

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

April 22, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 22, 2008, 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 Jennifer Arnold, Clearwater Chamber of Commerce; Brenda Hastings, Fall Festival; Aaron Tjaden, Deidra Gerberding, Lisa & Randy Joslin, Brian House, and Wes Gardner, Clearwater Ball Association; Mike Champa, Wayne Berntsen and Beki Zook, Clearwater Recreation Commission; Marvin & Mary Schauf, Clearwater Fire Department; Donald Schauf, Clearwater EMS; Paul Rhodes, Times Sentinel; Mark Moore, Clearwater High School Baseball Coach; Desire Langston, Kelsie Curtis, Lizz Koch, Marc Steiner, Devin Marsh, Codee Widler, Aaron Kinder, Justin Demars, Kim Matzen, James McMurphy, Spencer Hilley, Mark Hermansen, Zayne Brown, Chace Gusland, and Ana Weber, Clearwater High School Government 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 April 8, 2008

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.

2. Mayor's Recommendations

There were no appointments or resignations.

3. Public Forum

Jennifer Arnold, Clearwater Chamber of Commerce, requested to use the City Park on May 19th & 20th for the Culpepper Meriwether Circus. The circus crew would be arriving in Clearwater on May 19th with the tent rising on May 20th at 10:00 a.m. and performances at 5:00 p.m. and 7:30 p.m. By consensus, the Council approved the use of the City Park for the circus.

Jennifer Arnold stated that she would like to give a Fall Festival report. The Fall Festival will be September 5th to the 7th. The schedule of events is posted on the website and most of the events remain the same as previous years. Some of the new items include a soapbox derby for the kids, clowns and vendors in Duckwall's parking lot. Arnold stated that she is requesting to extend the time that Ross Avenue is blocked off until midnight, so that the Saturday evening dance could be held in the 100 block of east Ross. By consensus, the Council approved blocking off Ross until midnight for the Saturday night dance. Mayor Justice stated that the Council would like for the Fall Festival committee to consider moving the carnival and rides from the grass area in City Park to the street. Justice continued to state this would eliminate the big trucks in City Park. After a brief discussion, it was determined that having the rides in the street would create a problem for the parade and with school in session it might not be a good idea having the street blocked off in front of Elementary East. Justice stated that the Council would discuss the carnival at a later time.

4. Recreation Commission and Ball Association Board

Mayor Justice stated that the Council has been reviewing all of the recreation facilities and how they can be improved and best utilized. The Council toured the recreational complexes and the Park Advisory Board presented a plan for City Park. Justice stated that there have been absolutely no decisions made on the City Park and that the Council is still in a fact-gathering mode. Justice stated the Park Advisory Board previously submitted a plan to eliminate the ball field in City Park and to construct a new field at the Sports Complex. Justice again stated that the Council has not made a decision on the ball field in City Park. Justice stated that the Council wants to make the existing fields more usable and it has been suggested to purchase portable fence for City Park and then there would be a defined field and the rest of the park could be used for walking paths, picnic tables, and other activities. It has also been suggested to put temporary fences in the Sports Complex at the softball fields at 200 ft. and then remove the permanent fences so slow pitch softball tournaments could be held. The Council has looked at the cost of shade structure for the Sports Complex to make it more enjoyable to watch games. Justice stated that the Council wants to know the number of kids playing summer baseball and softball, how many teams are involved and which teams play at which fields.

Aaron Tjaden stated that he is the volunteer president of the Clearwater Junior Ball

Association for the 2008 season and this is his second year to hold that position. Tjaden continued to state that summer baseball has been a part of the Clearwater community for 70 plus years. Tjaden reported that for the 2008 season the Clearwater Junior Ball Association will have purchased over \$9,000 in new equipment and uniforms for the players and they continue to upgrade equipment year by year. The money for the equipment is made possible by signups, fund raising, and funds from the Clearwater Recreation Commission. Tjaden stated that Clearwater provides the most affordable sign-up packages for the players and parents in comparison to any of the nearby towns. The Clearwater Junior Ball Association for 2008 season has 206 athletes on 19 teams from T-ball to 15 years of age. Of the 206 athletes 112 reside inside the City of Clearwater and 94 live within 15 miles or less of Clearwater. The 19 teams will have 92 home games with 75% of the home games scheduled at the Sports Complex and 25% of the home games scheduled to be played at City Park. Tjaden gave the following schedule of fields:

T-ball	Field 2 Sports Complex
7 – 8 Machine Pitch Boys	Field 3 Sports Complex
7 – 8 Coach Pitch Girls	Field 2 & 3 Sports Complex
9 – 10 Boys	City Park
9 – 10 Girls	Field 2 & 3 Sports Complex
11- 12 Boys	City Park
11 – 12 Girls	Field 2 & 3 Sports Complex
14 & Under Girls	Field 2 & 3 Sports Complex
15 & Under Boys	Field 1 Sports Complex

Tjaden stated that he has seen the plan from the Park Advisory Board on revitalizing City Park and he is for any improvements that will help out the City. Tjaden continued to state that it is not a good idea to remove the ball diamond at City Park, as it is centrally located and easily accessible to young and old alike in the community. The City Park ball field is the best draining ball diamond. If there is rain in the morning the field will drain and be ready for games by 6:00 p.m. unlike the diamonds at the Sports Complex. Tjaden stated that during the spring when the Sports Complex fields are being used by the high school the City Park is the only place for teams to practice. Tjaden stated that he would hope that the City Council would take a look at the problems in the Sports Complex before a dime of taxpayer's money is spent on a new ball diamond. Council Member FitzGerald stated that he saw kids practicing at City Park when there were empty fields at the Sports Complex. Stacy Klausmeyer stated that she schedules the practices and does not schedule the Sports Complex during the week until 7:00 p.m., as they never know when the high school would be finished with the fields. Council Member Whitney questioned when the last time that Clearwater hosted a tournament? Aaron Tjaden stated that it was two years ago and the league tournaments are awarded on a bid basis. Whitney stated that he keeps hearing taxpayers ask why is the City pouring money into the fields and irrigation when they are only used from the beginning of April to July 4th. Mayor Justice again discussed the

temporary fencing for the ball field at City Park to be used in order to define the ball field area so the rest of the park can be used for other purposes. Tjaden stated that he did not mind the idea of temporary fences at City Park. The problem of finding enough practice fields and times for teams to practice was discussed briefly. Justice requested that practice schedules be provided to Beki Zook Recreation Director, so fields can be prepared. Justice again stated that no decisions have been made on any improvements to City Park. Justice continued to state that the Council has heard from the group that wants the ball field removed from City Park and the reason for the meeting tonight is to get all opinions on facilities and to come up with a plan for recreation for all residents of Clearwater. Justice stated that the Council would not be making any decisions that would be detrimental to the summer ball program. He explained his statement by stating that the Council understands that if the route is chosen to remove the City Park ball field then another one has to be built before there is anything done to remove the current field. Justice stated that the City bills the Recreation Commission for a portion of the electricity used during the summer, but other than that the City of Clearwater residents fund all maintenance and improvements to all park facilities. Justice continued to state that the City might have to request some help financially from the school and Recreation Commission for improvements at the Sports Complex. Mike Champa chairman of the Clearwater Recreation Commission, stated that he welcomes the opportunity to be a part of some of the decision making process on facilities. Champa continued to state that the Recreation Commission is opposed to moving the ball field out of City Park. Champa stated in reality the Junior Ball Association only uses the ballpark at City Park in the evening during April thru July and the rest of the time City Park can be used as a quiet park. Council Member Armstrong stated that April thru July is the time that is best for anyone to be in a park. Armstrong continued to state that 5% of the population of Clearwater for 25% of the year is getting a whole bunch of the tax dollars for recreation. Armstrong stated that the Council has not made a decision to move the field; they are only looking at dollars right now. Armstrong continued to state that when there is a game being played many people think they should not be using the park. During the Council tour the ball field was marked for temporary fencing in order to see how much of the park would be available for other types of recreation. Champa related that the Recreation Commission has been able to establish a pretty good financial status and would be willing to help out financially where possible and help to seek monetary donations. Champa stated that the Recreation Commission funds two mill for the pool each year and one mill (\$50,000) is distributed to the recreational programs. Champa stated that over the years there has been some funds left over each year and it is public knowledge that the Recreation Commission has \$100,000 that should be put back into the community. The Recreation Board is willing to spend some of the money, but they want to be involved in the decision making as to how the money should be best spent. An unidentified person from the audience questioned if during the Council tour were the replacement of the restrooms in City Park discussed? Mayor Justice stated that he is aware that there is a need for restrooms, but until a park plan is finalized it makes no sense to construct restrooms that might later be in the way of some other improvement. Mark Moore, high school baseball coach stated that the Sports Complex

fields have a lot of potential, but their needs to be a long term plan for improvements accomplished in phases. Various people briefly discussed problems at the Sports Complex. Mayor Justice thanked everyone that attended the meeting and stated that the Council received a lot of useful information.

5. Review Police Procedures Manual

Tabled since Police Chief Demars was unable to attend the meeting.

6. Resolution for Traffic Control in Park Glen

City Administrator Brown stated that there has been a request for traffic control at the corner of Clear Creek and Park Glen. There was also a request for traffic control on Streamside Lane and Streamside Court. Police Chief Demars reviewed the traffic patterns and is recommending the following:

- a) Install a Stop Sign for northbound traffic on Clear Creek at the southeast corner of the intersection of Clear Creek and Park Glen
- b) Install a Yield sign for eastbound traffic on Streamside Lane at the southwest corner of the intersection of Streamside, Clear Creek and Streamside Lane
- c) Install a Yield sign for westbound traffic on Streamside Court at the northeast corner of the intersection of Streamside Court and Streamside

Council Member Armstrong stated that she has been approached from some residents in Park Glen and they are requesting instead of a 2-way stop Park Glen and Streamside they would like to have a 4-way stop. Mayor Justice questioned why the stop sign is on Park Glen instead of on Streamside. City Administrator Brown stated that the original intent was to slow down traffic on Park Glen after it entered the development. Council Member FitzGerald stated that he thinks a 4-way stop would be helpful. Brown stated that he would have to check with Police Chief Demars concerning the 4-way stop. By consensus, the Council decided to table any additional discussion on traffic control in Park Glen until additional information is received from Demars.

7. City Prosecutor Agreement

City Administrator Brown stated that the City Prosecutor is appointed. The City for the last several years has not had a formal agreement with the prosecutor. Brown continued to state that an item that has come up recently is how to handle the situation when a case is appealed from Municipal Court to a higher court. Brown stated that he has discussed the situation with City Attorney Amerine and it is handled differently in various cities. Some cities include appeals as part of the monthly retainer and other cities have an agreement to pay extra for appeal cases. Brown presented an agreement detailing the current

compensation (flat fee of \$800) for the City Prosecutor and \$100 per hour for appeals from the Clearwater Municipal Court. Amerine approved the contract as to form.

MOTION: Council Member FitzGerald made a motion to authorize Mayor Justice to sign the contract with Becky Hurtig for legal services as the City Prosecutor at a flat rate of \$800 per month and \$100 per hour for appeals. Council Member Armstrong seconded the motion and it passed unanimously.

8. Nuisance Resolution

City Attorney Amerine stated that the Council at the last meeting passed a Notice to Abate on the property at 118 S. Byers. Amerine continued to state that Mr. Braman did not file an appeal, so the next step is for the Council to make findings of fact. The Council has found that there is unsheltered open storage of personalty and grass or weeds at 118 S. Byers. Amerine reviewed the proposed resolution. The Council briefly discussed the property and that this is a repeat offender and even when cleaned up by organizations it goes right back to the same condition. City Clerk Wright assigned Resolution No. 5-2008.

MOTION: Council Member Armstrong made a motion to adopt the findings of fact in Section 1 A-E. Council Member FitzGerald seconded the motion and it passed unanimously.

MOTION: Council Member York made a motion to approve Resolution No. 5-2008 authorizing the compliance officer to abate a nuisance at 118 S. Byers. Council Member Berntsen seconded the motion and it passed unanimously.

9. Review Aquatic Center Rates

City Administrator Brown stated that at last meeting the Council raised the hourly rate for the employees of the Aquatic Center and at that time they asked staff to check on raising the admission prices. Staff presented a comparison of revenue between the 2006 and 2007 swim season and Brown reviewed the numbers. Brown stated that the recommendation from staff is to raise all prices \$5.00 across the board. Staff suggested raising the coupon books to \$25.00 and 11 coupons in the books instead of the ten coupons in the past. Brown also suggested raising the daily rate from \$3.00 to \$3.25. Listed are the 2007 rates with the 2008 rates that are suggested by staff.

	<u>2007</u>	<u>2008</u>
Single pass	\$40.00	\$45.00
Swimming Lessons	\$25.00	\$30.00
Coupons	\$20.00 for 10	\$25.00 for 11

Family pass	\$120.00	\$135.00
Daily Admittance	\$3.00	\$3.25

MOTION: Council Member FitzGerald made a motion to approve the 2008 Aquatic Center rates as suggested by staff. Council Member Berntsen seconded the motion and it passed unanimously.

10. Approve Pool Staff

City Administrator Brown reported that this is a partial list of employees for the 2008 Aquatic Center season. Brown stated that all of the former employees have not decided on whether they would be coming back for this season. By consensus, the Council approved the following list of Aquatic Center employees for the 2008 season.

AQUATIC CENTER STAFF FOR 2008

MANAGER

CHUCK REITBERGER

ASSISTANT MANAGER

MAUREEN WHALEN(WSI)

LIFEGUARDS

ABBEE WIDLER (WSI)

KATIE REITBERGER

KELSEY MILLS

JORDAN MILLS

TYLER SPENCER

KACI WELLS

ALLISON REITBERGER(TAKING WSI CLASS)

DYLAN SPENCER

MORGAN KENNEY(TAKING WSI CLASS)

GRANT REICH

DANIELLE BROWN

BASKET ROOM ATTENDANTS

RYAN YOST

KARSEN WOHLER

11. Council Tour of City – Staff Response

City Administrator Brown stated that as the result of the Council tour of the City, staff was requested to go out for bid on various items. Brown reviewed the details of the request for bid for concrete drainage in City Park. After a brief discussion of the total

project, the Council requested staff to change “Excavation will be completed by city crews in coordination with contractor” to Excavation completed by contractor. Council Member Whitney requested that the request for bid list the total length of the project. Council Member Berntsen requested that the fiber mesh be removed from the bid request.

City Administrator Brown stated that Beki Zook, Recreation Director has requested quotes for portable fence, to move the fence at the ball field, and for shade structures and these quotes should be available at the next meeting. Brown continued to report that the metal piece from the rocking horse has been removed from City Park. The drum for the oil has been placed inside the concrete container. Council Member FitzGerald reported that someone poured a large amount of oil on the ground. Brown stated that public works have attached angle iron to the posts on the east side of the shelter house in City Park. One-way signs have been ordered for the parking lot at City Park.

City Administrator Brown reviewed the request for bid for lawn maintenance for the Community/Senior Center. Brown stated due to the type of mowers and the time involved it was decided it would be cost effective to bid the lawn maintenance. Council Member FitzGerald questioned who is responsible for mowing around the pond and the entrance off of Fourth Avenue? Brown stated that is the responsibility of the landowner of the senior apartments. Council Member Whitney requested that the request for bid require a certificate of insurance to be attached to the bid. The Council briefly discussed the construction and drainage in the area of Fourth and Janet Avenues.

12. Preparation for Sedgwick County Hearing on Previous Unilateral Annexations

City Administrator Brown stated that five years ago the City unilaterally annexed 9941 S. 135th and the Duraform building on the west side of 135th. Under K.S.A 12-531, Sedgwick County Commissioners are required to hold a public hearing five years after any unilateral annexation in which a City is required to prepare a service plan. Brown continued to state that the purpose of the hearing is to determine if the City has provided utility services to the properties as detailed in the utility plan at the time of the annexation. Brown stated that the Spencer property has water and sewer service and that Duraform does not require any utility services at this time, but the availability is at the location. Brown stated that the hearing is scheduled for July 16th.

13. Recommendation from Public Works for the City to Sell ROOTX

City Administrator Brown stated that the annual sewer cleaning has just been accomplished. During the cleaning and televising of the lines it was found that there are several locations at the tap of the residential services lines going into our mains, numerous properties have serious roots in the service and growing into the mains. Public Works

Director Ernie Misak is recommending that the City make available a product called ROOTX that can be poured down the stool that will kill roots. ROOTX is the same product that the sewer cleaning company uses to kill excessive roots in the mains. By consensus, the Council approved for the City to offer ROOTX to property owners.

14. Reports

City Administrator Brown stated that the mobile data terminals (MDT's) or the police notebooks that are in the police cars have to be replaced. Sedgwick County has changed their system and the Clearwater officers are not able to communicate electronically with Sedgwick County while in their vehicles. Brown stated that he has found a Panasonic Toughbook from CDW for \$4,317.76 to replace one of the outdated computers for the police vehicle. Brown stated that he has tried to get a grant, but all efforts have failed. There are three computers that have to be changed out and there is \$10,000 in the budget for replacement computers. Chief Demars has requested that eventually all 4 police vehicles should have a MDT as well as the office. Brown is requesting permission to purchase one computer from CDW. By consensus, the Council approved the purchase of the Panasonic Toughbook at the cost of \$4,317.76.

Council Member Armstrong reported that she attended the Senior Advisory meeting and there is a new Space Utilization Agreement being negotiated with the Red Cross. Armstrong stated that there is concern about the way the food is being handled, lack of hand washing, lack of using plastic gloves, and used dish rags laying around. The Board toured the kitchen and found some problems that will have to be corrected by the food handlers. Red Cross will be sure that proper food handling procedures are enforced. Armstrong stated that the people wanted her convey a big "Thank you" for getting the electricity fixed in the kitchen as it has made a big difference.

Council Member Whitney reported that the sorority that has been keeping up the area around the "Welcome To Clearwater" sign told him that this would be the last year they would be doing this as a volunteer project. City Administrator Brown requested that the sorority send a letter stating they would no longer be volunteering lawn care at the rock sign.

The Council briefly discussed various portions of the meeting with the Junior Ball Association and some of the problems with the facilities. Staff will look into the problem with the water on the floor in the restrooms at the Sports Complex.

Council Member FitzGerald referenced various streetlights that have been reported to him that keep going on and off. Mayor Justice stated if they would call City Hall the streetlights problems would be reported to Westar.

Council Member FitzGerald requested the water meter can that has been covered with a cone for over three years behind Big Johns be repaired. Sometimes the cone gets removed or run over and then vehicles fall into the hole.

EMS Director Donald Schauf stated that all but three of the police officers were certified in CPR first aid and AAD chest compression last Saturday.

Mayor Justice thanked Public Works for filling the holes in the alley between First State Bank and Southern Kansas Telephone Company and various other holes in the street.

City Administrator Brown stated that he received a letter from Fire District #9 and their intention was to terminate the agreement effective January 1, 2009 rather than immediately. Brown reported that Fire Chief Marvin Schauf attended a meeting with the London Township Board in Sumner County and then attended the Sumner County Commission meeting. Sumner County is looking to create another fire district that would probably include the portion of the London Township that Clearwater had the agreement. Brown stated that there would be more details on this at a later date.

Mayor Justice reminded the Council that the May 12th meeting would be loaded up with agenda items, since the Council is going to use the meeting on May 27th as the budget planning session.

15. 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 April 22, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 13th day of May 2008.

Cheryl S. Wright, City Clerk