

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

JULY 13, 2010

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, July 13, 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 Justice, Mayor; Mike York, Lyle Berntsen, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Ernie Misak, Public Works Director, and Gene Garcia, Interim Police Chief. Others present at the meeting were Marvin Schauf and Mary Schauf, Clearwater Fire Department; Donald Schauf, Clearwater EMS; Mike Roth, USD 264 School Superintendent; Victoria Wise and Ryan Smothers, Clearwater Public Library; Paul Rhodes, Times Sentinel Newspaper.

Mayor Mike 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 June 22, 2010

MOTION: Council Member Berntsen 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

With Council consensus, Mayor Justice accepted the resignation of Matt Youngers from the Fire Department.

3. **Public Forum**

No one addressed the Council.

4. **Department Head Reports**

Interim Police Chief Garcia reported on Police Department activities in the last three months including D.A.R.E. education and graduation, a child identification booth at the Clearwater Family Fun & Fitness night, continuing education, additional security at USD 264 varsity games, trailer parking enforcement, and community service involvement with civic groups. The Police Department awarded two \$500 D.A.R.E. scholarships this year instead of one \$700 scholarship due to some additional D.A.R.E. funding.

Public Works Director Misak reviewed items the Public Works Department have been working on recently including repair of water lines, work on completing the park concession stand/restroom building, mowing and weed eating, trimming trees at the sports complex, building maintenance at the sports complex, equipment service, and pool maintenance. Temporary occupancy has been issued for the concession stand building and permanent occupancy will be granted once the sidewalk to the east is completed.

Fire Chief Schauf reported electrical problems in the ambulance bay at the EVS building that have been repaired. Schauf stated that the air conditioner at the EVS building has been tripping the breaker. A service man is looking at the problem. Fire Engine 2 had a leak and was recently repaired.

EVS Director Schauf reported that the siren on Ambulance 401 is out and new siren is on order. All students that took the EMT class in Clearwater passed the class and all but one have passed the practical portion of the EMT testing. Schauf stated that community donations have allowed for the future purchase of a computer to do electronic reporting.

5. **Request from USD 264 Regarding Additional Parking on Ross in Front of Elementary West**

USD 264 Superintendent Mike Roth addressed Council regarding a drop off/pickup zone on Ross Ave. north of Elementary West. Roth stated the school is proposing covering the cost of the curb and guttering and the grading. The school asks that the City take care of the paving of the drop off zone. Roth stated the cost estimate for the requested City portion

would be under \$13,000. The school's portion is estimated to be about \$42,000. Roth reviewed the construction plan. Roth went on to explain that there is an additional 25 yards on the east end to complete the project that isn't included in this plan. Council Member York expressed concern with the increased drainage flow toward First Ave. Roth stated that the contractor, Jason Martin, and Public Works Director Misak discussed drainage and currently additional drainage control is not proposed. But, if drainage becomes an issue the school would be willing to share in the additional drainage control cost. Mayor Justice stated that it might be in the best interest of the city and the school to finish the additional 25 yards. The money for the city portion would come out of the 2010 Special Highway budget which would lower the amount for the street project in 2011. Brown stated that with this project, he doesn't see a negative affect with the street or the drainage. Council Member Whitney asked if Sedgwick County has to be consulted because the proposed improvement area is on Ross Ave. which Sedgwick County maintains. Brown stated that both the city and the school will have to make sure the County approves the project. Whitney expressed his concern that the project might cause additional drainage problems. Brown stated that this is just a preliminary agreement to get involved in the project. Both the City and School want the project to be completed as an improvement and not to create additional problems.

MOTION: Council Member Frischenmeyer made a motion to participate with USD 264 drop off/pickup zone project on Ross Ave. at Elementary East with either asphalt or concrete not to exceed a cost of \$15,000. The motion was seconded by Council Member Berntsen and passed unanimously.

Once the final numbers are figured for the entire project, the school will come back to the city for a total cost for the city's portion.

6. Ordinance Regulating Parking of Certain Commercial Vehicles Within the City Limits

City Administrator Brown stated that Council had requested the Planning Commission review the ordinance regulating parking of certain commercial vehicles within the city limits. The Planning Commission reviewed the ordinance and had a recommendation from the Interim Police Chief. Council Member Whitney stated that this ordinance disallows commercial truck parking anywhere in the City and Council has recently agreed to allow truck parking in a designated area. After a brief discussion, Council directed staff to edit the ordinance to allow commercial truck parking in designated areas with permission from the City.

7. Library Presentation of 2011 Budget Request

Clearwater Public Library Director Victoria Wise addressed the Council to present a 2011 budget request. Wise reviewed the history and function of the library. Wise went on to explain that the library is implementing a new automation system. Wise stated that the new automation system was a necessity due to system failures and lack of technical support. The Library joined with 14 other libraries to attain this new automation system. The new automation system will create additional work hours for library staff to re-catalog the entire library. Library Board President Ryan Smothers reviewed the proposed library budget with an increase of \$4,200 from the budget in 2010 of \$75,903. Proposed increases include funding for new automation system, increase in salaries, computer support, office equipment, phone service and children's programs. Mayor Justice stated the increases will be considered when budget is reviewed.

8. Ordinance Amending City Code Setting Forth Costs in Municipal Court

City Attorney Amerine explained there was an error in the ordinance amending city code setting forth costs in municipal court. There is an additional \$0.50 that should be added to the state imposed fees. Amerine stated that both her and Court Clerk Jo Johnson missed adding the fee when the original ordinance was drafted. City Clerk Wright assigned ordinance number 925.

MOTION: Council Member Berntsen made a motion to adopt Ordinance Number 925 Amending City Code Setting Forth Costs in Municipal Court. The motion was seconded by Council Member Frischenmeyer and passed on a roll call vote 5-0.

9. Informational Update on Zoning Change Process for Property at 95th and 135th

City Administrator Brown stated that there has been a preliminary plat and change of zoning request for the property at 95th and 135th submitted to the Planning Commission. The preliminary plat is satisfactory. The frontage lots are proposed to be zoned Commercial and the interior lots are proposed to be Light Industrial. The Planning Commission gave some recommendations for changes that the engineering firm will have to work on before the final plat is approved. The Planning Commission voted to recommend to the Council for the entire property to be zoned Commercial. Brown stated that there is no decision to be made by Council tonight. The Planning Commission has to approve the final plat before Council

can also approve and rezone the area. City Attorney Amerine stated she would recommend John Riggs, the City Planner, look at the preliminary plat and zoning request because he is the city's consultant and zoning is an issue. Mayor Justice asked what the issue was in denying the rezoning to Industrial. Brown stated it was the unknown factor of what could be built on the property if it was zoned Industrial. The applicant was not able to provide information on what would be built since it is speculative and there are no specific plans in place.

10. Clearwater High School Booster Club Request for Sponsorship

Mayor Justice reviewed the Clearwater High School Booster Club request for sponsorship. After a brief discussion, Council gave consensus to decline the request for sponsorship.

11. Review Stage Location of Ross and Gorin for Fall Festival Events

City Administrator Brown stated that the Fall Festival Committee is proposing to relocate the stage from Ross and Tracy to Ross and Gorin. The reason for the move is to get the stage closer to the carnival area. They are talking with the neighbors to discuss noise issues. Interim Police Chief Garcia stated the Police Department can get a better handle on monitoring alcohol if the stage is located closer to the downtown area. Moving the stage to Ross and Gorin would string out the crowd between the bar and the band venue. Council agreed to allow the committee to move the stage, but if it is a bigger problem for the Police Department to monitor the crowd, the stage could be relocated back to Ross and Tracy next year.

12. Second Review of 2011 General Fund Budget

City Administrator Brown began the second review of the 2011 budget. Brown stated that the total valuation has grown only 5% since 2005, even though the real property has grown almost 24% in the same timeframe. This is due to cuts in valuation of State assessed properties which include public utilities and railroads. Brown stated that staff proposes several different options for budget cuts for the 2011 budget including reduction in staff size, no salary increases, elimination of economic development and chamber donations, reduction in purchase of new equipment and radios, reduction in capital outlay and reduction in commodity and contractual spending in all departments. Mayor Justice stated that if it comes down to choosing between personnel or contributing to economic development and

the Clearwater Chamber, he would be for protecting the personnel. Brown explained that he did find out from the IT Department at Sedgwick County that the definitive deadline for radio replacement for communication equipment with the rebanding issue with Sedgwick County is January 1, 2013. Request for radio replacement was a large budget request item in the Police, Fire and EMS Departments. Brown stated that a large budget item that he needs direction from Council on is Employee Benefit. Brown stated that his recommendation is that the employees need to pay a larger portion for their health care benefits. Brown reviewed the current health care benefits. Brown stated that another item he needs direction on is at what level to set the mill levy. It is currently at 41.767 mills, due to the error on Sedgwick County's part. Council originally set the mill levy at 43.661 mills last year. After a lengthy discussion, Council agreed to set their goal of keeping the mill levy at 45 mills. Council agreed that there does need to be an increase in employee portion of health care benefit. Council Member Whitney asked if there is additional money to be cut from the Court Department. Large cuts are being shown in every other department, but only a \$5,000 cut in Court. City Attorney Amerine stated that the city's salary for Municipal Judge and Prosecutor is high and our court fees are low in comparison to other local municipalities. Interim Police Chief Garcia agreed that the fees are low. Council directed staff to research other court costs in the area.

13. Reports

City Administrator Brown reviewed the proposed plaque to be erected next to the windmill in City Park.

Council Member Whitney stated there are tree limbs blocking the stop sign at the southeast corner of Kansas and Byers. There is also some ornamental grass obstructing the view at the intersection of Prospect and Park.

Council Member Whitney stated that the crosswalk signs need to be moved to the new crosswalk at Chisholm Trail and Ross. City Administrator Brown stated that concrete needs to be poured from the walking path to the road before the crosswalk is complete.

Council Member Whitney stated that there is water standing at the northwest corner First and Ross. The drainage at the corner is a continual problem that needs to be rectified.

14. Executive Session-Personnel

MOTION: At 9:45, Council Member York made a motion to enter into Executive Session for personnel for 10 minutes. The motion was seconded by Council Member Keeler and passed unanimously.

At 9:55, Council returned to regular session with no action taken.

MOTION: Council Member York made a motion to increase the City Clerk base pay to the amount presented due to the change to exempt status. The motion was seconded by Council Member Keeler and passed unanimously.

13. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member York 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 July 13, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 27th day of July, 2010.

Jodi McBee, Deputy City Clerk

