

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**CITY COUNCIL MEETING**

**MINUTES**

**October 23, 2007**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, October 23, 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 Bob Cumming, Park Advisory Board; Paul Rhodes, Times Sentinel; Kim Demars, Police Chief; Marvin Schauf, Fire Chief; Gene Garcia and Shawn Clem Police Officers; John Mishler and Mary Schauf, citizens; Keith Youngers, Codee Widler, Colton Rausch, Cody Rausch, Mark Ramsey, and Erin Ray Clearwater High School Government students.

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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 October 9, 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**

There were no appointments or resignations.

**3. Public Forum**

Police Chief Kim Demars introduced Gene Garcia and Shawn Clem as the new officers joining the Clearwater Police Department. Garcia stated that he is a retired State Police Officer and found retirement to be boring. Clem stated that he worked part time for the Sedgwick County Sherriff Department on road patrol and serving felony warrants.

4. **Ordinance – Adding Section to Provide for the Regulation, Inspection, Licensing and Operation of Work Site Vehicles**

Mayor Justice stated that another version of the ordinance was previously presented to the Council. The ordinance has been revised, as the Council had no interest in turning loose all terrain vehicles. The Council requested City Attorney Amerine to prepare an ordinance for the regulation, inspection, licensing and operation of only work site vehicles and not to include any recreational vehicles. Chief Demars stated that he has reviewed the ordinance. The ordinance being presented keeps all terrain vehicles or vehicles that are straddled off the streets. Council Member York stated that if he understands that the high school would have to have their work site vehicle licensed in order to drive it on the streets from the high school to any other school. York continued to state that if someone else were driving a similar vehicle on the streets then that would not be allowed. Demars stated that is correct concerning the school vehicle and if the other vehicle is being used for work purpose and not personal use or recreation it would also be legal if licensed by the City. The ordinance does not allow joy riding of utility vehicles with a bench type seat on the city streets. Council Member FitzGerald requested that Chief Demars and City Attorney Amerine come up with an ordinance to allow golf carts on the city streets. Amerine stated that the State Legislature does not allow cities to write an ordinance allowing golf carts on streets or highways. The only change that the State Legislature has allowed is work site vehicles and all terrain vehicles on streets and highways. After a brief discussion, Demars stated that the work site vehicles are required to have headlights, turn signals, brake lights and a horn in working order. FitzGerald stated that he would like to have added that there are exceptions to the ordinance for Fall Festival and special events in Clearwater. Amerine stated that she couldn't make vehicles legal that do not have the required equipment. Demars stated that is where the enforcement should be at the discretion of the Police Department. Demars continued to state that law enforcement can enforce differently for special situations such as Fall Festival. Demars stated that since the City is aware of the law then the ordinance helps protect the city employees from liability. City Clerk Wright assigned Ordinance No. 888.

**MOTION:** Council Member Armstrong made a motion to approve Ordinance 888 providing for the regulation, inspection, and licensing and operation of work site vehicles. Council Member Whitney seconded the motion and it passed 4 to 1 with Council Member Berntsen voting against the motion.

5. **Project Planning Proposal for Police Department**

City Administrator Brown stated that there has been an on going problem with the computers in the Police Department. Police Chief Demars stated that the software that is used to input reports is over 10 years old and can no long be repaired. The problem is that after an officer put is the report and logs off the program it looses the lower section of the

document containing the narrative. Demars continued to state that there has been many man hours lost checking reports or re-entering information back into the computer that has been lost. Mayor Justice questioned if the proposed system will meet the future needs of submitting reports electronically? Demars stated that it would meet future needs and has talked to other agencies that have the Enterpol system and after the initial time to get used to it the systems is faster and more forgiving. Brown stated that prior to Chief Demars coming on board the officers had a demonstration of the Enterpol system and all the officers seemed to like the system. Brown stated an updated proposal for the Enterpol system is \$17,684 plus 6 licenses for the full time officers. There would also be a yearly maintenance fee. Mayor Justice questioned if there is enough in the budget to cover the computer system? Brown stated that there were 2006 funds encumbered for the computer system so there would be no effect on the 2007 budget.

**MOTION:** Council Member FitzGerald made a motion to approve the purchase of the Enterpol system in the amount of \$17,684 for the Police Department. Council Member Berntsen seconded the motion and it passed unanimously.

Chief Demars reported on a situation that would affect the city budget if and when the City has to begin paying for jail time for housing inmates. Demars continued to state that two months ago a person from Clearwater was incarcerated and he learned today that he would be incarcerated for another six months before trial begins. If the City were paying \$64.00 per day the City would be looking at over twelve thousand dollars just for housing this particular inmate. Demars stated that this time the City would not be responsible for any of the cost.

Council Member FitzGerald suggested that the Times Sentinel run an article on the Police Department with a picture and something about each officer. This would be a way for the public to get to know the officers.

6. **Ordinance to Furnish Fire Fighting Services to Fire District #9 in Sumner County, Kansas and Establishing Compensation**

City Administrator Brown requested to table the ordinance until a later meeting.

7. **Southern Kansas Telephone Company Quote for Software Upgrade to Voice Mail**

City Administrator Brown stated that this item was tabled from the last meeting in order to check to be sure that any upgrades to the voice mail system would tie into additional up grades anticipated. Brown visited with Southern Kansas Telephone representative and the new voice mail system would work with the current system or any other system that the City might purchase in the future. The cost of the voice mail system is \$2,635.36 and would be out of the general administration budget.

**MOTION:** Council Member York made a motion to accept the bid from Southern Kansas Telephone Company in the amount of \$2,635.36 to replace the voice mail system. Council Member Berntsen seconded the motion and it passed unanimously.

**8. Proposal for General Pruning of Trees to 8' Above Side Walks and 12' Above All City Streets**

City Administrator Brown stated that his direction from the Council was to get a ballpark estimate for trimming trees over the streets and sidewalks. Brown continued to state that he did not go out for an official bid he just asked a couple of tree trimmer for an estimate. After a brief discussion, Council Member Whitney stated he would like for staff to go out with an RFP for an official bid. Mayor Justice suggested two separate RFP's one for streets and sidewalks and another one for alleys. Council Member Berntsen questioned if the City would have the funds to have the trees trimmed to the City's specification. Mayor Justice stated if nothing else it could come from the street budget.

**9. City Park – Restrooms and Ball Field**

City Administrator Brown stated that the Park Advisory Board discussed the placement of the new restrooms in City Park and the minutes of that meeting were in the Council packet. Brown stated that at the last meeting the suggestion was to place the restroom at the current location of the concession stand and to build a combination restroom/concession stand. There are pros and cons to that location. Brown stated that the Park Advisory Board is now suggesting a location between the current shelter house and the concession stand. The Park Advisory Board is looking at some type of park entrance structure at the pedestrian entrance and does not want the restrooms to interfere with that. Bob Cumming stated that the Kansas State students provided several plans for the City Park and the Park Advisory Board likes portions of several plans. After a lengthy discussion, Council Member FitzGerald stated that he would like to see an overall plan for City Park before the Council makes a decision on the location of the restrooms. Council Member Whitney stated that he agrees that the Park Advisory and any other group that wants to be involved should come up with an overall plan and present it to the Council for approval. FitzGerald stated that he wants to see a plan not for just next year, but for 10 years down the road before any additional money is spent on City Park. Mayor Justice stated that the plan should be to scale and presented to the Council.

**10. Reports**

City Clerk Wright reported that she and City Administrator Brown would be holding interviews with applicants for the position of Deputy City Clerk.

City Administrator Brown reported that Public Works would aerate the soccer fields after the last tournament on November 10<sup>th</sup>. They will also be putting shale on the infields of the ball diamonds.

City Administrator Brown reported that the wide crack fill has not been started as there is no cold mix asphalt available and the steel roller is not functioning. Public Works would be purchasing hot mix and will only be able to do 3 or 4 places at a time.

City Administrator Brown reported that the survey in order to get the elevation at well #7 has been completed. Kelly Dixon, Sedgwick County Floodplain Management in the Department of Code Enforcement, has informed the City that the generator has to be raised 2 ½ feet or above the base flood elevation. Brown stated that he is still looking into options as to whether to raise the generator or move the generator to well #8, which is out of the floodplain. Mayor Justice suggested that staff look into the cost of either option for the generator and to keep the Council informed.

City Administrator Brown reported that Public Works are working on the chorine room at all three wells. The inside block is up at wells 6 & 7 and the doorframes have been received.

City Administrator Brown stated that at the last meeting there was a question concerning the fire hydrant that was hit in Prairie Meadows. Brown stated that Ernie Misak is still trying to come up with the cost to give the farmer for the fire hydrant.

City Administrator Brown stated that Sedgwick County would be inspecting the house at 118 S. Byers in the next day or two. Hopefully the City will be able to get some information in order for the Council to take additional steps.

City Administrator Brown stated that for the fall cleanup weekend there were 9 full containers and a partial. On Friday there was a little problem with the delivery and pickup of the roll offs. Some of the problem was caused by it being the first time with Waste Connections and scheduling. Saturday went much better.

Council Member Armstrong reported that she attended the monthly Senior Advisory Meeting and there was nothing new or unusual to report.

Council Member Armstrong reported that she attended a meeting of the 10 year anniversary of Visioning Wichita and the involvement of REAP. Armstrong stated that she attended 3 mini seminars on legislative issues in and around Sedgwick County,

economic development and recreation. The seminars were really informative and there is a real spirit of working together.

Council Member Whitney questioned if anything further has been done on water rights. Whitney stated that there is some insight coming on the possible location of the future casino and Clearwater needs to be ready or left behind.

Council Member Whitney stated that he attended the elected official portion of the disaster seminar put on by Sedgwick County Emergency Management. Whitney stated that it was very enlightening on what the Mayor or Council can and cannot do. Whitney learned that the only person in the State of Kansas that can require an evacuation is the governor.

Council Member FitzGerald questioned the progress of the crosswalk on Ross Avenue at Chisholm Trail. City Administrator Brown stated that he is working with Sedgwick County.

Mayor Justice questioned how the parking area to the east of the drop off area at City Park is intended to be used, as he noticed that it has not been stripped. After a brief discussion, the Council suggested 2 parallel parking spaces.

Council Member FitzGerald stated that during the cleanup weekend there was a lot of help from the Clearwater High School Government class. FitzGerald continued to state that the City should donate \$1,500 to the government class. Council Member Armstrong questioned if there room in the budget. City Administrator Brown stated that it would come from the fireworks funds.

**MOTION:** Council Member FitzGerald made a motion to donate \$1,500 to the Clearwater High School Government class toward their trip to Washington DC for helping with all of the cleanup. Council Member Berntsen seconded the motion and it passed unanimously.

Mayor Justice reported that one of the fountains in the Chisholm Ridge lake is not working and the other one is not working properly.

City Administrator Brown stated that during his conversation with Harlan Foraker concerning the generator it was mentioned that a cross section survey would be very helpful. Brown requested Council consent.

Council Member Whitney questioned if the City should be doing something concerning the project on North Fourth Avenue. Whitney continued to state that Sedgwick County is spending a lot of time surveying and various other activities on 135<sup>th</sup> and Fourth Avenue. City Administrator Brown stated that part of the work that Sedgwick is doing is for

the City of Clearwater. In 2008 the plan and design portion of the project begins and that is when there would be a contract with Harlan Foraker. The project construction is scheduled for 2009.

**11. Executive Session**

**MOTION:** At 8:25 p.m. Council Member FitzGerald requested that the Council go into executive session for a period of 5 minutes for personnel reasons. Council Member Whitney seconded the motion and it passed unanimously.

At 8:30 p.m. the Council returned to regular session with no action taken.

**12. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member York moved for adjournment. The motion was seconded by Council Member FitzGerald 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 October 23, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 13th day of November 2007.

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Cheryl S. Wright, City Clerk