

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

July 8, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, July 8, 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, Judy Armstrong, and Jim Whitney. David FitzGerald was absent. The following staff members were present: Kent Brown, City Administrator and Cheryl Wright, City Clerk. Others present at the meeting were Kim Demars, Police Chief; Steve Martens, Grubb & Ellis; Paul Rhodes, Times Sentinel; Donald Schauf, EMS Director; 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 June 24, 2008

MOTION: Council Member York 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

Mayor Justice with Council consensus appointed Esther Vanley as EMT-B, Bill Kenney as EMT-B, and Melissa Miller as MICT.

3. Public Forum

No one addressed the Council.

4. **Marketing Contract with Steve Martens for Business Park**

City Administrator Brown stated that Steve Martens with Grubb & Ellis Commercial Group is present at the meeting per the Council request. Steven Martens stated that he is happy to review the proposed listing agreement for the business park. Martens continued to state that this is a standard agreement and informed the Council that “and irrevocable” has been deleted from paragraph 5. The City has the ability to cancel the agreement at any time. Martens suggested that the City Attorney and his attorney discuss paragraph 10 and the rest of the agreement and work out the legal issues. Martens presented to the Council new documents with July 15th as the start date. Martens stated that the next step after the agreement is signed is to set the price, which is usually by the square foot and begin marketing. Martens stated that he has a close relationship with Harlan Foraker of Certified Engineering and plans to discuss the properties and begin planning infrastructure such as water, sewer, streets, drainage, lighting, and fire hydrants. Martens stated that the variable in industrial and business property is the assessments of the infrastructure and would the possible purchaser want to talk to the City concerning economic incentives. Martens stated that when a buyer is found there would be a written plan with comparables to put in front of the Council.

MOTION: Council Member Armstrong made a motion to enter into the agreement with Grubb & Ellis with the amended changes and after the two attorneys’ have approved the agreement. Council Member Berntsen seconded the motion and it passed unanimously.

5. **Review Final Portion of Police Procedure Manual**

The Council reviewed the final portion of the Police Procedure Manual beginning with Animal Bites. Chief Demars stated that anytime an animal breaks the skin of a person a report has to be filed with the Health Department for safety issues. The Council continued to review Locked Vehicles, Interns, and Subpoenas/Court Appearances with no questions asked. The next section deals with Police Vehicle Accident Review Board and Chief Demars stated that if there were an accident in one of the Clearwater vehicles an outside agency would be called to do a complete investigation along with the review board. The Council reviewed Proper Evidence Handling and Clandestine Laboratories. Council Member Armstrong questioned if bomb making and meth labs are treated differently. Bomb making is more of a threat of an explosion, while meth labs are a contamination threat. Demars stated that if a Clearwater police officer believes he has found a meth lab the KBI would be called in as Clearwater does not have the equipment to take care of all the contamination that would be involved. Chief Demars stated that Domestic Violence Policy is the same as the state requirements. Chief Demars stated that in order for an arrest in Domestic Violence there has to be evidence of violence, such as bruising or damage to property. Council reviewed the procedure on Felony Cases, Misdemeanor Cases, and Court

Orders. Armstrong citing another instance questioned if there is a policy for expected domestic abuse within the department? Chief Demars stated there is not a particular policy, but if there were expected abuse there would be an investigation. The final procedure reviewed was Department Policy Prohibiting Racial Profiling. Demars stated that City Attorney Amerine has reviewed the entire procedure.

6. Police Vehicle Lease

Police Chief Demars stated that he received two bids for a new police vehicle from Olathe Ford. One of the bids is for a 2007 Crown Victoria for \$22,930 and for a 2008 Crown Victoria for \$22,900. Demars stated that the 2007 has a \$3,500 fire suppression system and his recommendation is to purchase the 2007. Demars stated that the Intrepid is being taken out of service as there are steering problems. Mayor Justice questioned if a new vehicle is in the 2008 police budget. City Administrator Brown stated that there are 4 vehicles in the 2008 budget and this would be only the second vehicle actually leased. The Council discussed the police truck and if it is going to be replaced and handed down to the maintenance department. Demars stated that there is 35,000 miles on the truck and there is a use for the truck, but he cannot justify a pickup for everyday use in the City of Clearwater. Justice questioned if the maintenance pickups would all last another year. Brown stated that he thought that they would. Council Member Whitney stated that he is not against moving the police truck to maintenance as long as one of the existing maintenance trucks is sold. Brown stated that it is cheaper to get a police vehicle lease than a conventional lease. The Council briefly discussed purchasing two Crown Victoria's for the police department and moving the police truck to maintenance. Council Member Berntsen stated that he did not think maintenance needs a 4-door extended cab with 4-wheel drive instead a better vehicle for maintenance would be a utility vehicle. Justice suggested that Chief Demars get a quote on a police truck and have Ernie Misak get a quote for a maintenance truck.

MOTION: Council Member Armstrong made a motion to lease one 2007 Crown Victoria from Olathe Ford for the amount of \$22,930 plus interest. Council Member Berntsen seconded the motion and it passed unanimously.

7. Executive Session – Personnel

MOTION: At 7:40 p.m. Council Member Berntsen made a motion to enter into executive session for a period of 10 minutes for personnel reasons. Council Member Armstrong seconded the motion and it passed unanimously.

At 7:50 p.m. the Council returned to regular session with no action taken.

MOTION: Council Member Berntsen made a motion to change the job description

for Clint Luckner to Officer/Investigator and to give a \$1.00 per hour raise. Council Member Armstrong seconded the motion and it passed unanimously.

8. Ordinance to Change Zoning on Two Properties In Butterfly Court

City Administrator Brown stated that the ordinance is to change the zoning on 8039 and 8051 Butterfly Court that were annexed into the City. The default zoning at annexation is R-1 (single family dwelling) and the two properties are better suited for R-L (residential low density). City Clerk Wright assigned Ordinance 893.

MOTION: Council Member Berntsen made a motion to approve Ordinance 893 as written to change the zoning on two properties in Butterfly Court from R-1 to R-L. Council Member York seconded the motion and it passed 4 to 0 on a roll call vote.

9. Park Plan Review

City Administrator Brown presented a rendered drawing of the proposed City Park plan that was prepared by Landworks Inc. The plan shows the property with the new parking lot. The east side of the current shelter remains, with an unsheltered plaza and picnic tables. The basketball court and playground equipment remain in the same place. The main entrance structure for City Park is at the crosswalk. North of the main entrance is the original windmill that stood at the intersection of Ross and Tracy. The new restroom is located north and east of the main entrance structure just east of the parking lot crosswalk, close to the playground equipment. Brown continued to state that there is a walking path around the park with benches and picnic tables at various places. The rendered drawing has the ball diamond remaining with temporary fencing shown at two different outfield distances, 225 feet and 275 feet. Brown stated that he would be meeting with Musco Lighting concerning new lights for the ball field at City Park. Brown continued to state that new lighting is a priority with the Recreation Commission. The Council briefly discussed new lighting for City Park. Mayor Justice stated that he and City Administrator Brown would be attending the Clearwater Recreation Commission meeting and requested that the Council give direction on the priorities for recreation. The Council discussed updating the current skateboard area. It was discussed to add additional concrete and jump structures. Brown stated that he estimated that \$10,000 to \$15,000 would update the skateboard park. Council Member Whitney stated that his top priority for City Park is constructing restrooms. Justice stated that the Park Advisory should review the rendered plan for City Park. The Council continued to extensively discuss City Park improvements.

10. Follow Up on City Administrator Vehicle Lease Agreement

City Administrator Brown stated that he drove the Honda and a person of his size will fit. Brown stated that he does not have a lease agreement for tonight and is not sure when he will receive a vehicle, as there are no vehicles on the lot. Brown requested that the Council authorize him to work out an agreement as long as the price is comparable to the quote that was received. Brown stated that he has to return the Ford Taurus to Lubbers on Friday so staff will not have a vehicle for some time.

MOTION: Council Member York made a motion to authorize City Administrator Brown to negotiate a lease agreement with Scholfield Honda for a City vehicle. Council Member Berntsen seconded the motion and it passed unanimously.

11. 2009 Budget

City Administrator Brown presented the 2009 budget with most of the requested items from the department heads. Mayor Justice stated that it looks to him that to hold the tax levy at the same as last year, the budget would have to be lowered about 2 ½ mills. Brown provided the Council, after talking to the department heads, some suggested cuts to the budget. Brown stated that he would like to give some relief to the water and sewer funds by realigning some of the costs of salaries back to the general account. Brown explained how the office staff salaries were divided between general, water, and sewer funds, since they support work done in all of the funds. Brown detailed the cuts to the various departments. Justice stated that he did some number crunching and reviewed his suggestions for cuts by department. The Council discussed all of the cuts and made their suggestions. Justice stated some of the increase to the budget is due to the increase in bond and interest fund due to the Senior Center and the expenses for the upcoming business park. A mill is worth \$13,746 and Justice stated that he would not be against a small increase. Council Member Whitney stated that water and sewer rates have to be reviewed for an increase. Brown presented an annual report showing water rates for the medium cities over Kansas. Brown reviewed the water use and the water rates for the cities in the Clearwater area. Brown stated that average charge in the region is \$28.94 and the charge in Clearwater is \$18.50. Brown stated that the base is low and should be raised since water rates have not been raised since 1997. The water fund is losing about \$30,000 out of the reserve per year. The Council briefly discussed the water and sewer funds.

12. Reports

City Administrator Brown stated that the Planning Commission approved the final plat for the Business Park at their July 1st meeting with changes. The designated areas for drainage detention need to be revised and Harlan Foraker is checking into bringing the sewer from Chisholm Ridge. Brown stated that water supply would come from behind the post office and Stars & Stripes. The final plat would be presented to the Council at the July 22nd

meeting.

City Administrator Brown reported that Public Works raised the fire hydrant at First and Janet.

City Administrator Brown reported that weed letters have been sent to the homeowner at 1200 Ridgeview Ct. and to Don Mertens for some of his properties in Chisholm Ridge.

City Administrator Brown reported that Public Works sprayed the streets for weeds on the north side of town.

City Administrator Brown reported that Jerry Grant from Fort Scott Community College would be in town tomorrow to review a plan recommendation that would be sent to the State regarding the sewer ponds. The TSS (total suspended solids) reading is continuing to be high.

City Administrator Brown reported that there was a water leak at well #8 on Monday morning. When Ernie Misak opened the door there was about 2 feet of water in the well house. A part came unwound causing the water leak. The water caused the booster pump to burn out so it will have to be replaced.

City Administrator Brown reported that Mayor Justice, Carl Shaffer, and City Clerk Wright and himself met with the Red Cross concerning the GNNP (Good Neighbor Nutrition Program). Brown stated that it was a good meeting and hopefully got the structure and reporting straightened out. There has been a lot of confusion concerning the routing of complaints and the reporting process.

Council Member Whitney reported that there is a wide crack on Streamside Court that needs to be repaired. Brown stated that Public Works would be doing wide crack repair in the 200 block of S. Gorin, 200 block of S. Third, and the 200 block of N. First.

Council Member Whitney stated that he has been asked several times to whom the Clearwater Recreation Boards reports. City Administrator Brown stated that they basically report to themselves. Two of the members are appointed by USD #264 and two of the members are appointed by the City of Clearwater and then those four members choose one additional member. The Council briefly discussed the structure and funding of the Recreation Commission.

Council Member Whitney referenced a letter City Administrator Brown wrote to the Division of Water Resources concerning an application for water rights from an individual

for rights to pump 800 gallons a minute. The application is on property inside the city limits of Clearwater and only a mile away from three of the City wells. The Council briefly discussed the position of the City.

Council Member Armstrong reported attending the REAP and the REAP Legislative meetings and gave a recap. Armstrong briefly discussed problems that some of the cities in Kansas are having on water issues dealing with Rural Water Districts.

Council Member Armstrong reported that the Kansas Government Finance Officers Association Conference would be held in Kansas City on August 21st and 22nd.

At 9:45 p.m. Mayor Justice left the meeting.

Council Member Armstrong reported that REAP is putting together a want list of transportations needs to be given to the State. City Administrator Brown stated that Clearwater has a hard time finding criteria for funds since there is not a connecting route to a state highway. Brown stated an example that meets the state criteria would be to support another bridge across the Arkansas River at 95th St. S..

Council Member York questioned again the alley in the 100 block south between Gorin and Lee. City Administrator Brown reported on the discussions that he has had with the property owners about cleaning up the alley.

Council Member York stated that the weeds are over four foot high on the Beagley property by the railroad car.

Mary Schauf thanked the Council for the fireworks show on July 4th. Schauf stated that she heard several people stating that it was the best show in several years.

13. **Adjournment**

MOTION: Being no further discussion to come before the Council, Council Member Berntsen 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 April 9, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of April 2008.

Cheryl S. Wright, City Clerk