

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

JULY 10, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday July 10, 2007, 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, Judy Armstrong, and Jim Whitney. David FitzGerald was absent. 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 Jeremy Williams and Clint Luckner, Clearwater Police Officers; Gary Hunt, Kansas Hunters Education Department of Wildlife & Parks; Marvin Schauf, Fire Chief; Paul Rhodes, Times Sentinel; John Mishler and Mary Schauf, citizens.

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 June 26, 2007

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

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

Jeremy Williams and Clint Luckner stated that they are again requesting to have a Hunters Safety Clinic in Clearwater using the EVS building and the police firing range. Williams stated that this year the plan is to have the Sunday afternoon live fire. Williams stated that he has spoke with Chief Demars and he is all for the clinic. Williams introduced Gary Hunt, who will be the organizing instructor for the Kansas Hunters Education, which is

a part of the Department of Wildlife & Parks. Hunt stated that he would be accepting total responsibility for anything that goes right and anything that goes wrong. Hunt stated that the class would be August 17, 18, and 19th and will be limited to 20 students, which will leave room for any adults that would like to stay and attend the sessions. Friday night will include guest instructors, Saturday will be all lecture, with breaks about every hour. Certification testing will be given on Saturday about 5:00 p.m. and on Sunday around 1:00 p.m. a certified range master will be available for the kids to meet at the police range and do a live fire. Hunt stated that the kids would be under strict control and will be allowed to shoot a 22 rifle. There will be a coach available for each student shooting. Hunt continued to state that the class is open to kids 11 years old and is free of charge. By consensus, the Council approved the use of the EVS building and the police firing range.

4. Ordinance Defining a Curfew Violation and Related Penalties

City Attorney Amerine stated that Sergeant Gearhardt suggested changes to the curfew ordinance. In the old ordinance for minors 12 and under who violate the curfew, the parents were charged. Sergeant Gearhardt suggested that it would be better to hold the kids responsible instead of the parents. The proposed ordinance is for a minor under the age of 18 years old and the offense would be heard in the Clearwater Municipal Court. Amerine stated that the policy in the police department would be to send out a warning letter on the first violation. Officer Williams stated that some youth, with the youngest being 13 years old was caught at the Aquatic Center after curfew and the City was unable to charge them with criminal trespass and under the current ordinance a citation could not be written to the kids for curfew violation. Williams continued to state they entered the Aquatic Center and the City had no ordinance in place to charge the youth with directly. Amerine stated that the proposed ordinance does not take away any of the police discretion. The Council briefly discussed the ordinance and the penalty portion of the ordinance agreeing with \$25.00 for the first offense, \$75.00 for the second offense, and \$150.00 for the third and any subsequent offense. City Clerk Wright assigned Ordinance No. 879.

MOTION: Council Member York made a motion to approve Ordinance 879 defining a curfew violation and related penalties occurring within the corporate limits of the City of Clearwater. Council Member Berntsen seconded the motion and it passed on a roll call vote of 4 to 0.

5. Franchise Contract with Waste Connections for City Residential Trash Service

City Attorney Amerine stated that the franchise contract with Waste Connections is modeled after the current contract with Waste Management with the changes made per the bid. Amerine reviewed that the monthly charge would be \$8.50 the first year, \$8.75 the second year, and \$9.00 for the third year of the contract. The cost for an additional cart per month would be \$2.50 and bulky waste pickup (outside of the clean-up weeks) would be

\$15.00 per item. Amerine stated that she put in the contract if the City at a later date decides on curb side recycling the cost would be an additional \$3.50 per month per customer. The Council briefly discussed the contract and that there will be some anticipated problems during the change over from Waste Management to Waste Connections, but nothing that cannot be worked out. Amerine stated that if the Council agrees with the contract, she requests that the Council authorize the Mayor to sign two copies of the contract and she would prepare a cover letter and send them to Waste Connections for signature.

MOTION: Council Member Armstrong made a motion to enter into the contract and authorize Mayor Justice to sign the contract. Council Member Whitney seconded the motion and it passed unanimously.

6. **Agreement to Extend Temporary Notes for Chisholm Ridge From August 1 to October**

Tabled until a later meeting.

7. **Resolution Calling for a Hearing for Assessments for Chisholm Ridge Phase II**

Tabled until a later meeting.

8. **Report from Senior & Community Center Advisory Board**

Council Member Armstrong stated that she attended the Senior & Community Advisory Board meeting last Friday at noon. The Board requested Armstrong to get a clarification on the rental rates from the Council. The question is were the rental rates set or as an advisory amount for the Board to consider? Mayor Justice stated the rates were advisory and the Board should set the rates and then make a recommendation to the Council for the rates to be set. Armstrong stated that there was considerable discussion concerning the "Scoop" that was distributed in July. Armstrong continued to state that the "Scoop" is a newsletter that was distributed by the Golden Chain when the Senior Center was in the USD #264 Administration building. Armstrong stated that Carl Shaffer, Senior Center Director, has suggested on several occasions, since it is now being distributed as the Senior & Community newsletter, that he would like prior approval of anything that was put in the "Scoop". The July "Scoop" was taken to Charles Engineering, who prints the newsletter as a service, without prior approval from Shaffer. Armstrong referenced a letter on page 4 stating that it is confrontational and is not what should be sent out under the heading "Clearwater Senior & Community Center". Armstrong stated that she received an e-mail from Jim Charles referencing a joke "Silly Billy" and he and several people that contacted him thought it was very inappropriate to be written in a communication from a City supported facility. The Advisory Board would like to see a complete change in the newsletter the "Scoop" in that it has a calendar of events of future happenings and events that have taken place in Clearwater, and not a bunch of stuff pulled off the internet or out of a joke book. Armstrong

stated that the Advisory Board is backing Carl Shaffer and requested that the Council and City staff do the same thing. Mayor Justice stated that Carl Shaffer has the complete support of the Council and that everything representing the Clearwater Senior & Community Center has to go through Carl Shaffer with no exceptions. After a brief discussion the Council advised Shaffer to be in charge of putting out the "Scoop". City Administrator Brown stated that the change that is happening is that the senior citizens are coming from an organization with no accountability or responsibility to account to anyone outside of the organization. The Council instructed City Administrator Brown to have a sit down meeting with the person that put out the July "Scoop" and Carl Shaffer as soon as possible with the clear direction that everything would go through Carl. Armstrong stated that another issue is that of keys. The Council briefly discussed how keys are distributed and if there should be a security key situation or a keypad with a code. The Council left the decision and the policy on keys to the Advisory Board. Armstrong stated that the Senior & Community Advisory Board would hold their meeting on the third Monday of the month.

9. Review 2008 Budget

Mayor Justice stated that staff provided the Council with recommendations of how to get the budget to a reasonable point including cuts to expenses and changes in revenue. City Administrator Brown stated that only the general fund is being presented for the Council to review. Brown stated that the 2008 valuation estimate provided by the Sedgwick County Clerk's Office increased slightly from \$13,506 to \$13,676. The City will receive a total of \$170 additional revenue in 2008 for each mill it levies. Justice stated that he had a conversation with Brown concerning the increase in the valuation and Brown is going to contact the Appraiser's office concerning the small increase in the mill levy. Justice continued to state that since the average increase in property valuation in Sedgwick County is 6%, then how did Clearwater only get 1%. Either something went off the tax roles or someone has made a mistake. Brown stated that so far everything that was requested by the department heads and the Council has been left in the budget. In order to fund all requested expenses the budget would have to raise over 6 mills and that cannot happen. Brown stated that before looking at the 2008 budget staff reviewed the 2007 budget to see where adjustments could be made. Mayor Justice distributed a form with his suggestions that might expedite the budget discussion. Justice stated that \$67,275 is needed in expenditure cuts or revenue increases to hold the mill levy at its current level. Justice reviewed his suggestion for revenue changes including: increasing the rural fire contracts from 4 to 6 mills, adding \$10,000 to the sales tax, and leaving the sanitation revenue at \$13.00 per month resulting in a total increase in revenue of \$33,000. Justice then reviewed his suggestion for cutting the expenses that include:

Copier lease \$1,000	Admin. capital outlay \$3,000
Fuel in the police dept. \$3,000	Jail costs \$7,000
Seasonal salaries \$1,000	Drainage \$5,000

Clean-up weekend \$4,000	EMS director \$2,500
Parks capital imp. \$5,000	Rec. commodities \$500
Aquatic Center salaries \$2,000	Insurance \$500

The above cuts result in a decrease of expenses of \$34,500. Justice stated by using the above cuts it leaves the salaries for moving the court clerk position to the police department and hiring a new deputy clerk. It also leaves the budgeted amount of 4% for employee raises. Justice stated that his thinking of not decreasing the salaries is that the City has tried to bump up the lower end police officer salaries where we are competitive with surrounding cities. The Council discussed at length each of Justice's suggestions and some other suggestions for cuts. The Council questioned if staff had enough direction to make the changes and then present the budget at the next meeting.

10. Reports

City Clerk Wright reported that there would be the first fried chicken dinner at the Community & Senior Center on Friday night and the cost per person is \$4.00. On Saturday night there will be a jam session for musicians with room available for dancing.

City Administrator Brown stated that the Council had requested that the two department heads present a proposal regarding personnel and moving Jo Johnson to the police department. City Clerk Wright presented her proposal for hiring a full time Deputy City Clerk and the additional duties that could be handled by the Clerk's staff with this change. Wright also presented a position description for the full time deputy and a sample from Hesston provided by Chief Demars for a Police Secretary/Court Clerk. Wright stated that the new person would be an hourly employee and the salary and benefits are in the budget for the fourth quarter of 2007. Wright stated that she is hoping to have someone on board sometime in October 2007. Wright stated she would like to send the person to clerk's institute in November. Brown stated that after the public hearing on the budget if the new employee is still in the budget then the Council could direct staff to begin the hiring process.

City Administrator Brown stated that the Council requested Fire Chief Marvin Schauf to get another proposal on the fire truck. Schauf received a proposal from Hayes Fire Equipment for a pumper/tanker for \$186,900, and also a 3,000-gallon "Wet Side Tanker" tandem axle for \$145,800. Schauf stated that the tandem axle vehicle is too large to go thru some of the bridges in the county. Brown stated that the price of the vehicle from Emergency Fire Equipment is \$160,500. Brown stated that this is not a formal bid request so it is not apples to apples in comparison of the two proposals. Mayor Justice questioned Schauf if he is pleased with the last vehicle purchased from Emergency Fire Equipment? Council Member Whitney stated that he has done business with Mayfield since he opened and has been very satisfied with his products and his service. Schauf stated that he is pleased with the vehicle, but his service is the best part comparable to none. By consensus, the

Council approved staff to find financing and for Schauf to purchase the pumper/tender from Emergency Fire Equipment in Mayfield.

City Administrator Brown stated that the Council requested staff to get a quote for replacing the sidewalk and curb in front of May Chiropractic in the 100 block of east Ross. Brown stated that he received a proposal from Steve Swift. The proposal is to replace 50 lineal feet of curb and the first 4 feet of walk with a handicap ramp. The handicap ramp will be at the west end and will not be in front of either business. Brown stated that a handicap ramp is needed on the north side of Ross not only for May Chiropractic, but also for Bales Pharmacy and other businesses on that side of the street. Brown stated that the curb and gutter is the responsibility of the City, but the sidewalk should be the responsibility of the property owner. Other property owners replaced the sidewalk in front of their business on Ross at their own expense. Council Member Whitney suggested a monolithic pour where the curb, sidewalk and gutter are poured all at the same time, thus eliminating the accumulation of water in the seam. Mayor Justice stated that Dr. May wants to wait until the City hears about the grant for the downtown beautification. After a brief discussion, the Council directed staff to talk with the business owner concerning paying his portion of the sidewalk.

City Administrator Brown stated that Darrell Snyder reviewed the tennis courts and he saw the cracking. Snyder told Brown that in his estimation that is where there would be cracks with a post entry concrete surface. Brown questioned Snyder if the cracks are abnormal or over expectations and he said "no" it is not possible to have a court free of cracks. Brown then asked Snyder if the City asked the contractor to fix the cracks would the fix be better or worst than not doing anything to the cracks? Snyder told Brown that if the cracks are fixed and resealed there would be discoloration where the fixes are done and that is more noticeable. Snyder told Brown that the cracks should not get worse and should be the same in seven years. The courts would have to be resurfaced at that time then the cracks will again show. Mayor Justice suggested that the City do nothing about the cracks, but get it in writing from John Henzel that he will extend the warranty for an additional year.

City Administrator Brown reported that the nozzles on the fire hydrants in Park Glen have been fixed and are operational.

City Administrator Brown reported that the generator at well #7 is not operational. Ernie Misak has an estimate of when Foley Equipment would be back to complete the job, but that did not happen. The good thing about it all is that Foley has not yet been paid for the generator.

City Administrator Brown stated that there is a problem of higher TSS (total suspended solids) than the allowable limits at the sewer ponds. Some experts from Fort Hays Community College have been checking samples from the fourth pond to help find the problem and have yet to find anything wrong.

City Administrator Brown stated that the new 2006 Crown Vic is ready to be picked up in Olathe. Beki Zook plans to go to Olathe and pick up the vehicle on Tuesday for the police department.

City Administrator Brown stated that the police department is putting together another list of illegally parked vehicles and will be contacting the owners. The officers will also be checking streetlights.

Council Member Berntsen stated that he was at recycling on Saturday and they are really complaining that they do not have enough gaylords for the recycling. Brown stated that about two month ago we lost about a half a truck of gaylords and they have not replaced them. Brown stated he would contact Roger at Sunflower RC&D about getting additional gaylords. Berntsen questioned if the City has received the grant money from Sunflower RC&D? Brown stated that the grant has been awarded, but the money has not been received.

Council Member Armstrong reported on two REAP meetings that she has attended on behalf of the City. Armstrong stated that the legislative affairs committee was mostly taken up by George Fahnestock, who is appointed by the Governor as the chair of the committee on Technical Education. Armstrong stated that the session was very interesting. Armstrong stated that at the regular REAP meeting most of it was concerning low cost airfares. REAP has been appointed by the legislature to be the one that disburses the funds for the low cost airfares.

Council Member Whitney stated that he has received several fireworks calls and he is going to do some research. Whitney stated that if some of the people that called follow up on what they said the subject of fireworks would come up at a later meeting.

Mayor Justice stated that someone should talk to Mark Cox concerning mowing around the retention pond. Justice stated that he is mowing at the apartments, but not the other areas that are his responsibility.

Mayor Justice stated that he was invited to the Lions Club meeting and spoke to them about the state of the city. Justice stated that most of the conversation after the meeting was positive. The one thing that is on many of their minds is the shape of the alleys. Justice stated that he told them there are a lot of alleys and Public Works is trying to get to them.

11. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member Whitney 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 July 10, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 24th day of July 2007.

Cheryl S. Wright, City Clerk