

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

JUNE 12, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 12, 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, 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 Anne Tjaden, Times Sentinel; Ian Ross, Voornaam Pyrotechnics; Cory Carter, John Mishler, Don Schauf, Marvin Schauf, 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 May 22, 2007

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

2. Mayor's Recommendations

Mayor Justice accepted the resignation of Dick Hardesty from the Historical Society Board.

Mayor Justice, with Council consent, appointed Donald Schauf as Assistant EMS Director. Justice stated that this appointment is on the recommendation of EMS Director Wayland Whitlow after a vote of the volunteers.

3. Public Forum

No one addressed the Council.

4. Request from Jeff Laha for Clearwater Summer Scorchers Road Race

City Administrator Brown reported that he received a request from Jeff Laha for permission to host the Clearwater Summer Scorchers Road Race on August 11, 2007. Laha explained in his request that this will replace the road race that previously was held during Fall Festival. The decision was made not to have a road race the Saturday morning of Fall Festival in order to help with traffic problems and to free up parking spaces for the food vendors. By having the road race before Labor Day (KSHSAA rules) then the cross-country runners can participate. Brown stated that the race would begin at 7:00 a.m. and Laha would like the Clearwater EMT/Ambulance service to participate. Mayor Justice questioned if the Fall Festival committee was in favor of the change of the road race. Brown stated that Laha is the person that has run the Fall Festival road race and it was a joint decision to change the day of the race. By consensus, the Council approved the request from Jeff Laha for a road race on the city streets on August 11th.

5. Modification to Planned Unit Development Plan Requested by Don Mertens Planning Commission Recommends Passage

City Administrator Brown stated that at the last Council meeting Cory Carter addressed the Council concerning the side-yard set back problem on Lot 35 in Chisholm Ridge. At that time the Planning Commission had previously met and had denied the variance request and had suggested other alternatives. Carter explained to the Council that none of the suggestions were viable alternatives. Brown continued to state that in the meantime the developer of Chisholm Ridge, Don Mertens, requested a modification to the PUD (Planned Unit Development) for lots 34, 35, and 36 in Chisholm Ridge. Brown stated that the Planning Commission met last week and heard the request for the modification of the PUD lowering the side yard setback for lot 35 to 8.5 ft. and increasing the setbacks for lots 34 and 36 on the side next to lot 35 from 10 ft. to 12 ft. The net effect is the same with the distance between houses at 20'6" for these 3 lots and 20 feet for the rest of the development. Brown explained that The Modification to Planned Unit Development Plan agreement is between the developer of Chisholm Ridge and the City and that Don Mertens has to file the agreement with the Register of Deeds. Brown stated that the Planning Commission is recommending that the Council approve the agreement. The Council briefly discussed the agreement and that the office staff would have to make sure that when a building permit for lots 34 and 36 are received that the 12 ft. side yard setback is followed.

MOTION: Council Member Armstrong made a motion to approve the Modification to Planned Unit Development Plan. Council Member Whitney seconded the motion. The motion passed with Council Members Armstrong, Whitney, York, and FitzGerald voting for the agreement and Council Member Berntsen voting against the agreement.

6. **Award Contract for the 4th of July Fireworks Show**

City Administrator Brown stated that 2 contracts in the amount of \$5,000.00 each was received for the public fireworks display for July 4th. Ian Ross with Voornaam Pyrotechnics was present and addressed the Council with the details of his show, stating it would last a little over a half an hour. Brown questioned Ross concerning the changes in his family status and since Ross is under the age of 21 would there be a problem with the permit? Ross stated that he had people under him that are over the age of 21 and they would hold the permit. Council Member FitzGerald questioned if he had insurance and Ross stated that he would have 5 million in general aggregate insurance. Council Member Armstrong stated that she liked the contract from Ross better than the other contract.

MOTION: Council Member FitzGerald made a motion to accept the contract with Voornaam Pyrotechnics and authorize the Mayor to sign provided that a certificate of insurance is provided to staff before the June 26th meeting. Council Member Berntsen seconded the motion and it passed unanimously.

7. **Review Request for Bid Trash Franchise Agreement**

City Administrator Brown stated that the bid specifications and request for bids for the trash franchise was mailed last week. Staff provided a list of 8 companies that the request for bids was sent to and then asked the Council if they had any additional suggestions. The request for bid is basically the same as in the past with 2 alternates added. Alternate no. 1 is for curbside recycling and alternate no. 2 if for curbside pickup for cleanup days instead of roll offs at a central location. Brown stated that the bids for the trash franchise would close on June 26th at 10:00 a.m. and will be announced at the Council meeting that night. Council Member Armstrong stated that she has lived in cities where curbside recycling was available and there is a staggered price since recycling decreases the amount of solid waste. The Council briefly discussed curbside recycling.

8. **Water Emergency Plan**

City Administrator Brown stated that it is a yearly requirement by KDHE Bureau of Water to approve a Water Emergency Plan for 2007. The purpose of the plan is to isolate and conserve an adequate supply of potable water during emergency conditions that will be used only to sustain human life and the lives of pets and to maintain standards of hygiene and sanitation. Brown stated that there are minimal changes from the previous year except for changes in staff.

MOTION: Council Member FitzGerald made a motion to approve the 2007 Water

Emergency Plan. Council Member Berntsen seconded the motion and it passed unanimously.

9. Request to Contribute to the REAP Water Resources Committee

City Administrator Brown stated that REAP (Regional Economic Area Partnership) had created a water resources coalition with voluntary membership. REAP has now decided to go a different route by creating a funding source from inside REAP by establishing a Water Resources Committee. The Water Resources Committee would be made up of Harvey, Sumner, Sedgwick, Cowley, Reno, Butler, and McPherson Counties plus many of the cities in those counties. Brown stated that the assessment for July 2007 to December 2008 is \$600.00. Council Member Armstrong stated that she thinks it is a small investment to have the backing of a larger group. After a brief discussion, by consensus, the Council approved to contribute \$600.00 to the REAP Water Resources Committee.

10. Review 2008 General Fund Budget

City Administrator Brown stated that the 2008 budget is definitely not a finished product and staff is not entirely comfortable with the information presented. There are many unanswered questions and more information to gather. Brown presented a synopsis for each department in the general fund, which included the function and objectives for each department. Brown stated that there are other funds, but tonight all of the emphasis would be on the General Fund. Brown reviewed the revenue page for the general fund explaining the revenue sources. The Council briefly discussed additional revenue sources including a city sales tax, franchise tax, and increasing the contracts for the outlying fire districts. Brown then began to review the expense portion of the general fund.

The Administration portion includes expenses for the City Council, City Attorney, for staff to run City Hall, and funds for economic development. Included is the budget is funds for the replacement of windows at City Hall. Council Member FitzGerald brought up the fact that the bricks at top of the City Hall building are in very bad condition and should be looked at immediately. Council Member FitzGerald stated that in most cities there is a monetary support from the Council to the Chamber of Commerce. After a brief discussion, it was decided if a proposal were presented to the Council from the Chamber of Commerce they would seriously consider the proposal. Brown stated that in the 2007 budget funds were set aside for the start up of the Senior Center. In the 2008 budget the Senior & Community Center expenses have been put into a separate category.

City Administrator Brown reported that the police department budget includes all of the normal activities including the purchase of 2 modems for the vehicles in 2007 and 2 in 2008. Brown stated that the expenses do include the possible move of the Court Clerk to the police department. Brown stated that there has been discussion that Sedgwick County will

probably hold off the change in radios until after the 2008 budget period. The Council briefly discussed the jail costs and decided to include \$15,000 in the court budget for jail costs.

City Administrator Brown reported that the amount for the ambulance payment has been removed from the 2007 budget as that payment is being paid by the \$2.00 EVS assessment on the water bill. Brown stated that funds to cover a lease purchase payment for a pumper tender for the fire department have been included.

City Administrator Brown reviewed the park budget. The Council briefly discussed the request to replace some of the fence at the softball fields. The Council had mixed feelings as they felt that the problem with the fence is due to hitting balls into the fence and that should be stopped prior to replacing fence. The Council briefly discussed that the city residents are the only ones paying for the improvements and the maintenance to the ball fields and they are being used for all people in the community.

11. Executive Session - Personnel

MOTION: At 9:20 p.m. Council Member FitzGerald made a motion to enter into executive session for personnel purpose for a period of 20 minutes. Council Member Berntsen seconded the motion and it passed unanimously.

At 9:40 p.m. the Council returned to regular session with no action taken.

12. Reports

City Attorney Amerine stated that she met someone at a conference that did a lot of work on the IRS policy. Amerine distributed information that she put together on the correct IRS regulations that would get the City into compliance. Amerine stated that cities in Kansas are being fined large amounts for non-compliance. Amerine stated that it is not for discussion or action tonight she just provided to the Council and staff for information.

City Administrator Brown referenced a Membership and Participation Agreement in Sumner County SWAT that Police Chief Kim Demars would like for the Council to review. Brown stated that this is more than Sumner County, as it will eventually involve 5 counties.

City Administrator Brown reported that the sprinkler system is being installed at the Senior & Community Center this week. Brown stated that he received a proposal to put sod at the Senior & Community Center. The Council requested that staff get at least one additional bid. After a brief discussion, it was requested that Brown check with the bidder concerning the roll sod as there is a mesh attached and makes it almost impossible to aerate or verticut.

Council Member FitzGerald stated that last week during staff budget requests Ernie Misak stated that some of the bleachers at the parks should be replaced. FitzGerald stated that he checked out the bleachers and there are about 20 boards that need to be replaced. If the City would replace the boards the Lions Club would paint them.

Council Member FitzGerald questioned if there are any lights around the playground equipment at City Park? Mayor Justice stated that there are lights at the basketball court, but none around the playground equipment. FitzGerald stated that he thinks it might be a deterrent to vandalism if there were a light.

Council Member Whitney stated that he received 2 calls concerning the music at the aquatic center being played too loud. City Administrator stated that there is a level that it is suppose to be, but sometimes it gets turned up.

Council Member Armstrong stated that she attended the REAP meeting and was told that the only people that can vote in the committees are elected officials. Armstrong continued to state that City Administrator Brown can attend the meetings, but has no vote. Armstrong stated she has the time and would be willing to sit on either the Legislative or Economic Development Committee. Mayor Justice stated that he would leave it up to Armstrong as to which committee she wishes to serve. Armstrong questioned if it would be all right if she wrote a little article on a special focus item occasionally for the Times Sentinel? Armstrong stated that she would pass the article in front of the Mayor and City Administrator before submitting it to the Times Sentinel.

Council Member York stated that several people have contacted him concerning limbs hanging over the street. York continued to state that he drove the city and is reporting the following: 300 block of Wood, 200 block of S. First, Park from Lee to Prospect, 300 block of N. Prospect, 300 block of S. Gorin, and Kansas east to west. York suggested that staff write letter to the residents in these areas concerning cutting the limbs over the street. Council Member FitzGerald questioned whose responsibility it is to cut the limbs hanging over the street? City Administrator Brown stated that it is the responsibility of the homeowner even if the tree is in the easement although the City may trim the branches that are over the streets.

Council Member York reported that the street sign at the corner of Wood and Gorin is turned the wrong way. York stated that he tried to turn the sign around, but was unable.

Council Member York reported that at 120 S. Byers the weeds are very high and something has to be done. City Administrator Brown stated that a letter has been sent and it is getting very close to time for the City to cut the weeds.

Council Member York reported that at the southwest corner of Lee & Wood there are 2 big piles of trash in the back yard that have been there since last fall.

Council Member York questioned why the city crews are dumping stuff at the brush dump that the residents are not allowed to dump? City Administrator Brown stated that the brush dump is the storage place until a cleanup weekend.

City Administrator Brown reported that the Dewese mower that is used to mow the sewer ponds had to be taken to Harper for repairs.

City Administrator Brown reported that Shane Baker took a city dump truck and went to Greensburg to volunteer his services.

City Administrator Brown reported that Ernie Misak is still looking for parts for the red slide at the Aquatic Center.

City Administrator Brown reported that he received a call from Bob Parnacot, the Sedgwick County Attorney saying that the annexation of the land between 95th & Diagonal Road off of 135th is not an island annexation. The reason that it is not an island annexation is that the only thing between the property and the City is a road and a railroad; therefore, making it a contiguous annexation.

City Administrator Brown stated that the ambulance service is requesting to sell the refrigerator taken out the ambulance that was traded. By consensus, the Council approved for the refrigerator to be sold by sealed bids.

13. Executive Session - Legal

MOTION: At 10:15 p.m. Council Member FitzGerald made a motion to enter into executive session for legal purposes for a period of 15 minutes. Council Member Berntsen seconded the motion and it passed unanimously.

At 10:30 p.m. the Council returned to regular session with no action taken.

14. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member York moved for adjournment. The motion was seconded by Council

Member Berntsen 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 June 12, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of June 2007.

Cheryl S. Wright, City Clerk