last year (4,600) and if the wage was raised fifty cents across the board the increase in lifeguard salaries for 2008 would \$2,300. Mayor Justice stated a fifty-cent raise would put Clearwater in the middle of the wages in surrounding cities instead of at the low end. Council Member Whitney questioned where in the budget for the increase in wages would be taken? Brown stated that it would probably have to come from an increase in admittance prices. The Council discussed various aspects of operating the pool revenue vs. cost and the impact of increasing the cost of individual pool passes. The Council requested staff to provide information from last year on the number of passes and coupon books sold. The Council will discuss admission rates at the next meeting.

MOTION: Council Member Armstrong made a motion to increase all levels of Aquatic Center employees fifty-cents above the 2007 rates. Council Member York seconded the motion and it passed unanimously.

12. Review Council Tour of City Facilities

Mayor Justice stated that he made up a listing of twenty-two items that were identified during the Council tour of city facilities. Some of the items will require bids and others are just maintenance items.

- 1) First aid kits in all vehicles and both shops
- 2) Chain and rack bottles in shop
- 3) Get rid of old heater and anything not useable outside of new shop area

- 4) Look into auctioning tractors and getting one with larger bucket and cab
- 5) Get rid of old plastic watering tank behind old shop and purchase new one
- 6) Get the drum for old oil placed inside the concrete container
- 7) Place chains across drive on Ross and Grain
- 8) Remove horseshoe pits
- 9) Secure old fire station clock from Historical Museum to be fixed and put on Emergency Services Building
- 10) One way signs for parking lot at City Park
- 11) Get bids for taking down north-south shelter house and bids for block corner and post shelter with blue metal roof
- 12) Concrete drainage in City Park, stair step it to the bridge on Ross
- 13) Three portable fences, one for each softball diamond and one for City Park
- 14) Move east softball field fence back to 275'
- 15) Replace west foul line fence on east softball diamond
- 16) Possible shade structures of home stands of all three fields at sports complex
- 17) Other shade structures on the hills east of baseball field and east softball field
- 18) Fix up bathroom in the old city shop
- 19) Try to obtain easement to work on drainage north of city shop
- 20) Remove metal piece from ground from old stagecoach horse
- 21) Check on pricing for rubber mat around play areas in City Park
- 22) New finish mower for fields

The Council briefly discussed the area of used oil (6) and that people are abusing the area. It was discussed to try signage explaining where to dump the oil and see if the process improves for used oil. Justice requested staff to get prices or bids on items 13 through 17 and have them available for the Council to discuss with the Recreation Board. City Administrator Brown stated that he would like for the Council to authorize getting bids on repairing the rotten posts on the east wall of the north south portion of the shelter in City Park. Council Member Whitney stated that he spoke with a contractor concerning the posts on the shelter and their suggestion is to get some 4"x4" angle iron 3/8 inch thick 4' long and dig down the concrete on two sides screw in the angle iron and re-concrete and that will pull the structure back in line. Council Member Berntsen stated that the shelter is dangerous and there is various ways to repair, but it should be repaired immediately. Whitney stated that the discussion on Saturday was to tear down the shelter (11), but over the weekend he started thinking that might not be a good idea. Justice suggested a temporary fix and then staff can get a bid for the block corner posts. Justice requested staff to provide the amount in the 2008 budget for drainage. Whitney stated that many of the items on the list deal with the ball fields. Whitney continued to state that he would like provided to the Council a study on the number of teams, number of players, the percent of players from inside the City and from the School District, and which ages use which fields. Whitney stated that he would also like some information on how other cities handle the fields and maintenance for summer ball programs. City Administrator Brown distributed a study provided by Recreation

Commission Director Beki Zook of the average size of ball fields for different age groups for baseball, fast pitch softball and slow pitch softball. The Council discussed that the original thought concerning the new parking lot at City Park is that it should be one way (10). The Council directed staff to order signs for one way. Justice stated that Ernie Misak should price various tractors (4) so the Council would have some idea what kind of money it would take to replace the tractor. The Council briefly discussed rubber mat (21) for the play areas at City Park.

13. Reports

City Clerk Wright stated that in the last couple of weeks there has been some confusion concerning permits for in ground water sprinklers. The confusion started when staff received a call from a resident wanting to know if it was necessary to purchase a permit to install an in ground sprinkler at the same time the CIC was having a sprinkler system installed. Wright continued to state that staff called Sedgwick County Code Enforcement to verify that a plumbing permit was required. At that time more question arose concerning in ground sprinklers. Carol Reitberger talked to John Staton at Code Enforcement and it was decided that permits for in ground water sprinklers are only required when hooking onto the City water system. If the in ground sprinkler system is only hooked to a well then a permit is not required. Wright stated that staff would be refunding the permit fee to Jim Whitney for the permit at the CIC.

City Clerk Wright stated that she spoke to Lloyd Bonham of Sedgwick County Hazardous Waste and found out that the hazardous waste collection site was very successful. The collection in Clearwater was bigger than the one in Haysville or Maize. Bonham told Wright that there were around 200 vehicles and it was much larger than they expected. The Council discussed that there were a lot of people in Clearwater at recycle; the hazardous waste site and the spring Citywide clean up. City Administrator Brown stated that there was some congestion at the west edge of town and next time it might be better to have the hazardous waste drop off at City Park or some other location.

City Administrator Brown reported that Mike Machart has not completed the patch on the roof or started on re-roofing the recycle building. Council Member Whitney stated that the roof is leaking onto the baler and onto the control box. The cardboard in the baler is soaked. Mayor Justice stated that the bid for the roof was approved months ago and it is time to either get the roof completed or the City will have to go out for bids again.

City Administrator Brown stated that he would be requesting budget requests from the department heads. Brown continued to state that the Council should set up a time for the Council-planning meeting. After a brief discussion, finding no open Saturdays, Mayor Justice suggested limiting the agenda on the regular meeting of May 27th and saving most of

the evening for the work session. Justice suggested bumping up the time of the meeting to 5:00 p.m. and staff would provide dinner. The Council will set a definite time at next meeting after checking their calendars.

City Administrator Brown referenced an article that was in the Wichita Eagle dealing with yearly vaccinations for animals. Brown stated that some of the cities are taking a look at accepting multi year vaccinations. Brown continued to state that the City could continue to require yearly licenses. Brown stated that he does not want a decision, just for the Council to take a look at the possibility.

Council Member York wanted to know if everyone thought last night was a good night for Jayhawk fans. Kansas University Basketball team won the NCAA National Basketball Championship by beating Memphis 75 to 68.

Council Member FitzGerald stated that he has heard a lot of good comments on the student volunteers and City employees that helped with the weekend of clean up, recycling, and hazardous waste pickup. FitzGerald stated that there was a massive amount of traffic in one area. City Administrator Brown stated that there was 9 roll offs filled at the spring cleanup, but they had to shut down a little early because Waste Connections would not make another delivery after noon.

Council Member Whitney stated that he has received a request from some residents in Park Glen for a stop sign at the corner of Clear Creek and Park Glen. City Administrator Brown stated that he would talk to Police Chief Demars for a study on the feasibility of a stop sign on Clear Creek at Park Glen.

Council Member Whitney requested that Public Works fill the cuts in the pavement on south Tracy. When driving on Tracy you have to go to the other side of the street to miss the place where the City cut the pavement due to water line breaks.

Council Member Whitney stated that he has received another complaint about holes in the alley between First State Bank and Southern Kansas Telephone Co.

Mayor Justice reported that a latch on the women's restroom at the Sports Complex does not line up and could Public Works fix the problem.

City Administrator Brown reported that USD #264 school board does not want to participate in the study for generators for any of the schools.

14. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member

FitzGerald moved for adjournment. The motion was seconded by Council Member Armstrong and passed unanimously.

CERTIFICATE

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

I, Cheryl S. Wright, 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, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 22nd day of April 2008.

Cheryl S. Wright, City Clerk