

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

March 25, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 25, 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 Judy Cumming and Aileen Lauterbach, Clearwater Historical Society; Kyle Berger, Mary Schauf, and Marvin Schauf, Clearwater Fire Department; Donald Schauf, Clearwater EVS; Michael Purdom, Tyler Davis, Kent Yost, Kathie Sims, Tristan Howland, Kamron Konkel, Marc Steiner, Jordan Ford, Chelsea Graham, and Rebecca Linnebur, 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 11, 2008

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

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

No one addressed the Council.

4. **Request from Historical Museum Board for Permission to Build Exhibit Area for Large Farm Equipment**

Judy Cumming, Historical Museum Director, stated that the museum is running out of room and they cannot go up so they have to build to the back. The Museum board wants to build a 15' X 40' building behind and attached to the existing museum to house a binder, grain wagon, and other smaller farm items. Cumming stated that the addition would run east and west with a sloping roof so it would drain to the alley on the north side. The building would be of frame construction placed on a 10" cement floor and would have one side of plexiglas. The building would have a double sliding door on one side and a regular door for maintenance purposes. The addition would have electricity for low voltage lights, but no heating or cooling. The price quote of \$12,000 includes dirt work, but the plexiglas would be extra. Cumming stated that the Museum Board has the money for the project and the only cost to the City would be an increase in insurance for the building. By consensus, the Council approved the addition. Judy Cumming left the meeting.

The Council continued to discuss the location of the addition to the Historical Museum and the drainage. City Administrator Brown stated that the addition is attached on the south portion on the current building. The plexiglas portion of the building will face the sidewalk between the Aquatic Center and the Historical Museum. The discussion on the drainage determined that the addition would drain to the west.

5. **Fireworks Ordinance**

Mayor Justice stated that at a previous meeting the Council instructed City Attorney Amerine to write a new Fireworks Ordinance. Amerine stated that she prepared two separate Fireworks Ordinances. One of the ordinances changes only the dates for selling and shooting fireworks. The other changes the dates for selling, shooting and the permit fee. The dates permitted for selling and shooting fireworks is from July 1st through July 2nd between the hours of ten a.m. and ten p.m. and on the days of July 3rd and 4th, between the hours of ten a.m. and midnight. The Council briefly discussed the fee charged for a permit to operate a fireworks stand. City Clerk Wright assigned Ordinance No. 891.

MOTION: Council Member Armstrong made a motion to approve Ordinance No. 891 regulating the sale and use of fireworks from July 1st through July 4th. Council Member Berntsen seconded the motion and it passed on a roll call vote of 5 to 0.

6. **Review Police Procedures Manual**

Tabled until the next meeting when Police Chief Kim Demars can be available.

7. **Nuisance Resolution**

Tabled for more information until the next meeting.

8. Resolution No. 1-2008 From Fire District #9, Sumner County Terminating Fire Fighting Agreement

City Administrator Brown stated that for several years the City has had a contract with Fire District #9 located in Belle Plaine to serve the west 3/7 of London Township in Sumner County. Brown continued to state that he and Fire Chief Marvin Schauf attended a meeting at Fire District #9 after sending them notification that the City of Clearwater would like to change the agreement by increasing the mills charges from 4 mills to 6 mills for the subsequent years. Members of Fire District #9 discussed possible options for raising the mill levy, but did not think any of the options would be feasible. City Clerk Wright stated that last week a member of Fire District #9 came into City Hall with a Resolution terminating the agreement and compensation between Fire District #9 and the City of Clearwater for fire services in London Township in Sumner County. Wright continued to state that she was requested to type and sign acknowledgement of receiving the Resolution from Fire District #9 terminating the contract. Council Member Whitney stated that in his opinion since Fire District #9 is terminating the contract then Clearwater is not going to send a fire truck to London Township. Whitney stated that he is sure the residents are being told that Clearwater will show if there is a fire because of the State Mutual Aid Agreement. Whitney suggested that a letter should be written to the residents that Fire District #9 has terminated the agreement and that Clearwater will not be responding for fire calls. Brown stated that one of the problems in Belle Plaine is that they have the equipment, but there is a shortage of volunteers. Mayor Justice stated that he agrees since Fire District #9 terminated the agreement then Clearwater does not send equipment or men to fires in London Township in Sumner County. Brown asked EVS Director Donald Schauf how are the ambulance districts divided? After a brief discussion, it was decided that the only portion that was terminated was fire protection in London Township and it had nothing to do with ambulance calls. Mayor Justice commented that a letter should be sent to Fire District #9 stating that due to the City of Clearwater's acknowledgement that they are terminating the agreement for fire protection, the Mayor has advised the Clearwater Volunteer Fire Department not to respond to any fire calls in London Township in Sumner County. Marvin Schauf requested that the same letter be sent to Jimmie Reed at 911 in Sumner County. The Council briefly discussed sending a letter to the property owners in London Township and requested staff to contact the Sumner County Clerk for a list of names or addresses. City Attorney Amerine suggested sending a copy of the Fire District #9 resolution terminating the agreement to the property owners in London Township. Amerine stated that staff should prepare an ordinance to repeal Ordinance No. 890 terminating the agreement with Fire District #9.

9. Reports

City Clerk Wright stated that a couple of weeks ago her and Jodi McBee attended the City Clerk's Conference in Wichita. At the conference Gilmore & Bell presented a class on various financing methods. One of the methods that were discussed was lease/purchase of equipment, buildings, and land. Joe Norton, Gilmore & Bell, explained that the first step in lease/purchase financing is a Charter Ordinance allowing a city or school district to enter into a lease/purchase agreement. For each lease/purchase transaction there is a resolution passed by the Council stating what is being purchased, the dollar amount, and the terms. Wright stated that after the class she spoke to Norton and explained that Clearwater has not passed a charter ordinance or a resolution for any of the lease/purchases. Norton suggested that the Council go back and pass the proper paperwork. Wright stated that she and City Administrator Brown would be researching into what should be done regarding lease/purchase transactions.

City Attorney Amerine reported that she attended the Rural Water Seminar for Attorneys today in Wichita. Amerine discussed possible legislation concerning eminent domain and taking it away from everyone dealing with water. Amerine stated that the loss of eminent domain would be devastating to all cities, as they would not be able to obtain an easement to run a water line. Mayor Justice stated that for the last three years eminent domain has been under attack from the legislature.

City Administrator Brown reported that there would be a formal request later from the Fall Festival Committee to move the Saturday concert and dance from the street at Ross and Third to downtown in the 100 block of Ross Avenue. Brown stated that he is checking with city department heads to see if they see any problems with the change.

City Administrator Brown reported that the police officers are contacting individuals that are parking semi tractor-trailers on city streets.

City Administrator Brown reported that Chief Demars has found a cheaper way to switch out the mobile data terminals in the police vehicles. Sedgwick County would be inputting the software and all that would have to be purchased is the computers.

City Administrator Brown reported that Chief Demars would be having a press release later in the week regarding a drug bust that occurred at a house in Clearwater.

City Administrator Brown stated that the annual cleaning of the sewer system has begun. The cleaning would be the northwest areas of the City, problem areas, and Fourth Avenue.

City Administrator Brown reported that Public Works has been working on changing out the lumber on the bleachers at the Sports Complex and the bleachers are in good shape. Council Member FitzGerald stated that he is concerned that Public Works has spent \$400 to

\$500 in lumber plus man-hours to repair the wooden bleachers. Mayor Justice stated that he thinks that the City needs to get on a rotation and change all of the wooden bleachers to aluminum bleachers over the years. The Council briefly discussed bleachers in the Sports Complex.

City Administrator Brown reported that the baler has been installed at the recycle area. Brown stated that the training was very minimal.

City Administrator Brown reported that Fire Chief Schauf has the chance to acquire three 800 radios from KDOT at a reduced price.

Council Member FitzGerald reported that the land is ready for the "Welcome to Clearwater" stone to be set. FitzGerald has received a bid for the cement work and Danny Patton is ready to move the stone. FitzGerald continued to state that the only problem is that he is out of money for the stone project. FitzGerald explained that the lettering is going to cost about \$1,500 and the cement is \$1,500. After a brief discussion, the Council approved that the City provide \$500.00 toward setting the stone sign.

Council Member FitzGerald stated that a member of the Park Advisory Board told him that the Council had agreed not to remove the ball diamond at City Park. FitzGerald continued to state that he was not aware that the Council had made that decision. After a brief discussion, the Council agreed that the decision on the ball diamond is still undecided. Mayor Justice stated that he has a problem with the Council approving to spend over \$100,000 on building a new ball field. By using portable fencing the current ball diamonds at City Park and the Sports Complex could be reconfigured to accommodate various ages. Justice stated that his idea for City Park is to define the ball field area and then the rest of the area at City Park can be used for other activities. Council Member Whitney stated that he would like to see a study done on why there are three completely irrigated ball fields at the Sports Complex and many nights during the summer there are only games played at City Park. The Council again discussed portable fences and portable mounds and making the ball fields more functional. Council Member York suggested that the Council have a meeting with the Ball Association prior to the Council planning session in preparation for the budget.

Council Member Whitney questioned the status of uniforms for the maintenance department employees? City Administrator Brown stated that the uniforms have been purchased and Barbara Hufford from the Senior Center is sewing on City logos and names.

Council Member Whitney questioned how many times a year the water tower is dumped? City Administrator Brown stated that the only time it is dumped is when the inside of the tower is cleaned and inspected. Whitney stated that emptying the water tower down the ditch is a waste of water and resources. Whitney suggested that maintenance should be able

to plan a little better and start reducing the amount of water in the tower prior to the planned cleaning.

Council Member Whitney stated that he received a phone call this afternoon and the semi is still sitting on S. Grant and has not been moved.

Council Member Armstrong questioned if the Council tour of the City is still on for Saturday morning. Mayor Justice stated that it was and they were going to begin at 8:00 a.m. at the maintenance shop. The Council wants to check out the maintenance shops, recycling, City Park, and Sports Complex

Council Member Armstrong reported from the Senior Advisory Board that the Senior Director is going to need some help from the City to renegotiate the contract with the Red Cross for the Good Neighbor Nutrition (GNP) meals. Carl Shaffer is requesting some changes in the wording since the GNP Program is now being served from a City facility.

Council Member Armstrong stated that some of the senior citizens are pretty upset about the electrical problems in the kitchen at the Senior Center. Armstrong continued to state that when they have the biscuit and gravy breakfast or the carry in dinner there is a problem with blowing the electrical circuits. The popcorn popper will also blow the electrical circuits. Carl Shaffer was told that it might be a fine electrical system in the kitchen for a personal residence, but it is not set up for a commercial kitchen. City Administrator Brown stated that he would talk to Tri-County Electric to see what can be done.

Council Member Berntsen questioned the status of the generator at well #7. City Administrator Brown stated that the decision has been to build a wall around the generator. The floodplain manager wants stamped plans of the project before he will approve. Harlan Foraker is working on the plans.

Council Member Berntsen reported that he worked recycling last Saturday. Berntsen stated that there should be more lighting in the building as it is very dark and hard to read the numbers on the plastic.

Council Member Berntsen stated that he was at City Park on Saturday for the Easter egg hunt and tripped over the piece of steel that used to hold the horse in the ground. The piece of steel is still there and not covered with dirt. Council Member Whitney suggested that maintenance could take a torch and cut off the steel below the ground.

Council Member York questioned the status of the property at 231 N. Prospect. City Clerk Wright stated that staff has been in contact with the mortgage company and the house went into foreclosure on February 6th. Jodi McBee explained to the mortgage company that

the City has received a lot of calls concerning the stuff all over the yard and that the house is not secure.

Council Member York questioned what is the next step to get a permanent plat plan in place for the land that was purchased by the City? City Administrator Brown stated that Harlan Foraker is preparing a preliminary plat and a final plat that should be ready for the Planning Commission to review at the May meeting.

Mayor Justice questioned the status of the fountains at the Chisholm Ridge fishing lakes? City Administrator Brown stated that he did not know the status, but would have a report at the next meeting.

Council Member Whitney stated that he attended the auction for the balance of land that was for sale by the Saunders estate. There were five local people bidding on the land and it sold for \$3,600 per acre. Council Member Berntsen stated that he thinks that the City made a wise decision to purchase the land in Section 24 from the Saunders estate prior to the auction. Berntsen continued to state that the City paid \$604 less per acre.

Council Member Whitney stated that the entrance doors at the Senior Center are sticking and you can hear metal on metal dragging.

City Administrator Brown stated at the next meeting there should be two property owners that have houses under construction in Prairie Meadows that would be requesting annexation into the City. Once the paperwork is received then the ordinance would be presented to the Council

City Administrator Brown stated that when Jerry Falke talked about being part of the water line project north of Clearwater he was not interested in annexing all of his property into the City. Falke was concerned that might cause a problem in selling the lots. There have been three houses under construction and all three have been interested in annexing into the City and hooking onto city water. Brown stated that he would like to approach Jerry Falke again about annexing the rest of the property in Prairie Meadows into the City. Brown continued to state that it might be less confusing for the property owners and for Sedgwick County. By consensus, the Council agreed that Brown should send a letter to Jerry Falke concerning annexation.

Council Member FitzGerald suggested contacting the Ball Association concerning some of the possible changes at the City Park and Sports Complex ball fields before requesting them to attend a Council meeting. Mayor Justice stated that he would like for the Recreation Director or Ball Association to give the Council the rules for the fence distance for different age groups for baseball and softball.

10. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member York 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 9, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of April 2008.

Cheryl S. Wright, City Clerk