

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
March 25, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 25, 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; Barbara Salinas, City Clerk; Janet Amerine, City Attorney, Gene Garcia, Police Chief; Others present at the meeting were: Marvin Schauf, Fire Chief; Donald Schauf, EMS Director; Dave Smith, Wise Fire; Farrell & Alicia Lange, Conway Springs; Art Gentry, Mike Snyder, City Residents.

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 March 11, 2014

Council Member Ussery made a motion to approve the minutes as written. The motion was seconded by Council Member Papish and passed unanimously.

Mayor's Recommendations

No Recommendations at this time.

Public Forum

No one from the public came forward at this time.

NEW BUSINESS

Discuss and Consider Approval of an Ordinance Pertaining to Storing Vehicles on Private Property in the City of Clearwater

Police Chief Gene Garcia stated that City Attorney revised the new Ordinance and the reference number is 6.22030 B number 2. It reads "on a maintained surface composed of rock, concrete, asphalt or gravel with privacy fencing surrounding said vehicles." Chief Garcia also stated in the Ordinance under 6.22.080 the penalty will be a fine of up to \$250. Chief Garcia stated that if the word misdemeanor is used, it has to be mentioned that a misdemeanor requires a jail term. Garcia further stated that the Ordinance can read jail term and /or a fine of up to a dollar amount.

Council Member Ussery would like it clarified that below 4, citizens can still have 3 exposed vehicles. Chief Garcia stated that a citizen may have 2 in the garage and can still have 3 more vehicles on the property. Chief Garcia stated that the 3 vehicles may be exposed and still have 2 vehicles closed in a garage or shed. Council Member Ussery would like it stated in the Ordinance that it is for "exposed vehicles only." Chief Garcia also pointed out that the Ordinance is only strictly talking about the back yard.

Chief Garcia would like for City Attorney Amerine to make the changes suggested from the Council and go over the Ordinance at the next meeting.

City Resident Art Gentry asked about the height requirements for a privacy fence. City Administrator Kent Brown stated the privacy fence can be 6 feet tall or less and anything taller than 6 feet would require a variance.

City Resident Mike Snyder would like the definition of front yard and side yard. Snyder lives on a corner lot so really has a front yard and a side yard. City Administrator Brown stated that he will have to consult a map as far as the front yard because Snyder home really faces two streets and that would mean two front yards. Snyder further stated that he has a vehicle that is licensed and insured sitting on this side yard. City Administrator Brown stated that the surface needs to be approved.

Chief Garcia stated that a regular vehicle can be parked in a driveway or hard surface. The vehicle has to be off of a public road way and needs to be insured and registered. Garcia stated that this Ordinance cannot be confused with a stored vehicle that is inoperable.

Council Member Ussery wants to make sure that someone who has a driveway and a garage in the back yard knows the definition of a front, back and side yard. Council Member Ussery would like all of this in the Ordinance. Council Member Griffin requested that the entire vehicle Ordinances be put together for City Council review. There was some discussion on the privacy fences.

Council Member Ussery asked if City Attorney Janet Amerine or Chief Garcia could lead the discussion on this Ordinance at the next meeting.

City Administrator Brown stated that having a driveway does not define the rear yard. Council Member Ussery stated that there needs to be more discussion about properties that have rear garage access.

Council Member Whitney stated that this Ordinance was created to keep 10 or 20 vehicles out of city resident's back yards. Then there was an Ordinance to build a fence around it so neighbors would not be bothered with junk in people's yards. This is getting way out of hand stated Whitney. The City Council will talk about this for years.

Mayor Mike York stated that this should be tabled for the next meeting in April. Chief Garcia and City Attorney Amerine can clean up the wording of this Ordinance and bring it back to Council for further review.

Review and Accept Bids to Replace the Furnace, Air Conditioning and Humidifier Equipment at the Historical Society.

City Administrator Kent Brown stated that the bid request was sent to 6 companies. The City received 1 response. Brown understood that Jacobs Enterprises is working with Becker Brothers for insurance and liability issues. It is for installation of 2 AC units, 2 furnaces that are twinned and 2 humidifiers for the front part of the museum. City Staff recommends approval. City Administrator Brown stated there are funds available in the general funds reserves.

Council Member Ussery made a motion to accept the bid from Becker Brothers for \$7,761 to install ac units and humidifiers. Council Member Griffin seconded the motion and it passed unanimously.

Review and Accept Bids to Purchase 20 Sets of Coats and Pants (Bunker Gear) for the Clearwater Volunteer Fire Department

EMS Director Donald Schauf reviewed with the Council the five bids for the new bunker gear for the Volunteer Fire Department.

Council Member Ussery asked how many volunteers the City of Clearwater has and how many are actually involved in day to day operations. EMS Director Schauf stated that there is higher response to fires in the evenings and weekends when most are off work since it is a volunteer fire department. Council Member Ussery asked if uniforms are sized for individuals or if there was a fire anyone could jump into the new uniform. Director Schauf stated that each fire fighter has their own individual uniform.

Council Member Whitney stated that the City should replace the worst uniforms each year and rotate which firefighter gets new gear. Schauf stated that some of the gear is ten years old and badly worn.

Council Member Ussery asked if it was a fair statement that 20 sets of bunker gear need to be purchased for the safety of the firefighters. Schauf answered by saying that there are 27 active volunteer firefighters and those 7 extra will get the least used of what is left. The top responding firefighters will get the new gear.

Council Member Whitney stated that he would like a rotation system put in place from year to year. Every year at budget time have money in the uniform budget to purchase 5 new uniforms so there are always some new uniforms going to the fire department. Schauf stated that there have been no uniforms purchased in the last 10 years because of budget cuts.

Council Member Whitney asked which fire uniforms the volunteer fire department would like not based on cost. Whitney also asked about a warranty on the uniforms and about possible repairs to the uniforms.

After discussion, Council Member Ussery made a motion to accept the bid from Morning Pride for \$20,850; the amount budgeted, to purchase 12 uniforms. Council Member Clark seconded the motion and it passed unanimously.

Consideration and Approval of Ordinance No 982 Authorizing and Providing for the Issuance of General Obligation bonds, Series 2014-Indian Lakes Addition.

Kevin Cowan from Gilmore & Bell was present to address the Council about the General Obligation Bonds. Cowan was pleased that 3 bids were received. Cowan reviewed the bids with the Council and recommended that the Council accept the bid from Cooper Malone for 20 years at an interest rate of 3.5%.

Council Member Ussery asked if the interest rates would change at all over the course of the loan. Cowan stated no the rates are fixed.

City Administrator Kent Brown asked if there would be any effect if the Council would pay the note off early. Cowan stated there would be some options in 9 years.

Council Member Ussery made a motion to accept the bid from Cooper Malone as presented. Council Member Clark seconded the motion and passed with a roll call vote. Papish, yea; Ussery, yea; Clark, yea; Whitney, yea; Griffin, yea.

Council Member Whitney made a motion to accept Ordinance 982 as written. Council Member Ussery seconded the motion and passed with a roll call vote. Papish, yea; Ussery, yea; Clark, yea; Whitney, yea; Griffin, yea.

Consideration and Approval of a Resolution Authorizing and Directing the Sale and Delivery of General Obligations Bonds, Series 2014-Indian Lakes Addition

Council Member Papish made a motion to approve Resolution 4-2014 Authorizing and Directing the Sale and Delivery of General Obligation Bonds. Council Member Clark seconded the motion and it passed unanimously.

Discuss and Consider Changes to the City of Clearwater Personnel Rules and Regulations.

City Administrator Kent Brown stated at the last meeting an item was removed from City Code. The same item should be removed from the Personnel Rules and Regulations and then the Council will need to look at job descriptions.

Council Member Ussery made a motion to remove the item from Personnel Rules and Regulations. Council Member Griffin seconded the motion and passed unanimously.

Approve Alcoholic Beverage License for 2014 First and Last Bar, LLC.

City Clerk Salinas stated that the Applicant has filled out a Liquor License application and paid the fees. Salinas stated that the Applicant is waiting for the State license from Topeka. The new owners, Alicia & Farrell Lange, will take possession of the bar on April 1st. The bar will be closed for a few days for remodeling and the owner plans to open the first weekend in April.

Council Member Ussery made a motion to approve the Alcoholic Beverage License for the First and Last Bar. Council Member Papish seconded the motion and passed. Griffin, no.

Discuss and Consider a Lease Agreement for the Operation of the Concession Stand located within City Park.

City Administrator Kent Brown stated this is the same person that operated the concession stand in 2013. There are no concerns or complaints from City Staff or Council. The stand will be open from May through September.

Council Member Ussery asked if this was for the concession stand for the ball games at City Park or Sno Zone only. City Administrator Brown stated that at one time it was two entities working out of the one building but that did not work. This is just for the operation of the Sno Zone and it will be open during ball games at the city park.

Council Member Griffin asked if the Sno Zone asked if the stand will be open for Fall Festival. City Administrator Brown stated it is their decision to open or not based upon dates and other vendors at Fall Festival.

Council Member Whitney made a motion to approve the lease agreement for the Operation of the Concession Stand in city Park. Council member Clark seconded the motion and it passed unanimously.

Discuss and Consider the 2014 Budget Calendar for the 2015 Budget Process.

City Administrator Kent Brown stated to the Council that the item in the notebook is just a sample of a calendar that could be used to work through the budget. Department heads could present 2015 budget requests at the meeting on April 22nd or wait until the two meetings in May. There is a work session scheduled after one of the meetings in May to further help with the budget process. The budget has to be approved and submitted to Sedgwick County no later than August 12th meeting unless Council would like a special meeting.

Council Member Ussery stated that he would like to take 30-45 minutes before the April 22nd meeting to go over a spread sheet that Ussery will have ready for Council to look over. Council Member Ussery will compile everything for them the winter strategy session to one report that can be looked over. Council Member Ussery thinks this will be a good start for budget talks.

City Administrator Kent Brown stated that the other important date listed on the budget calendar is the Budget hearing in November to approve any amendments that need to go to Sedgwick County Clerk by December 31.

Discussion Regarding Joint Meeting with the Recreation Commission.

City Administrator Kent Brown stated that the meeting with the Recreation Commission is scheduled for Thursday March 27th at 6:30 p.m. at City Hall. City Administrator Brown also stated that the Recreation Commission only has one item on the agenda and that is "Operation of all recreation facilities in the City of Clearwater."

Council Member Papish asked if that included the pool and cost discussions. City Administrator Brown replied yes.

Council Member Ussery stated that the City Council needs to come prepared for the meeting and ready for some discussion. Council Member Ussery stated that the City should go into this meeting from a business prospective. Council Member Ussery further stated that the Recreation Commission needs to have a plan on finances, how everyone's roles would be and how things would be operated. The City should have a financial status of how things have been going on and pitfalls of what is not working. Council Member Ussery thinks the outcome of this meeting should be an agreement that way out all details.

Council Member Whitney stated that the Council will need an accurate list of what was spent for Parks and Recreation the last 3 or 4 years. Council Member Ussery stated that he will have a financial sheet ready for the meeting with costs but will need City Administrator Brown to put together anything that was capital improvement for the park.

City Administrator Brown stated that the Recreation Commission would like to operate the pool with the City still doing the maintenance work because the city has the man power and the equipment. City Administrator Brown stated that the roles need to be clearly defined as to what maintenance is and what is operating and what the cost of each is and who is responsible for each.

Mayor Mike York stated that he received a phone from Sedgwick County regarding election times and procedures. City Administrator Brown stated this has been a topic in the League that it does obscure local elections. Moving elections to the fall instead of the spring could produce a

bigger turn out of voters. The Council discussed this topic and requested that a letter be sent to state representatives opposing the bill.

Department Head Reports

Fire Chief Marvin Chief stated that Engine 2 rear back seal leaking on it. Schauf stated it will be in the shop for a couple of days.

Police Chief Gene Garcia stated that the Police Department sent an officer and the Senior Center Director to a summit in Topeka. The topic was senior drivers and there will now be a program at the Clearwater Senior Center for senior drivers.

Fire Chief Marvin Schauf stated there is a burn ban in effect for the month of April. You may burn for agriculture purposes but no brush piles.

Committee Reports

No Committee reports at this time.

Claims & Warrants

Council Member Papish asked about the general account for the Senior Center and the miscellaneous expenses in general and the contract labor in the general fund under Court.

City Clerk Barbara Salinas presented the claims and warrants as of March 25, 2014 in the amount of \$32,906.86.

After discussion, Council Member Whitney moved to authorize payment of the claims and warrants for \$32,906.86. The motion was seconded by Council Member Ussery.

Old Business

Council Member Ussery asked about the city/school agreement. Council Member Ussery stated that he was not aware that it had been completed and he had seen no completed copy. City Administrator stated that just the maintenance part was complete; Recreation Director Beki Zook is still working on the rest of the agreement.

Mayor Mike York asked about the meeting with the ADA representative J. Mosely on March 13. City Administrator Kent Brown stated it was a good meeting and Mosely is putting together a contract proposal on an as needed basis to get the City started. Mosely will come back down in April and start working from building to building probably starting with City Hall.

Council Member Ussery asked about the consultants on sewer lagoons. The 60 day deadline is fast approaching. The representative will be here on the April 8th City Council meeting. The deadline to submit the plan to the State is the end of April.

Staff Reports

City Clerk Barbara Salinas thanked the City Council for allowing both the City Clerk and the Deputy City Clerk to attend the Spring Conference in Wichita. There was a great exchange of information and met a number of City Clerks from across the State of Kansas. City Clerk Salinas stated it was a good networking opportunity. City Clerk Salinas hopes to attend again next year. City Clerk Salinas stated that the City Clerk institution is scheduled for the fall of

2014. The conference is a 4 year program and it is a week- long seminar.

City Clerk Salinas stated that Sedgwick County Department on aging has sent a request asking for recognition for the RSVP program which provides transportation for the seniors. April 1st is Mayor's Day across the nation. Mayor York signed a proclamation recognizing the RSVP volunteer program.

City Administrator Kent Brown stated that a Representative from the railroad was here to look at the crossing at 135th and Brown has received no report from the visit. City Administrator Kent Brown also stated there will be a special school board meeting on Wednesday March 26th. On Tuesday April 1st there will be a lunch at the Superintendent's office. The School Board is asking members from different civic groups to be present for input on hiring a new Superintendent. Council Members Griffin, Ussery and Papish will attend the meeting.

Council Reports

Council Member Griffin asked about the stop sign at 151st and 63rd.

Council Member Whitney asked how much land the City owned around each of the wells east of town. City Administrator Brown stated one acre. Council Member Whitney further stated that he has heard that if you can eliminate some of the farm ground around the water wells, the chances of chemicals getting in the water go way down. Council Member Whitney asked if this could be researched.

Council Member Whitney stated that he has cleaned up the Senior Center brush from the winter and is going to plant two trees in the 8 foot strip on the east side of the center. Council Member Whitney also asked who owned the 8 foot strip. City Administrator Brown stated it is not City owned but he will double check the maps.

Council Member Whitney asked about leasing land from a farmer for pumping sewer for supplementing irrigation.

Council Member Clark received a complaint from a resident about the backyard property at 114 S. Byers. City Administrator Brown stated that a nuisance letter could be sent.

Council Member Papish had nothing to report.

Council Member Ussery passed out handouts on audio visual equipment. Council Member Ussery would like to look at putting 4 big screens in the Council room for meetings. Council Member Ussery would like for this to be a discussion item for the 2015 budget.

Mayor Mike York had nothing to report.

Council Member Ussery made a motion for an executive session for personnel for 5 minutes. Council Member Griffin seconded the motion and passed unanimously. Council left at 9:12 p.m.

Council Members returned from executive session at 9:17 p.m.

Council Member Ussery made a motion to change the pay status for the City Clerk from exempt to non-exempt. Council Member Clark seconded the motion and passed unanimously.

Adjournment

Being no further discussion to come before the Council, Council Member Griffin moved for adjournment and the motion was seconded by Council Member Papish. The motion carried unanimously.

The Meeting adjourned at 9:20 p.m.

CERTIFICATE

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

I, Barbara Salinas, 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 March 11, 2014 meeting.

Given under my hand and official seal of the City of Clearwater, this 25th day of March, 2014.

Barbara Salinas, City Clerk