

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

September 25, 2007

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, September 25, 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 Carl Shaffer, Director Community/Senior Center; David Coon, President, Glenda Light and Becky Barry, Library Board; Mary Schauf, John Kurimsky, Marvin Schauf, John Mishler, and Donald Schauf, citizens; Sara Swan, Amanda Townsley, and Celia Schule-Talavera, 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 September 11, 2007

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

Approval of the Minutes of the Special Meeting of September 21, 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, with Council consensus appointed George Light to the Historical Society Board.

3. **Public Forum**

No one addressed the Council.

4. **Carl Shaffer – Update Council on Community/Senior Advisory Meeting**

Carl Shaffer, Community/Senior Center Director, reported that in the last month the rental of the building netted \$400.00. Shaffer stated that his goal is to increase the funding from the Department on Aging. The way to do that is to increase the programs from Club Level to Senior Level 2. Shaffer explained that the funding for Club Level is a maximum of \$5,000, while the funding for Senior Level 2 is a maximum of \$35,000. The way to get to the higher level is to increase the number of educational programs, special programs and the number of people attending the programs. This will be a several year process to get to the higher level, as the Center would have to be at the higher level for two years before it would be considered for the higher level of funding. Shaffer stated that he has approximately 10 volunteers to drive the elderly to doctor's appointments, hairdressers, shopping, or other various activities. There is a program with the RSVP Volunteer Program thru the Department on Aging where the Center can receive \$7.00 per person. Shaffer stated that the Senior Advisory Board has only 4 members, so there is an opening for another appointment.

The Advisory Board meets on the third Monday at noon. Judy Armstrong stated that it had been reported earlier that the Advisory Board was looking into a keypad entry lock for the building. Jim Charles is prepared to donate \$1,000 toward the \$2,500 cost. The seniors have a CD that matures in October and can donate \$1,000 of the cost and the Board wondered if the City would contribute the balance of \$500. Armstrong stated that the Good Neighborhood Nutrition Program (GNNP) is due for renewal October 1. It has been mentioned that perhaps the Village of Ninnescah would be willing to provide the meals. The volume of meals runs about 3 deliveries a day and around 7 eat the meals at the Center. The meals are prepared in Wichita and delivered to Clearwater and then kept warm until time to eat. There have been complaints concerning the quality of food and the service. Shaffer has spoke with the Red Cross to see if they would subsidize the meals if the Center used the Village. Armstrong stated that there would be more on this later. Mayor Justice questioned if the Council was interested in contributing the \$500.towards the keypad lock. By consensus, the Council approved the \$500. Shaffer stated that on the first Saturday in October is Texas Hold'em, second Saturday jam session, third Saturday is another chicken dinner, and on the fourth Saturday is Bingo.

5. **Clearwater Public Library Board**

David Coon, Library Board President, stated that it is a grand thing that the City provides in the Clearwater Public Library. The library adds to the quality of life in Clearwater. Coon asked how many of the Council and staff have been in the library lately. Coon reviewed some of the services provided by the library stating that the library has over

15,000 bound books, a large selection of music CD's, and over 1,000 movies that can be checked out for free. The library has audio books on tape and 3-patron computers connected to high speed Internet. The library has old Clearwater newspapers on DVD that are searchable by computer. There are 1,197 active patrons in the Clearwater area that have library cards and in 2006 1,546 people attend library programs. The library is going thru a transition period with staffing as two 9-year veteran employees have either retired or gone on to do other things. Currently the library has 5 part time employees and one SWEP (Senior Worker Employment Program) employee. The library is open 36 hours per week. Coon stated that he would like to publicly thank Ed Casteel for volunteering and the Service Center for providing Shari Mills as Mother Goose for children's programs. Mayor Justice stated that in reviewing the hours worked with the hours that the library is open he sees that sometime there are 5 people working all at the same time. Justice wondered if it would be possible to have the library open more hours. Coon stated that the decision to close on Monday is because it was the slowest day and many of the holidays fall on Monday and that eliminates paying employees holiday pay for Mondays. Justice thanked Coon and his library staff for the packet of information concerning the library. Council Member Armstrong stated that she thinks that for the size of the community the library gives decent service.

6. Ordinance Increasing the Clear Space Height Above the Streets Within the Corporate Limits of the City

City Attorney Amerine stated that she prepared the ordinance with the height of trees over sidewalks at 8 ft. and 12 ft. over the streets and alleys. Section 2 is from the League of Kansas Municipalities handbook that gives the City the right to apply any cost of cutting trees to the homeowner's taxes. City Administrator Brown questioned if the Council is sure that the 12 ft. height is what they want. By consensus, the Council agreed on 8 ft. at sidewalks and 12 ft. in streets and alleys. City Clerk Wright stated that she ended up in a situation this weekend concerning trees hanging over the street and the accident with the camper. Wright stated that her question to the Council is how an ordinance on tree height is going to be enforced? Wright stated that she agrees that the trees should be cut, but who is going to go to the homeowner to tell them to cut the trees and who is going to check that they are at the specific height in the ordinance? Is it going to be the police officer, public works employees, office staff, or is another employee hired to check on trees? Wright stated she thinks that the Council should discuss this topic further. Mayor Justice stated that maybe it should be like the sewer cleaning and that the City contracts with a tree trimmer and it is part of the city budget. The City could be divided into quadrants and a portion of the trees in the city is trimmed every fourth year. Justice stated that he could see that some people have the ability to trim their own trees, some can afford to hire someone, and some do not have the means to hire a tree trimmer. Justice stated he does not want to get into the situation of deciding who can and who can't trim their trees to satisfy the ordinance. Amerine stated that she could prepare an ordinance that would put the cost of tree trimming on the city at large instead of the homeowner. Council Member Whitney stated that if trees are a maintenance

problem, then the City should hire a tree trimmer instead of going up to a 90 year old person and telling them they have 30 days to get their trees to a certain height. After additional discussion the Council directed staff to get an estimate for trimming trees so the Council has some kind of idea on the cost.

7. **Ordinance Regulating Traffic Within the Corporate Limits of the City**

City Administrator Brown stated that every year the League of Kansas Municipalities puts out a new issue of the Standard Traffic Ordinance (STO) that each City in Kansas has to adopt by ordinance. The officers when citing anyone for a traffic violation use the STO. Brown continued to state that there are no changes from last year. City Clerk Wright assigned Ordinance No. 884.

MOTION: Council Member FitzGerald made a motion to approve Ordinance 884 regulating traffic within the corporate limits of the City. Council Member Armstrong seconded the motion and it passed with a roll call vote of 5 to 0.

8. **Ordinance Amending Section 1 and Section 2 Regulating Public Offenses Within the Corporate Limits of the City (UPOC)**

City Administrator Brown stated that the Uniform Public Offense Code (UPOC) is adopted each year the same as the STO. The UPOC is for criminal offenses. City Attorney Amerine stated that the only change to the book provided by the League of Kansas Municipalities is eliminating the part concerning barbwire, as there is some barbwire in the City. City Clerk Wright assigned Ordinance No 885.

MOTION: Council Member Berntsen made a motion to approve Ordinance 885 regulating public offenses within the corporate city limits of the City. Council Member FitzGerald seconded the motion and it passed on a roll call vote of 5 to 0.

9. **Draft Ordinance Regulating and Licensing the Operation of Work Site and All Terrain Vehicles on City Streets**

City Attorney Amerine stated that the legislature passed a bill that allows cities to adopt an ordinance allowing the operation of work-site and all terrain vehicles on city streets. The vehicles do not have to be registered and a license tags is not required. The vehicles can be driven on all streets and alleys as long as they have headlights, mirrors, turn signals, horn, and windshield or driver wears safety glasses. Amerine stated that Chief Demars suggested that the ordinance have that the police department would inspect the vehicles yearly and if it complies, a sticker would be issued for identification. Anyone receiving a sticker would have to have a valid drivers license. If the law is violated then the

sticker can be revoked. Police Chief Demars suggested that a small fee be charged for the sticker. Council Member FitzGerald stated that he has a problem with the topic, as John Deere sent down 5 gators for Fall Festival and none of them would have passed an inspection. Demars stated that the ordinance is just a model for review and discussion and is not ready to be passed. Demars continued to state that a portion could be added for special events. FitzGerald questioned if this includes golf carts? Amerine stated that the legislature would not allow cities to legalize golf carts on streets; this is only for ATV's. The Council continued to briefly discuss the issue of ATV's on the streets. Council Member Berntsen stated that he does not see that the ordinance is necessary. Brown stated that staff would revise the ordinance for only work site vehicles and present a draft for the next meeting.

10. Review Estimates for Repair of Brick on Front of City Hall

City Administrator Brown stated that he spoke with both contractors and they are not for the same scope of work. The proposal from Herrman is for a small area over the front door and four courses of brick to be removed, repoint and retuck. The estimate from Smarsh is to remove and replace ten courses of brick with a new bed of mortar and anchor the brick wall to wall. The Smarsh estimate is for around the front door to the south and as far to the west as needed. Brown stated that the damage has been caused by water, so neither contractor is sure what they will find when removing the brick. After a brief discussion Mayor Justice stated that he is inclined to go with the larger scope of repair. Council Member York stated that in the last ten years the brick has been tuckpointed and the brick has been sealed and it is time to make a long-term repair.

MOTION: Council Member York made a motion to approve the larger scope project to the brick in front of City Hall by accepting the bid from Gary Smarsh for the amount of \$7,720.00. Council Member Berntsen seconded the motion and it passed unanimously.

11. Park Advisory Board Recommendation on Site for Replacing Restrooms in City Park

City Administrator Brown stated that in City Park the are located in the brown hexagon building. The Council, after the fire, voted to replace them with a new building. The Park Advisory Board discussed a possible location for constructing new bathrooms in City Park.

Pros
Central to shelter/basketball
Existing utilities

Cons
Odor towards shelter
Blocks view of the rest of park

More difficult to see bathroom entrance from street with current bldg.
Not used during baseball season
More prone to vandalism

Moving the restrooms to the current location of the concession stand (bldg. at west end of parking lot and south of ball field).

Pros

Easier to maintain (vandalism concerns)
Central location
Cleaner look
2 birds w/1 stone (bldgs.) conc. stand are not used that much
Could build a covered picnic area on other side from bathrooms

Cons

Blocks view of ball field
Distance from shelter and playground
Cost
Tear down or retrofit another bldg.
Privacy

The Council discussed at length the various pros and cons of the placement of new bathrooms, including the water and sewer lines. The Council directed staff to check into building plans that include restrooms, concession, and porch.

12. Reports

City Attorney Amerine reported that another option given to cities in the last legislative session is on DUI's. It has been in the past that the first and second DUI's are heard in Municipal Court and the third is a felony and is heard in District Court. The legislature has made it possible for cities to pass an ordinance for Municipal Court to try DUI felonies. Amerine stated that the down side is that a conviction of a 3rd DUI is mandatory jail time. Mayor Justice requested Chief Demars to discuss this change with the judge and prosecutor and to report back to the Council.

City Administrator Brown reported an electrical fire at the pump station off of Diagonal Road. The fire started in the electric meter on the north side of the blue building. Tri-County Electric replaced the meter the same day. There was not much decrease in pressure for the homes north of Clearwater during the time the pump station was not working.

City Administrator Brown stated that he has been working on the Transportation Enhancement Grant and should have it ready for the next meeting.

City Administrator Brown stated that Sedgwick Emergency Management is putting on an elected officials workshop on October 18th if anyone would be interested in attending.

City Administrator Brown stated that Public Works is getting quotes for doors at the well houses. KDHE is requiring a separate room for the chlorine with a door between it and the well.

City Administrator Brown stated that with the Baptist Church parking lot project there is a fence that has to be moved on the Kincaid property. Brown stated that Public Works would be moving the fence. The Council discussed at length who should put the fence back. The Council advised Brown to let the Baptist Church know that the City would not put the fence back.

City Administrator Brown stated that Public Works talked to a previous pastor concerning how the parking lot project would connect to the Methodist Church parking. The original plan is to have a valley gutter at that point. The church would rather have curb and they will pick up any additional cost for the connection to the curb.

Council Member FitzGerald question City Administrator Brown if he has talked to Sedgwick County concerning a crosswalk at Chisholm Ridge. Brown stated that he has not.

13. Executive Session

MOTION: At 8:55 p.m. Council Member Berntsen made a motion to enter into executive for personnel purposes for a period of 25 minutes. Council Member FitzGerald seconded the motion and it passed unanimously.

14. Police Chief Demars Recommendation to Hire Candidates for Open Police Officer Positions

Police Chief Demars stated that he received 21 applications for the two open positions for police officers and they interviewed 6 applicants. Demars stated that he is recommending Gene Garcia, who is academy trained, and Shawn Clem who is not academy trained. Demars stated that both applicants will take their psychological testing on Friday and there would be another background check. If all checks out he would recommend hiring both men as officers.

Mayor Justice, with Council consensus appointed Gene Garcia and Shawn Clem pending the psychological evaluation and the second background check.

Police Chief Demars stated that he needs a secured facility to store large items that has to be held for evidence. All evidence or items seized has to be under lock and key that can only be accessed by the police department. Demars stated that he would need a building or a secure fenced area. The Council briefly discussed the secure storage with no decision

made, but would continue to check out.

15. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member FitzGerald 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 September 25, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 9th day of October 2007.

Cheryl S. Wright, City Clerk