

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

November 27, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 27, 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, David FitzGerald, Judy Armstrong, and Jim Whitney. Lyle Berntsen 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 Wanda Robertson, Deputy City Clerk; Kim Demars Police Chief; Clint Luckner, Police Officer; Paul Rhodes, Times Sentinel; Donald Schauf, Clearwater EMS; Mary Schauf, citizen; Jacob Higgins, Aaron Bell, Justin Hall, Matt Pogue, Colton Nickelson, Keith Monahan, Michael Speer, Derek Tjaden, Kelly Knetzer, Abbee Widler, Zach Baker, Kylan Ward, David Vogel, James Gross, Justin Demars, and Kamron Konkel Clearwater High School students.

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 November 13, 2007

MOTION: Council Member FitzGerald 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

xMayor Justice accepted the resignation of Jo Johnson as Deputy City Clerk, stating that her duties of Court Clerk would be reporting to the Police Chief effective December 3, 2007.

Mayor Justice introduced Wanda Robertson, the newly appointed Deputy City Clerk. Justice stated that Robertson began her duties on November 25, 2007. Robertson stated that she is glad to be a part of the City of Clearwater staff. Robertson continued to state that she

is married and has two children in the Clearwater schools.

3. **Public Forum**

No one addressed the Council.

4. **Police Chief Demars Report on Use of Force Policy and Taser Proposal**

Police Chief Demars stated that he has been working on the Policies & Procedures Manual for the Police Department and it is almost complete. Demars stated that he would review it again and then have City Attorney Amerine review the manual. Officer Luckner presented a copy of a new section for the manual detailing the Clearwater Police Department "Use of Force". Luckner stated that on more than one occasion Tasers have been needed to protect the officers and the general public. The Taser is a replacement for the baton and pepper spray, which is very flammable and if used around open fire could catch a person on fire. A Taser shoots 2 wires tipped with little darts and the current travels through one wire, through the body, and out the other wire. The shot of the Taser immobilizes the muscles and causes them to go down immediately, which is the cause of most of the injuries. Demars reviewed an incident in Clearwater where if an officer from Goddard that was assisting and had the officer not had a Taser there could have been serious injury. Demars stated that a call for back up usually takes at least 15 to 20 minutes. Demars continued to state that if an officer is alone that is too long to deal with a hostile situation before it becomes physical. City Administrator Brown questioned how close to the individual the officer has to be for the Taser to be effective. Luckner stated that the officer has to be within 5 to 6 ft. for the full effect of the Taser. Demars stated that another advantage of the Taser is dealing with individuals that may have a communicable disease. Demars stated that he is requesting to purchase two Tasers along with a camera that records both audio and video for a total cost of \$3,342.66 and there is budget room in 2007 for the purchase. The Council discussed and continued to ask questions of Demars concerning Tasers. Demars stated that the officers would be trained and that could either be done by the company where the Tasers are purchased or there is a trainer with Sumner County. During the initial training all officers are required to be hit with the Taser. After the initial training each officer would have to certify every other year.

Council Member York arrived at the meeting at 6:55 p.m.

Officer Luckner stated that some of the neighboring cities including; Goddard, Park City, Maize, Mulvane, Wichita, Bel Air, and Sedgwick County have officers that are equipped with Tasers. Mayor Justice stated that there has been more research done on Tasers than when the subject was previously brought before the Council. Police Chief Demars stated that the Taser could be used for dangerous animals as well

MOTION: Council Member FitzGerald made a motion to approve the purchase of two Tasers and equipment for the cost of \$3,342.66. Council Member Armstrong seconded the motion and it passed on a roll call vote of 4 to 0.

Police Chief Demars stated that one of the part time officers has resigned. Demars continued to state that he would like to hire Shawn Zernicow for the open position. Zernicow is certified and would only work on an as needed basis. Mayor Justice stated that the Council would review the application at a later time in the meeting.

Police Chief Demars stated that there was an incident where an officer was on patrol getting acquainted with the area around Clearwater and ran over a dog. The officer did not kill the dog, but it was injured and was taken to the veterinarian in Conway Springs. Demars stated that both parties were equally at fault as the dog should not have been running loose and it was night, the dog was black and the officer was going faster than he should. Demars continued to state that he has worked out a compromise with the dog owner that the City would pay half of the vet bill. Council Members Whitney and York stated that they are against the City paying any portion of the bill for the dog. After a brief discussion, it was decided that nothing could be changed as the City has already paid the \$422.05 to the dog owner.

4. Review Proposed Structure for Collaboration with USD #264 for Joint Employee

City Administrator Brown reported that he had a meeting with Superintendent Mike Roth and discussed personnel costs and discipline of a possible SRO (School Resource Officer). Brown stated that the school calendar would require the SRO to be on duty for 175 days or 67.3% of the year. The school would provide an office for the SRO at the high school and middle school. The City would be responsible for uniforms and a vehicle. Roth would like to begin the joint venture of a SRO beginning with the 2008/2009-school calendar; however, the school budget would not be approved until July 2008 and the City has already completed their 2008 budget. Brown presented examples of a "School Resource Officer Agreement" from Andover and Salina. The Council discussed at length many aspects of jointly hiring a SRO. Council Member Whitney stated that he wants to make sure that the officer is only doing the duties of the SRO and not disciplining students, that should be handled by the building principals. Brown stated that there are certain incidents that are criminal in nature and there are incidents that are just school related. Mayor Justice stated that he likes the sample agreement from Andover, but would like to see a more detailed listing of what expenses each entity would pay. Council discussed the work calendar and how to handle sick days. Justice stated that the Council has given Brown many ideas to work on over the next few months and to discuss with Superintendent Roth in order to construct a contract that would work for the City and the School District.

6. Quote for Roofing Recycle Building

City Administrator Brown stated that he contacted a couple different people and received one estimate for roofing the recycle building. The estimate to replace the roof is from Machart Construction for the amount of \$3,150.00. Brown stated that staff has reviewed the estimate and is recommending that the Council approve the bid for labor and materials.

MOTION: Council Member York made a motion to accept the bid from Machart Construction for labor and materials to replace the roof at the recycle building for a cost of \$3,150.00. Council Member Armstrong seconded the motion and it passed unanimously.

7. **Ordinance Adding Angle Parking on Ross Avenue in Front of City Park to the Park Ordinance**

Mayor Justice stated that the ordinance is an amendment to the Parking Ordinance adding the additional angle parking spaces added on Ross Avenue due to the removal of the ditch during the City Park parking lot construction. City Clerk Wright assigned Ordinance No. 889.

MOTION: Council Member FitzGerald made a motion to approve Ordinance 889 adding angle parking on Ross Avenue in front of City Park to the Parking Ordinance. Council Member Whitney seconded the motion and it passed on a roll call vote of 4 to 0.

8. **Sign Easement Agreement for Welcome Sign on 103rd E.**

City Administrator Brown stated that Council Member FitzGerald has been working diligently to obtain an easement for a “Welcome to Clearwater” sign from the east. The easement is an area 25’ X 35’ on the northwest corner of 119th W. and 103rd S. City Attorney Amerine stated that after the land owner signs the easement staff would take the easement to the Register of Deeds to have it recorded.

MOTION: Council Member Armstrong made a motion to approve the sign easement for the northeast corner of 119th W. and 103rd S. and for Mayor Justice to sign such agreement. Council Member FitzGerald seconded the motion and it passed unanimously.

9. **Sedgwick County Request to Create a Stormwater Management Advisory Board**

City Administrator Brown stated that he received a letter from Sedgwick County Manager William Buchanan explaining a Stormwater Management Advisory Board. The Board will be advisory to the Sedgwick County Commission and is being created to promote better stormwater management and provide financial, technical and other assistance to all the entities within Sedgwick County that are concerned with stormwater management. Brown stated that he thinks it would be good for Clearwater to be part of the discussion in the beginning to at least hear the possibilities. Brown stated that he included a list of projects that are being reviewed. After a brief discussion, the Council agreed that Brown should attend the first couple meetings of the Stormwater Management Advisory Board to see if it would be of help to Clearwater.

10. Consent Agenda

By consensus, the Council approved payment to APAC of Kansas for construction of the parking lot in City Park and the sidewalk on north Fourth Avenue in the amount of \$160,197.50.

11. Reports

City Administrator Brown reported that the work on the doors at the wells east of town has been completed. Brown also reported that Public Works has had to replace three floats in the wet wells at the sewer ponds.

City Administrator Brown reported that Sedgwick County Emergency Management had a flood drill. The drill was that Cheney Dam broke and a portion of Clearwater would flood; therefore, Clearwater had to present an evacuation plan. Brown stated that the department heads are reviewing the plan and it will be given to Emergency Management.

City Administrator Brown reported that he spoke with Westar concerning the streetlight in Chisholm Ridge on Salt Creek Ct. Westar has suggested an alternate site and staff will get the property owner to sign an easement.

City Administrator Brown reported that there is a continuing compliance problem with the TSS (Total Suspended Solids) in cell 4 at the sewer ponds. TSS in a pond has to do with algae that lives in the top 18 inches of the water can affect the discharge into the river. Brown continued to state that a couple of experts have reviewed the ponds and have not come up with a solution as yet. Ernie Misak will be contacting Ed Dillingham with KDHE regarding a schedule of compliance and working with the outreach program of EPA.

City Administrator Brown reported that the invoice for the damage to the fire hydrant by a tractor in the Prairie Meadows area has been mailed.

Council Member Whitney thanked City Administrator Brown for the weekly e-mail updates. Whitney stated that they are very helpful.

Council Member Whitney stated that he was contacted by First State Bank and Southern Kansas Telephone Company requesting that something be done about the huge potholes in the alley between the two businesses.

Council Member Whitney stated that a couple months ago it was discussed giving certificates to businesses that allow their employees to answer emergency calls during working hours. City Administrator Brown stated that he has them ready to distribute.

Council Member FitzGerald questioned if the request for bid has been sent out for the tree trimming in the City. City Administrator Brown stated that he has talked to a couple of businesses about the specifics of the bid.

Mayor Justice questioned how many potholes and wide crack repair has been completed by Public Works? City Administrator Brown stated that there has been no wide crack repair done. The problem is the availability of asphalt. Brown stated that if they let him know where the most severe potholes are he would notify Public Works. Council Members reviewed a couple of locations.

Mayor Justice stated that he would like to talk to Paul Rhodes, Times Sentinel, concerning a monthly piece entitled perhaps "Mayor's Moments" stating some of the things that are going on in the City. Justice also stated that he would like to come up with a citizen recognition program.

Council Member FitzGerald stated that it was great to see all the volunteers from the high school, Chamber of Commerce, churches, and Lions Club decorating downtown with Christmas trees and lights.

Council Member Whitney questioned if on the rental properties that are not being cleaned up if the owner of the property could be notified of the violation? City Attorney Amerine stated that the homeowner has to be notified, because if the City has to clean up the property the cost would be assessed against the owner of the property.

Council Member Armstrong stated that the Senior Center Director has been contacted by a representative from the Fall Festival about meeting at the Community/Senior Center. Armstrong stated that Carl Shaffer was not sure if the Fall Festival is a City function. City Administrator Brown stated that the Fall Festival is not a city function, even though it is a vital part of the City, it is a completely separate entity. After a brief discussion, Armstrong will go back to the Advisory Board and check on the rental policy.

12. Executive Session

MOTION: At 8:45 p.m. Council Member FitzGerald made a motion to enter into executive session for 25 minutes for personnel reasons. Council Member Whitney seconded the motion and it passed unanimously.

MOTION: At 9:10 p.m. Council Member FitzGerald made a motion to again enter into executive session for 20 minutes for personnel reasons. Council Member York seconded the motion and it passed unanimously.

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

Mayor Justice stated that with Council approval he would like to appoint Shawn Zernicow as part time police officer pending clearance of background check.

City Administrator Brown reported that he had some information on a school zone blinking light in south Fourth. An electrical power blinking light would cost \$1,260.00 and for a solar power sign the cost would be \$2,630.00. After a brief discussion, the Council agreed in the long run the solar power sign would be more cost effective.

13. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member York moved for adjournment. The motion was seconded by Council Member Armstrong 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 November 27, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 11th day of December 2007.

