

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
MINUTES
June 10, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 10, 2014, 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, Mayor; Jim Whitney, Paul G. Clark, Chris Griffin, Burt Ussery, Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Carol Reitberger, Deputy City Clerk, J. Larry Linn; City Attorney; Gene Garcia, Police Chief; Ernie Misak, Public Works Director; Beki Zook, Recreation Director. Paul Rhodes, Times Sentinel; Beth Monroe, Carl Conley, Karen Matzen, & Becky Schievelbien.

Mayor 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.

Approval of the Minutes of the Regular Meeting of May 27, 2014

Council Member Ussery made a motion to approve the minutes of the May 27, 2014 City Council Meeting. The motion was seconded by Council Member Papish and passed unanimously.

Mayor's Recommendations

No recommendations at this time.

Public Forum

Beth Monroe stated to the Council that she received a notice from the Police Department on her front door. The notice stated that she was not in compliance with the ordinance that talked about motor vehicles parked on grass. Monroe stated that she has a boat in her backyard that has been there for 26 years. Monroe expressed her dissatisfaction over receiving the notice that stated that there was a \$250 fine involved with the violation. Monroe suggested there might be a more friendly way to notify City Residents of violations.

Carl Conley also spoke to the Council about his frustration that notices were sent to some city residents and not others. Conley felt that a few people were targeted by the Police Department and those were the ones that got notices.

Police Chief Gene Garcia approached the Council with a written letter from City Resident Johnny Mishler. Chief Garcia read the letter to Council expressing Mishler's compliance with the ordinance when it was enacted several years ago. Mishler stated in his letter that now he is in violation because there is grass growing in the rock he put down to park his vehicles on. Mishler further stated that he does not like using chemicals to kill the grass because he is concerned about the toads and garter snakes that are both beneficial to the environment. Mishler further stated in the letter that he would work with the Council and Police Department regarding this matter.

Council Member Burt Ussery stated that the Council had many discussions about this Ordinance before they approved it. The Ordinance states that no more than 3 cars parked in the back. Any number of vehicles may be parked in the driveway. No cars or motor vehicles can be parked on grass; it must be gravel or other dustless surface. There have been lots of conversations about this Ordinance. Council Member Ussery also stated that this Ordinance was worded very carefully so that everyone could understand the process.

Mayor Mike York stated that at first he was not in favor of this Ordinance when it was first discussed. In fact, he voted no on the original ordinance several years ago. Mayor York further stated that because of personal reasons he thought about his small trailer parked in the street or his driveway and decided the Ordinance was a good idea and would have voted yes and has been in favor of the revisions since then.

Police Chief Gene Garcia thanked the Council for allowing the City Park parking lot to be blocked off on June 7th for the Chamber of Commerce Farmer's Market. It was well attended by people out of town here for the City Wide Garage Sales. Chief Garcia would like to request permission from the Council to block off the intersection of Lee and Ross for the Farmers Market to continue through the rest of the summer. The street would be blocked from 7:00am – 12:00pm on the third Saturday of the month. Council Consensus approved the request.

Carl Conley asked the Council for clarification on the kind of rock that has been approved to be used for parking vehicles on. Council reviewed the types of material.

Karen Matzen asked about chemicals on grass running into the waterway. Council Member Ussery answered that there is a vinegar alternative that can be used.

Karen Matzen stated that she did not receive a notice from the Police Department but she does have a trailer in her back yard that is used to haul brush and grass to the dump as needed. The trailer is in the back yard and not visible from the street. Matzen asked if she was in violation of the Ordinance. Matzen stated that she could come up with the money for the rock if was absolutely required.

Council Member Papish commented that she never thought back yards were a topic of discussion unless there was a written complaint.

Chief Garcia stated that pictures were taken over the last year per Council's request. The pictures cover 4 Ordinances so letters and violation notices were sent based on those findings.

New Business

Planning Commission Recommendation on Annual Review of Comprehensive Plan.

City Administrator Kent Brown stated to the Council the highlighted areas in the plan are what the Planning Commission looked at changing. The target population was reduced from 3,700 to 3,000 based on the census report as of 2010 and the estimates in 2011 and 2012. Residential uses are expected to increase by 50% with increases being in two family and multiple family dwellings. Administrator Brown stated that these figures can change with the declining or rising of the

population.

Council Member Ussery asked how the Planning Commission got to these figures. City Administrator Brown stated that the figures were based on the census report and the differences with the estimates that were stated within the comprehensive plan. Council Member Ussery asked if there would be any financial cost to changing these figures. Brown replied that it would not have any negative financial result.

Council Member Ussery made a motion to approve the recommendations of the Planning Commission. Council Member Whitney seconded the motion and passed unanimously.

Water Emergency Plan.

City Administrator Kent Brown stated the water wells serve a population of 2,501 and a few outside the city customers through 968 meters. The water tower capacity is 150,000. This structure is located in the city park. The City of Clearwater maintains its own sewer lagoon facilities consisting of four lagoons covering 25 acres. The Council discussed mandatory conservation measures to implement if needed.

Council Member Whitney made a motion to approve the Water Emergency Plan as written. Council Member Clark seconded the motion and passed unanimously.

Department Head Budget Requests

City Administrator Kent Brown stated in the General Fund-Administrative Summary there are a few highlights. The City would like to make improvements to address ADA concerns at City Hall and the recording system could use some upgrades. The City would also like to pay for the maintenance of the city code online through Municode and add security Cameras in City Hall.

Public Works Director Ernie Misak stated in the Capital Building Fund Summary that any street project in the coming year would likely be used for the Tracy and Ross interchange reconstruction and the 4th Avenue drainage when the County has their road project on 4th Avenue. Also, there may be at any time an extension of the road into the Industrial Park. This would be in addition to the normal maintenance of the rest of the street network.

Public Works Director Misak stated the Special Highway Fund is revenues received from the state and county gasoline tax. The funds are to build and maintain streets and alleys that will accommodate all types of traffic. The objectives for this budget include \$6,000 for small crack fill and \$1,200 for wide crack fill. There is also \$1,500 included in this budget for changing existing street name signs to comply with new regulations.

Recreation Director Beki Zook reviewed the General Fund - Park Department. The largest challenges will be whether to outsource park maintenance, the number of projects that are requested to be completed, better coordination of projects and the final authority on projects. Zook reviewed the proposed budget that would be very similar to this year if \$17,000 was kept as the amount for capital projects.

Recreation Director Zook reviewed the General Fund – Pool Department. The main objectives include a statement on lifeguard salaries, painting the pool surface which was done this year and cost more because the cost of paint is higher and the Tiger Shark among other maintenance items. Zook reviewed the

proposed budget which included \$3,000 for a replacement of the Tiger Shark or additional repairs. Council Member Whitney asked about the Tiger Sharks and was they not included in previous budgets. Zook replied that there are 2 Tiger Sharks now; however, one is getting a new motor that should allow it to function for another year or possibly two. The other Tiger Shark is a backup and works for right now but that is no guarantee for the future.

Council Member Ussery asked City Attorney Linn about his opinion on violation of vehicles. City Attorney Linn responded that some of the strongest responses from citizens are regarding the limitations on their personal property whether it is location, appearance or number.

Council Member Whitney would like for something done in the park. He understands now why previous Councils didn't refer any decisions to committees because it just doesn't get done. Council Member Whitney asked about the status of the playground surfacing project. Recreation Director Zook replied that the Recreation Commission was going to discuss that item at their meeting this Wednesday. Zook stated that the consensus of the Recreation Commission board was to recommend using pea gravel as the surface. After discussion, the consensus of the Council was they preferred a pour and play type surface that would be handicapped accessible and the primary concern was to have it done by Fall Festival.

Mayor Mike York asked about the shelter in City Park and whether it needs to be included to be replaced.

Council Member Ussery asked about the pool going to a gas hot water tank.

Department Head Reports

Police Chief Gene Garcia reported the garage sales and Farmers Market went on with no problems. Garcia stated several officers had been to different training sessions. Garcia reported on June 6, 2014 at the Senior Health Fair booth that 25 got information about Car Fit. Garcia stated that vehicle #3 was being repaired.

Police Chief Garcia stated that the Ordinance enforcement on vehicles in the back yard would be based on complaints. The trailers and other vehicles parked in the front yard have been enforced for some time now. Garcia stated that the issue of vehicles in yards is a common topic on the police chief's list serve across the state.

Recreation Director Zook stated that the baseball season is on the downhill slide. At the pool, attendance is going well. Two daycares are coming down to the pool every week. One comes down on Mondays and the other daycare comes down on Fridays. They are from Maize and west Wichita. Zook also stated that the replacement motor for the Tiger Shark was \$500 whereas a new Tiger Shark costs over \$2,000.

Public Works Director Misak reported on the fountain at the ponds needed a longer length cable. The mixer in cell #3 was down.

Council Member Ussery discussed the email regarding the Industrial Park and a request for proposals from Department of Commerce. Council discussed the proposal regarding chemicals, discharge and size of project.

Council Member Ussery stated that he has been working with Chamber on their strategic planning process as a facilitator and discussed various proposals discussed during the Chamber sessions.

Present 2015 Budget – General Fund

City Administrator Kent Brown stated that with City Clerk Salinas gone he did not have time to get a presentation for the Council ready. Brown stated in the packets was a spread sheet with the different line items in the General Fund. Brown will have a more detail sheet ready for the next meeting.

Committee Reports

No meeting minutes were distributed in the Council Packets.

Claims & Warrants

Deputy City Clerk Carol Reitberger presented the claims and warrants as of 6-10-2014 in the amount of \$41,351.07.

Council Member Griffin made a motion to authorize the payment of \$41,351.07. Council Member Clark seconded the motion and the motion passed unanimously.

Old Business

Nothing discussed at this time.

Staff Reports

Carol Reitberger had nothing to report.

City Administrator Brown stated he would like an executive session at the end of the meeting for personnel.

Council Reports

Council Member Clark had nothing to report.

Council Member Whitney asked if anyone had checked the complaint on the corner of Byers and Hellar alleyway. City Administrator Brown stated that Public Works had looked at the issue.

Council Member Griffin asked if he could put a sign at the end of his property so people don't block him into his driveway. Police Chief Garcia stated as long as the sign is on his personal property.

Council Member Papish had nothing to report.

Council Member Ussery had nothing to report.

Executive Session

Council Member Ussery made a motion to enter into executive session for personnel for 15 minutes. Council Member Clark seconded the motion.

Council entered executive session at 10:00 p.m. City Administrator Brown was in attendance.

Council came out of executive session at 10:15 p.m. Council requested 5 more minutes.

Council came out of executive session at 10:20 p.m. with no action taken.

With no further discussion to come before the Council, Council Member Papish moved for adjournment. The motion was seconded by Council Member Ussery and passed unanimously.

The Meeting adjourned at 10:23 p.m.

CERTIFICATE

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

I, Carol Reitberger, 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 May 27, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 10th day of June, 2014.

Carol Reitberger, Deputy City Clerk

