

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

August 12, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 12, 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; Jodi McBee, Deputy City Clerk; and Janet Amerine, City Attorney. Others present at the meeting were Mike Roth, Jennifer Arnold, Kris Misak, and Laura Papish, Clearwater Chamber of Commerce; Beki Zook, Recreation Director; Donald Schauf, EMS Director; Marvin Schauf and Mary Schauf, Fire Department

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 July 22, 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.

Mayor Justice stated City Administrator Brown had items to add to the agenda. Items being added were Fence Proposal at the Sports Complex and Electrical Quote for City Park Concession Stand. Council consensus approved adding the items to the agenda.

2. Mayor's Recommendations

Mayor Justice, with Council consensus, appointed Howard Walker as Part Time Recycling Center Employee.

3. **Public Forum**

No one addressed the Council.

4. **Clearwater Chamber of Commerce Revenue Initiative**

Clearwater Chamber of Commerce President Mike Roth and Chamber Director Jennifer Arnold spoke to Council regarding a request for funding for the Chamber. Arnold started with a slide show presentation of events and programs that are organized by the Clearwater Chamber of Commerce. Arnold specified that the Chamber was not asking for a sales tax increase, but was asking for funding from the City. Arnold went on to talk about how the Chamber represents the community and was helping to stimulate economic development. Inquiries to the Chamber for residential and business relocation information were on the increase. Arnold stated that the Council has facilitated community requests from the Focus on the Future project and the Chamber would like to be used as a resource for community improvement and growth. Roth stated that the Chamber wanted to help sell the community and be a branch of the city, businesses and residents. Roth continued that the move to the storefront helped bring the Chamber more visibility. The Chamber had been quiet in the past by putting on events without letting the public know they were behind the events, and needed to work on marketing themselves as well. Mayor Justice asked Roth how much money was the Chamber requesting. Roth stated they were hoping for approximately \$40,000 per year. Council Member FitzGerald stated that people he spoke to regarding a possible sales tax increase were not opposed, as long as they knew where the money was going to be used. Justice asked City Administrator Brown what a one-cent sales tax would generate. Brown said it would generate about \$152,000 annually. Brown also stated that a sales tax would not have to be a full cent. A half cent or less could be proposed. City Attorney Amerine stated she thought that the city would be restricted to a sales tax in increments of .25. Justice stated that he thought city residents might accept a sales tax increase if parameters were set. Justice also mentioned Sedgwick County was looking at increasing sales tax. Council Member Whitney stated that he thought sales tax increase should be used for necessities. Whitney said he was concerned other organizations might come to the Council requesting tax dollars as well. Council Member Berntsen stated that he thought a tax increase would create more economic struggle for residents. Brown stated that the budget did include \$25,000 for economic development. FitzGerald stated that the city was lucky to have a relatively low mill levy and that a sales tax increase would affect everyone that lives in and visits the City, not just property owners. Brown stated that if City Council wanted to put a question on the ballot for a sales tax increase, a resolution would have to be passed by Council at the next council meeting and forwarded to the County Election Office by September 9. Council Member Armstrong stated that a half-cent sales tax would be better than a full cent to get the public to support. Arnold stated that Council and Chamber could work better together if the Chamber had the funds to do so. Arnold

continued that the Chamber would work to bring in more people to the community to broaden the tax base. Justice stated that this Council does support growth as seen with the recent purchase of land for a business park. Currently the budget doesn't support any funding to the Chamber, as it is already spread thin with the necessities. There would have to be an alternative revenue source to generate funds for the Chamber. Council went on to have a lengthy discussion about sales tax and for what purpose it would serve. Council agreed that if a sales tax is put to the ballot it should be designated for use for the Business Park, an Emergency Shelter, and the 4th Street Road project, then that might free up other funds to be designated to the Chamber. Council Member York asked the Chamber what was their agenda for the money they are requesting. Arnold stated they did not have a specific agenda, but on the forefront were development of the community's marketing and business recruitment packets. Arnold stated private donation, dues and fundraisers were what the Chamber was running on currently. After further discussion, Council directed staff to draft 2 different Resolutions to increase the sales tax, one for one cent and one for a half cent.

5. City Ball Field Lighting Proposal

City Administrator Brown introduced Brad Thompson with Musco Lighting who was attending the council meeting to speak about replacing the lighting at the City Park Ball Field. Thompson gave a presentation about the new lighting. Thompson said the new lights would be on steel poles, would be much more energy efficient than the current lighting, and could be monitored remotely. Musco's proposal included a 6-pole system for a 275-foot field for a cost of about \$120,000. Thompson stated that after talking to his engineering department, he estimated he could get the cost closer to \$100,000. The cost would include tear down of current lighting and complete installation of the new lighting. Thompson added that Musco also offered financing below 5% interest to cities and schools. Mayor Justice asked what other options could be looked at that would be less costly. Thompson said he could do a proposal for a 4-pole system at a 225-foot field or a local contractor could install the lights and Public Works doing the wiring. Council Member Armstrong asked how close the lights would be to the fencing. Thompson explained that the poles would be set right up against the fence in the outfield in the 6 pole system and 35 feet from home plate and 40 feet from the baseline. Council Member Whitney voiced his concerns that the current power supply couldn't be used. Thompson said Musco could assist in looking into the power supply to see if it was usable. Justice stated that the 6 pole lighting concept was too expensive and asked the council if they would like to see a 4 pole lighting proposal for a 225-foot field. Council Members all agreed that the 4 pole lighting system would be more in the price range of the City and Recreation Commission. Thompson stated he would work on getting a quote for the four pole lighting concept at a field of 225 and get with City Administrator Brown.

6. **Water Tower Lease Agreement**

City Administrator Brown stated that USD #264 is interested in putting an antenna on the water tower. Brown asked Superintendent Mike Roth to address the council. Roth stated that the current antenna is on top of the central office. With tree growth over the years, there has become dead spots where the bus drivers and the central office cannot communicate with each other. Bus drivers have to relay messages to each other, which causes a time delay. First Wireless is the company working with the school district to get the antenna installed, hopefully on top of the water tower. The hardware would be smaller than current antennas already on the water tower. Brown suggested that the rental fee for the use of the space on the water tower to the school district should be less than what would be charged to an outside company. Council Members all agreed that improving the coverage of the antenna was a safety issue and they didn't want to charge USD #264 any rent. City Attorney Amerine stated that a nominal fee, such as \$1 a month, should be charged for consideration of the contract. Amerine continued that she had reviewed the contract the City staff had drawn up and the agreement from First Wireless and she suggested using the City's agreement. After Brown reviewed the agreement with Council, Council Members agreed to charge an annual fee of \$1 to the district.

MOTION: Council Member Armstrong made a motion to approve the Mayor to sign an agreement with USD #264 to put antennas on the City water tower for an annual fee of \$1. Council Member FitzGerald seconded the motion and it passed unanimously.

7. **Police Procedure Manual**

City Administrator Brown stated that he would like to table approval of the Police Procedure Manual until City Administrator Amerine has reviewed some procedural and substantive changes Police Chief Kim Demars had made to the manual.

MOTION: Council Member FitzGerald made a motion to table the approval of the Police Procedure Manual. Council Member FitzGerald seconded the motion and it passed unanimously.

8. **Proposal to Prepare Specifications for Utilities and Streets in Business Park**

City Administrator Brown reviewed the proposal submitted by Harlan Foraker to prepare specifications for utilities and streets in the Clearwater Business Park. City Administrator Amerine stated she approved the contract as form. Mayor Justice stated that the ball need to be kept rolling to get the development ready to sell. After a short discussion

regarding costs, Council agreed that the city should start the specs for utilities and streets in the business park.

MOTION: Council Member Whitney made a motion to approve the Mayor to sign an agreement with Harlan Foraker to develop specifications for utilities and streets in the Clearwater Business Park. Council Member York seconded the motion and it passed unanimously.

9. 2009 Budget & Set Date for Budget Hearing

Mayor Justice stated staff had prepared a final budget according to the moves and changes suggested by Council. City Administrator Brown spoke about monies coming into the city from tax assessments. Brown also reviewed a survey prepared by staff, which looked at water and sewer rates in other towns in the area. Brown stated that water and sewer rates needed to go up. Rates have not been increased in 13 years and both funds are struggling. A base rate increase of \$2 is needed to reach the \$290,000 budget amount. Council Member Whitney stated he liked the idea of the more water used, the higher the fee. Brown said that other towns have set up in the ordinance to increase the water rate on an annual basis. An ordinance could be written to schedule rate increases and the Council would have to approve that increase annually. Once the water and sewer funds reserves are built back up, money could be spent on equipment purchases and other water or sewer projects. Auditors have been warning the City that the water and sewer funds were getting low for the last couple years. Council agreed to set the budget hearing for August 26 at 6:30.

MOTION: Council Member FitzGerald made a motion to set the 2009 Budget Hearing for August 26th at 6:30 pm. Council Member Armstrong seconded the motion and it passed unanimously.

Council took a 5 minute recess from 8:30 to 8:35.

10. Fence Quote for Chisholm Trail Sports Complex

City Administrator Brown stated Beki Zook, Recreation Director, had received revised quotes per council direction to have the fence fixed and moved at field 2 at the Chisholm Trail Sports Complex. Brown pointed out prices have gone up since the original quotes due to rising materials prices. The quotes are to fix the base line fences, replace fence fabric, and move the back fence from 225 feet to 275 feet. Aero Fence's bid came to \$17,670.50 and Kansas Fence was \$17,420. Aero Fence's bid stated that they would add an additional \$25 per post for posts which were not reusable and Kansas Fence's bid included all materials. Brown stated that the money is not specifically in the budget for the fence, but is available in the park budget. Mayor Justice stated that if there were ever to be any softball

tournaments at the sports complex, moving the fence back would allow field 2 as a second field for play. Council Member Whitney suggested going back to the Recreation Commission and asking them to assist in the cost of the fence. Mayor Justice stated the city already has other costs to pay related to baseball and softball, and the City couldn't not spend all it's budget on those programs. Council Member Armstrong stated she would be inclined to moving the fence at field 2 to 275 so there would be 2 fields in town at that distance, since it looks like the cost of the downtown baseball field being at 275 feet will be too great. Council directed staff to request 1/3 of cost of the fence repair from the Recreation Commission and 1/3 from USD #264.

11. Request from Tennant at City Park Concession Stand for Electrical Improvements

City Administrator Brown stated that Bill Kenney, operator of the Sno Zone, has requested the City to upgrade the electrical power in the concession stand building to allow him to install an ice cream machine. In order to change the electrical, Brown received a quote from Reeves Electric in the amount of \$2895 to run 100 amp underground electrical service to the building, underground electrical for a new pole light on the exterior of the building and two 30 amp feeders for the ice cream machine. Kenney submitted a proposal to Brown stating what his goals in the business were, but whether he was willing to assist in the cost of the improvements was not included. Council Member FitzGerald pointed out that the new park plan included tearing down the concession stand. FitzGerald stated he wasn't sure the money should be spent to improve the building if it wasn't going to be there in a few years. Council Member Armstrong stated that she liked seeing activity in the park generated from there being a business in that location. Brown stated that Kenney is paying a \$100 in rent plus 5% profits and hopefully the profits would increase with installation of the ice cream machine. Council Member Whitney talked about his concerns with other businesses being upset that the city didn't help them with their expenses to help run their businesses. Brown stated that council had the option of telling Kenney no, or Council would like Kenney to come to council to speak about his proposal more, or the city would be interested in sharing the expense with Kenney. Mayor Justice stated he would like to see a cost split. Council agreed that the City would be interested in sharing the cost, but would not be willing to pay the whole bill. Council directed Brown to find out from Kenney what he would be willing to pay before further consideration.

12. Consent Agenda

City Administrator Brown stated that the bill being submitted for payment by Steve Swift Construction was for the first 300 feet of the drainage project in the park. Another bill will be submitted for the other 200 feet. Mayor Justice asked what the ideas were for the slope beside the ditch near the walking bridge. Brown stated that he and Public Works Director Misak had discussed the options of cutting the slope back, concreting the slopes for

the area next to the concrete bridge, building a retaining wall, or slope the area back 10 to 20 feet, and the rest of the area should have an erosion mat and grass seed. Brown also stated the County had been in town inspecting the bridge at Ross where the drainage ditch runs and there will need to be some repair done on it as well. Council gave consensus to pay Steve Swift Construction \$9990 for the first 300 feet of the drainage ditch at city park.

City Administrator Brown stated that USD #264 Superintendent Mike Roth said that the district would be willing to pay half of the rest of the ramp at the cross walk on Ross between Second and Third Street. Council agreed to pay half the bill for installation of the ramp.

13. Staff Reports

City Attorney Amerine stated that she had been researching sales tax issues, and only the County is limited by increments of a quarter. Cities can go by increments of a nickel. Amerine stated there are two types of sales tax levies. One is for general purpose. It goes into the general fund and has an unlimited time period. The other is for a specific purpose and it dies of its own accord in 10 years if a shorter time is not specified. If there is a specific purpose that has been paid for in less than 10 years by the sales tax, the rest of the money could go into the general fund for the term of the tax automatically. If the sales tax would be passed at the election, an ordinance would have to pass and a certified copy would have to be sent to the Department of Revenue within thirty days of the election. The Department of Revenue would start collecting those taxes immediately. There would have to be statement of purpose for the sales tax on the ballot and it could be a general reason.

City Attorney Amerine reviewed procedures of Mayoral Appointments. If ever there came a time when council did not approve one of the Mayor's appointments, after 45 days there would have to be resolution passed that the person was incompetent and incapable of doing the job for which they were needing to be appointed. Amerine wanted to point out to the council how dangerous it would be to publicize someone being "incompetent and incapable."

City Attorney Amerine reviewed a law limiting ATV and small work site vehicles from driving on the streets. Amerine stated that if the city was interested in getting the law changed, they could contact State Representatives to have the law changed to allow the vehicles. Council Member Whitney stated the cost of getting additional vehicles for each work site was too great and that it didn't make sense to have to trailer the work site vehicle and haul it from location to location.

City Administrator Brown stated that the federal minimum wage has gone up to \$6.55 per hour. The City has one employee under that amount. City Attorney Amerine stated that

the pool employees were not affected because they are seasonal employees. Council gave consensus to raise the employee's wage to \$6.55 to meet the minimum wage standard.

City Administrator Brown presented the Council with a drawing of a possible new façade for City Hall. City Hall's windows have been leaking and the front of the building needs some cosmetic work. After a lengthy conversation regarding the drawing, Council gave consensus to staff to continue working with Randal Steiner, Architect, and ask for a contract proposal. Council proposed a vestibule for the north door be added to the drawings.

City Administrator Brown stated the Dodge Intrepid had been sold at auction for \$1550. The police department had also been doing some foot patrol at City Park to thwart some vandalism in the shelter house and gazebo. Officer Garcia is going to be attending D.A.R.E training soon.

City Administrator Brown stated the Public Works department was working on wide crack repair and also repainting crosswalks.

14. **Executive Session-Personnel**

MOTION: At 9:50 p.m. Council Member FitzGerald made a motion to enter into executive session for a period of 5 minutes for personnel reasons. Council Member Armstrong seconded the motion and it passed unanimously.

At 9:55 p.m. the Council returned to regular session with no action taken.

15. **Council Reports**

Council Member FitzGerald stated that he had had a lot of good comments about street repairs and city crosswalks being painted.

Council Member FitzGerald questioned why the city was paying the recycling company approximately \$1100 a quarter to haul away recycling instead of paying an employee \$10 an hour to do the work. City Administrator Brown stated the offer was made to an individual for the recycling and the person rejected the offer.

Council Member Whitney stated some rock was needed to be placed in the alley in the 400 block south between Third and Fourth Street.

Council Member Whitney commented that Cole Hollis, the part time employee for Public Works, was doing a very good job.

Council Member Whitney asked if there was any luck getting Jerry Falke's lot mowed and brush hauled off. City Administrator Brown stated that he contacted someone to mow the lawn and sent a letter to Falke regarding the brush. Brown stated Baegley's lot had been mowed and the city will charge him for that service. Also a yard on south Gorin that had some complaints had been mowed, but a small fenced in area had not been mowed.

Council Member Whitney asked City Attorney Amerine if Mr. Lauer had responded to the letter about paying for the fire hydrant. Amerine stated she had not received a response to date, but he was given to September 1st to respond.

Council Member Armstrong stated she had missed the discussion at the last meeting regarding the new park drawing. Armstrong asked if all the trees were needed or if they could remove some so the park could be used for seating for events or carnivals. City Administrator Brown stated there were many trees on the drawing that probably weren't going to be planted.

Council Member Berntsen stated he had received a couple phone calls that there was dirt in the gutter in the 100 block of north Lee causing puddling.

Council Member York stated he was asked if there was going to be some brick or block laid around the poles in the shelter house that had rotted out. City Administrator Brown stated they had not decided whether that needed to be done at this time.

Council Member York stated that the Public Works Department had been doing a good job on the street crack repair.

Council Member York requested staff to send a weed letter to the property owner at 250 N Prospect. There is a small section near the road the property owner is not mowing and the weeds are getting tall.

Mayor Justice asked City Attorney Amerine asked if Jerry Falke needed to be sent a letter to pick up the large piles of brush on his property. Amerine stated he would have to be sent a nuisance letter.

Mayor Justice commented that he had been at the park recently and there was a lot of trash in the shelter house. City Administrator Brown stated that Recreation Director Beki Zook was at the park everyday picking up trash. Brown stated there had been a lot of vandalism recently and the police and city employees were working to keep watch out for teenagers littering and tearing up the park. Brown stated that with school starting soon the park would hopefully be less littered.

MOTION: Council Member FitzGerald made a motion to extend the time period indefinitely for Jodi McBee as Acting City Clerk while City Clerk Cheryl Wright is on a leave of absence. Council Member Whitney seconded the motion and it passed unanimously.

16. 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, Jodi McBee, Acting 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 August 12, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of August, 2008.

Jodi McBee, Acting City Clerk