

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

May 27, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 27, 2008, at 5:00 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 Greg Kite, Historic Preservation Alliance; Judy Cumming, Aileen Lauterbach, George Light, Clarice Sparr, Historical Museum; Valera Lange, Ruby Fisher, Roger Lange, and Bill Kenney, citizens.

Mayor Justice called the meeting to order at 5:00 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 May 13, 2008

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

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

Judy Cumming, Historical Museum Director, stated that it has come to her Board's attention that the one room schoolhouse (16' X 30') at 95th & Tyler is in desperate need of a new home. Cumming continued to state that the schoolhouse might be the oldest (1875) one still standing in Sedgwick County. Cumming introduced Greg Kite the President of the Historic Preservation Alliance (HPA) of Sedgwick County. Kite stated that he was

contacted by some of the rural residents of Ohio Township concerning the Richmond Hill one-room schoolhouse located at 95th & Tyler. Kite stated that the schoolhouse is in threat of demolition and he has joined forces with residents of Ohio Township to find a permanent location for the building. Kite stated that the HPA entered into a contract with Pinkston House Moving for \$5,600 to move the historic one room schoolhouse. The building is currently raised up and is on dollies looking for a home. Kite stated that he began to look at Haysville, Cow Town in Wichita, and Clearwater. In his conversations with various groups he found that the Clearwater Historical Museum could provide materials on the schoolhouse and some of the students that attended the school. Member of the Historical Board have relatives that attended the school. Kite stated he would like to move the Richmond Hill schoolhouse to Clearwater. Kite continued to state that the HPA would not dump the schoolhouse on Clearwater. The first step is to get the building on the Historical Register. The HPA would write the application for historic register nomination and designation, which in turn would give the opportunity to receive Heritage Trust Fund Grants from the State of Kansas in the amount of \$90,000, but this could all take nine month or more. Kite stated that the building immediately needs a roof, there is stucco material on the outside that needs to be removed, and a foundation needs to be poured on a permanent location. Kite suggested a location to the west and behind the museum. There is a wonderful raised triangular piece of ground bordered by the little creek on the west and bordered by trees on the east that would be a perfect site for the schoolhouse. Mayor Justice questioned Kite how far outside the current fence at the Historical Museum is he suggesting? Kite stated it would be to the east of the drainage area. Council Member Whitney stated that area in the back portion of the park is not conducive to much of anything. Council Member Armstrong stated that there is nothing in any of the plans for the park for that area, except for a walkway and the schoolhouse would not hinder the walkway. The Council and some Historical Museum Board members discussed the location of the new building addition to the museum that was previously approved and the possible location of the schoolhouse. City Administrator Brown questioned what the City would be responsible for? Judy Cumming stated that the City would have to insure the schoolhouse and Kite stated he was not asking for anything except for space to put the schoolhouse. Kite stated it would be fantastic if the City offered to do more than give the space, but he is not trying to dump a problem on the City. Cumming stated that the Historical Society could do some fund raising or Clarice Sparr stated she thought there are some people that might donate to the project of getting the one room schoolhouse set on a foundation and the fence moved. Mayor Justice suggested that maybe the Council could get some portable fencing for around the building until the time to move the permanent fencing.

MOTION: Council Member York made a motion to allow the Historical Museum the ground to facilitate the move of the Richmond Hill one room schoolhouse from 95th & Tyler and make it the permanent location. Council Member Berntsen seconded the motion and it passed unanimously.

Ruby Fisher resident at 117 S. Lee stated that she wanted to address the problem of drainage in the alley behind her house. Fisher distributed to the Council pictures of water standing in her yard and water around and inside her shed. The pictures were taken during rains in February and March. During the Memorial Day weekend rain, she noticed that the drain spout on the new Shackelford Building is directly across from her driveway. The downspout was facing her sidewalk. Fisher stated that there have been three new buildings built across the alley and the drainage is getting worse. Fisher stated that her son-in-law Roger Lange has some ideas for possible improvements. Lange stated he suggests making a valley through the alley, although he has been told there is a cable that is not buried very deep. Lange stated that he has not shot the alley and the only other way that he can think of is to build a retaining wall on the east side of the alley. Mayor Justice stated that he and City Administrator Brown walked the alley and there is a problem and it is not going to be one easy fix, as the water cannot cross the alley. Justice discussed some of the fixes that he and Brown talked about. Brown stated that the Fisher property is the lowest property. Council Member Whitney stated that he would like to see staff shoot the alley and work with Roger Lange, since he has been in the dirt business for years. Brown stated since the property is just outside the back door would the Council like to adjourn long enough to go view the alley.

At 5:50 p.m. the Council adjourned to go outside and view the alley behind 117 S. Lee.

At 6:02 p.m. the Council returned to regular session. Mayor Justice suggested a meeting with City Administrator Brown, Ernie Misak, Public Work Director, Roger Lange and someone from Shackelford Machine to discuss the drainage problem.

4. Fireworks Sales Permit Application From Wholesale Fireworks

City Administrator Brown stated that City staff received a Fireworks Sales Application from Wholesale Fireworks to operate a fireworks stand at 800 E. Ross. Brown stated that staff received the application, certificate of insurance, and a check for \$5,000. Wholesale Fireworks has been informed that the days to sell have been changed to July 1 to July 4.

MOTION: Council Member Armstrong made a motion to approve the fireworks application from Wholesale Fireworks to operate a fireworks stand. Council Member FitzGerald seconded the motion and it passed unanimously.

5. Resolution for Traffic Control in Park Glen

City Administrator Brown stated that he prepared the proposed ordinance for the addition of stop and yield signs in Park Glen Addition per the request by Council at the last meeting. Brown stated that Chief Demars has reviewed and approved the proposed resolution. City Clerk Wright assigned Resolution No. 6-2008.

MOTION: Council Member FitzGerald made a motion to approve Resolution No. 6-2008 adding additional traffic control signage in Park Glen. Council Member Armstrong seconded the motion and it passed unanimously.

6. **Agreement Between Bill Kenney and City of Clearwater to Operate a Snow Cone Business in City Park**

City Attorney Amerine stated that the terms suggested by Bill Kenney to operate a Shaved Ice business from the concession stand in City Park is \$100.00 per month plus 5% of the profits. Amerine stated that Mr. Kenney is an independent contractor and is responsible for paying his sales tax. The agreement would be month to month depending on his business. City Administrator Brown stated that there has been some small issues come up between the Mr. Kenney and the person operating the concession stand during summer ballgames, but those are being worked out. Brown continued to state that the City owns the building used for the concession stand and provides the utilities. Council Member Whitney questioned if the person operating the concession stand during summer ball was paying to use the facility. Brown stated that neither the Recreation Commission nor the City is receiving anything from the person using the concession stand.

MOTION: Council Member FitzGerald made a motion to authorize Mayor Justice to sign the contract entering into an agreement with Bill Kenney to operate a business from the concession stand in City Park with a payment to the City of \$100.00 per month plus 5% of the profit. Council Member Berntsen seconded the motion and it passed unanimously.

The Council briefly discussed who should be hiring the person or group to operate the concession stand at the ballparks during summer ball. The Council also discussed that there should be some sort of reciprocation paid since the City is providing the building, utilities, and maintenance.

7. **Agreement Between Swift Construction and City of Clearwater for Concrete Work in City Park**

City Administrator Brown stated that the contract includes everything that was discussed previously by the Council. Council Member Whitney stated that he talked to Steve Swift and he did not understand the drop. Brown stated that Ernie Misak has drawn up the drop and Brown spoke with Swift. Brown stated that it is 104' then a drop of 10" then

another 104' with another drop of 10" and continue in the same way. Whitney requested that Brown contact Sedgwick County concerning repairing the bridge.

MOTION: Council Member York made a motion to enter into a contract between Swift Construction and the City of Clearwater for concrete work in City Park. Council Member FitzGerald seconded the motion and it passed unanimously.

8. Reports

City Attorney Amerine reported that next week she would be attending the City Attorney's meeting in Lenexa. This year it is a two-day meeting that includes a land use tour.

City Administrator Brown stated that he has been approached by USD #264 to put the antenna for their radios for buses and staff on the water tower. Currently the antenna is on the Administration building, but it does not cover the entire bus route. Brown stated that it could probably be done, but the City would need to know the specs and what would be involved. Brown stated that any cell phone company that has contacted the City about using the water tower a charge was involved. Brown stated that this would probably be a future discussion between USD #264 and the City.

City Administrator Brown reported that the preliminary plat for the Business Park would be reviewed at the next Planning Commission.

Council Member FitzGerald questioned if anyone has been hired to run the bailer? City Administrator Brown stated that no one has been hired. Brown stated that he would contact someone before the next Council meeting.

Council Member FitzGerald stated that there are several houses that need weed letters. Mayor Justice stated that all that is necessary is for each Council Member to provide City Administrator Brown with a list of properties and he would handle the letters. Council Member Whitney questioned if the letters are sent to the homeowners or the renters? Brown stated that the letters are sent to the property owners. The Council discussed various properties. Whitney stated that he would be mowing the entrance off of Fourth into the Senior Apartments.

Bill Kenney stated that something that he has noticed during his negotiations with the City is that the organizations do not talk to each other. Kenney stated that his understanding is that the Ball Association thinks that they have all of the power during ball season. Kenney stated that in his opinion it might be a good idea for the City, Recreation Commission, and Ball Association to sit down and develop a policy and a process for concessions. The City owns the buildings, but the Ball Association says they own all of the equipment. Kenney

requested if the Ball Association owns the refrigerator in the concession stand would they please remove it, as it has not worked in two years. Mayor Justice stated that the Ball Association is not in charge of the concession stand, that person would be Beki Zook, the Recreation Director.

9. **Adjournment**

MOTION: Being no further discussion to come before the Council, Council Member Berntsen motioned 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 May 27, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 10th day of June 2008.

Cheryl S. Wright, City Clerk