

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

June 10, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 10, 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 Kim Demars, Police Chief; David Coon and Vicki Wise Clearwater Public Library; Don Fitch, Disaster Shelter Representative; Marvin and Mary Schauf, Clearwater Fire Department; Donald Schauf, Clearwater EMS; and Paul Rhodes, Times Sentinel

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 May 27, 2008

MOTION: Council Member Berntsen 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 Monty Ray as MICT with Emergency Services.

3. Public Forum

Don Fitch stated that he was involved with Council Member Whitney in talking to USD #264 concerning creating a community shelter at one of the schools. Those talks have stopped due to lack of interest by the school board. Fitch continued to state that he wanted to present a sales pitch for the Red Cross certified community shelter that has been in place

for about four years located in the Family Life Center at the Methodist Church. There are 51 Red Cross-trained volunteers to operate the shelter and 6 volunteer nurses. Fitch stated that one thing that needs to be clarified is that it is a disaster shelter for after a disaster not a storm shelter for before a storm. There have been plans developed by the Red Cross for 68 beds in the Family Life Center with facilities and provisions to assist any person that has been displaced for any reason. There is allocated assets for the care and feeding of the people including activities for all age groups on a twenty-four hour basis for as long as required. The only limitation of the shelter is if the electrical power is off then the shelter cannot be opened, as there is not back-up power for the building. Fitch stated that the Church Council has discussed that if funds could be found for a generator the church would be willing to have the Family Life Center electrical system modified to accept power from an external generator including space for the installation for a permanent generator on the outside of the building. This all depends on all parties working out an agreement detailing the cost, the operation, and the liability of the unit. Fitch stated that he wanted to make the Council aware that the people are in place, but there is only a limited shelter available and that it is not the United Methodist Church shelter it is the Clearwater community shelter. Council Member Whitney stated that the switch would probably run around \$7,000 plus the cost of the generator. Mayor Justice stated that the Council has been discussing a community shelter and in the work session on the 2009 budget it is fairly high on the priority list. Justice continued to state that one possibility discussed is to locate the generator in the park close to one of the wells and then hooking the well to the generator. Fitch stated that there is also a possibility that the Red Cross disaster shelter in Clearwater could be activated for people from a disaster in another county or even another state.

4. Library Presentation

Vicki Wise spoke on technology for the Clearwater Public Library. Wise stated that “while books will never go “out of style”, there has been an expansion in the exchange of information through computers and other forms of electronic media.” Wise stated that currently the library has two computers for patron use, and they are often both in use at the same time with others waiting for computer time. The patron computers are accessed for multiple uses from kids playing games, looking up information, to adults filling out job applications, email, and class assignments. Wise reviewed the free access databases that are offered at the library and the ability for patrons to download music or audio books. The library offers wireless access for patrons wanting a faster connection. Wise stated that the goal for the library is to offer the best civic service for the community. Improvements in the Library technology department with continued excellence in other areas of information services is essential to the realization of the goal.

David Coon distributed a patron count for the library from March to June. Coon also showed the Council the newest type of media available at the library called a “Plaway”,

which is a book on video including the player that is small enough to wear on a cord around the neck. Council Member FitzGerald questioned why the library does not plan to open on Monday? Vicki Wise stated that her belief is that opening more hours would not alleviate the waiting for patron access computers. Wise continued to state that it is not the hours that the library is open it is the number of computers available for patrons. Coon stated that he is constantly looking for more of a revenue stream for the library. Mayor Justice stated that he reviewed the quote for the new automation system that was provided by the library staff. Justice wanted clarified that the quote of \$6,200 has nothing to do with additional patron computers, but replacing an automation system. Coon stated that the current automation system or card catalog would have to be replaced in 2009. Wise stated that the company where the automation system was purchased is not supporting the current system. The State of Kansas is putting pressure on all small town libraries to be automated or they will not receive state money. Mayor Justice thanked David Coon and Vicki Wise for the presentation.

5. Review Police Procedure Manual

City Administrator Brown stated that Police Chief Demars is available to review with the Council the next twenty pages of the Police Procedure Manual. Chief Demars stated that he has taken procedures from various other agencies that have been proven and tested and combined them into a procedure for Clearwater. Demars continued to state that some of the procedures are actually taken from state statutes. The first topic discussed was department uniforms. Demars stated that each fulltime officer is issued 5 complete uniforms and the part time officers are issued 2 to 3 complete uniforms. The City purchases all of the uniforms. Demars stated that other cities that he has worked, the City purchases the first set of uniforms and then the officer has a yearly budget for uniform upkeep. Demars stated that the yearly budget usually works better because the officer takes better care of his uniform. Mayor Justice requested Demars to include a section detailing when soft uniforms can be worn. Council Member FitzGerald stated that the badges worn by the officers are very hard to read. Demars stated that the officers are looking to change the badges and name plates to make them more uniform.

Police Chief Demars stated that the Dodge Intrepid is currently out of service and cannot be fixed in Clearwater. The engine has been over heating. The vehicle has to be taken to an authorized dealer for repairs. Mayor Justice questioned when that vehicle is due to be rotated out? Demars stated that it can be done any time and he is checking into quotes for another vehicle.

6. Fireworks Sales Permit Application From Clearwater High School Government Class

At 8:50 p.m. Mayor Justice excused himself and went into the audience.
City Administrator Brown stated an application to sell fireworks was received from

the Clearwater High School Senior Government class. Along with the application was the certificate of insurance and a check for \$5,000. Brown stated that their sponsor Mike Justice is aware of the change in dates to sell fireworks to July 1 to July 4th.

MOTION: Council Member FitzGerald made a motion to approve the application to sell fireworks by the Senior Government class. Council Member Armstrong seconded the motion and it passed unanimously.

Mayor Justice returned to his seat with the Council.

7. **July 4th Fireworks Show**

City Administrator Brown stated that he had sent out requests to two different suppliers to do the City of Clearwater Fourth of July fireworks show. Brown stated he received one bid along with his certificate of liability insurance from Voornaam Pyrotechnics, which did the fireworks show last year. Brown stated that for the last several years the City has paid \$5,000 for the show. Voornaam provided a map of the area showing where they would shoot the show and another area that could be used for a safe zone for residents to shoot fireworks. Council Member FitzGerald questioned if the fireworks show is worth \$5,000. FitzGerald stated that in his opinion the number of people sitting in the stands has declined over the years. Brown stated that there are a lot of people that watch the fireworks show from different locations, including the parking lots. FitzGerald stated that he does not see the payback to the City by spending \$5,000 for a fireworks show. Council Member Armstrong stated she thinks that fireworks are a patriotic civic duty of the City. Armstrong continued to state that the money spent on the fireworks is from the permit fee from the fireworks stands. Mayor Justice stated that he suggests not setting up a safe zone for residents to shoot fireworks.

MOTION: Council Member Berntsen made a motion to use Voornaam Pyrotechnics for the City fireworks display at the total cost of \$5,000 and to authorize Mayor Justice to sign the contract. Council Member York seconded the motion and it passed 4 to 1 with Council Member FitzGerald voting against the motion.

8. **Update on Moving Richmond Hill Schoolhouse**

City Administrator Brown reported that the Richmond Hill schoolhouse has been moved into Clearwater behind the Historical Museum. Brown stated that Judy Cumming is talking to fence companies.

9. **Discuss Clearwater Recreation Commission Board Proposal for City Park**

Mayor Justice referenced the minutes that were emailed to him from the May 14th Clearwater Recreation Commission meeting. In the minutes it states “Buck made a motion for Clearwater Recreation to spend up to \$100,000 for improvements to City Park baseball field to include installing a permanent fence at 275’ and installing new lights. Any remaining funds will be split between improvements at Chisholm Trail Sports Complex and City Park with Recreation Commission and Recreation Director being directly involved in the decision making process.” Justice stated that he had a conversation with Mike Champa and has looked at the ball fields extensively and can see more where the Recreation Commission is coming. There are three groups in the City: one that wants the ball field to stay in City Park, one that wants the ball field removed from City Park, and another group that really does not care one way or another, just do not raise taxes. Justice stated that he believes a plan can be developed that will satisfy anyone that wants to use City Park, but a permanent fence would destroy that concept completely. Justice stated that that the Council would like to have a portable fence for City Park that could be set at 225’ or at 275’. Justice reported that Champa told him that the Recreation Commission would not have a problem with the temporary fence. Champa would like to see an upgrade to the lights. Council Member Whitney stated that the electrical could not go back overhead it would have to be put underground. The Council continued to discuss at length various aspects of recreation and City Park.

10. Proposal to Redraw City Park Plan by KSU Students Including Various Recommendations and Completed Projects

City Administrator Brown reported that he had a conversation with Carisa of Landworks Studio concerning an auto cad drawing of proposed improvements to City Park. This discussion was of an aerial view and a ground level view. Brown stated that he had planned on presenting a cost proposal, but it is not yet available. Brown stated that he does not expect the proposal to be more than \$2,000. City Attorney Amerine stated that the Council could authorize Brown to enter into an agreement with Landworks Studio for drawings of City Park and authorize a dollar amount and for the Mayor to sign the agreement. The Council suggested leaving out the trees and shrubs in the plan from Landworks.

MOTION: Council Member FitzGerald made a motion to authorize City Administrator Brown to approve \$2,000 or his best judgement to enter into an agreement with Landworks Studio for City Park drawings and to authorize the Mayor to sign the agreement. Council Member Armstrong seconded the motion and it passed unanimously.

Brown stated that an updated drawing of City Park would probably help the Recreation Commission see more of the plan. Brown suggested that he and the Mayor attend the July Recreation Commission meeting. Brown then suggested having Beki Zook take to

the June Recreation Commission meeting that the Council does not accept the Recreation Commission proposal for City Park in its entirety, but would like to attend the July meeting for a total response.

11. Nuisance – Order of Violation – Notice to Abate

City Administrator Brown stated that there are several items along the alley at 227 North Grant Avenue. The items to be cleaned up are detailed on the Notice to Abate.

MOTION: Council Member Armstrong made a motion to pass the Notice to Abate giving the homeowner at 227 N. Grant Ave. 10 days to clean up the property or contact City Hall. Council Member York seconded the motion and it passed unanimously.

12. Proposal for Sidewalk Replacement Program

City Administrator Brown stated that he is presenting a possible program for sidewalk replacement. This program provides financial assistance to the homeowner to replace sidewalks in front of their homes. After a brief discussion, the Council approved adding to the 2009 budget a limited amount for a first come first served program for replacing sidewalks.

13. Bid for Relocation of Fence on Field #2 at Sports Complex

City Administrator Brown presented two bids for relocating and repairing the fence at softball field #2 in the Sports Complex. After a thorough review of the bids the Council requested staff to obtain additional specific information from the two bidders.

At 9:20 p.m. the Council recessed for 5 minutes.

At 9:25 p.m. the Council returned to regular session.

14. First Review of 2009 Budget and Review of Council Strategic Planning Session on May 27, 2008

City Administrator Brown stated that tonight the Council would review the general fund portion of the 2009 budget and it is definitely not a finished product. There are many unanswered questions and more information to be received from various sources. Brown stated that there are other funds, but tonight all of the emphasis would be on the General Fund. Brown reviewed the revenue page for the general fund explaining the revenue sources. The Council briefly discussed a city sales tax as an additional revenue source and requested staff to provide estimated yearly revenue. Brown stated that in all of the detail

expense funds the budget for fuel has been increased and a ten percent increase for electricity has also been included.

City Administrator Brown stated that the administration portion includes expenses for City Council, City Attorney, for staff to run City Hall and funds for economic development. Brown stated that at this time there has been nothing included in the budget for a generator for a community shelter. The Senior and Community Center is having some fund raisers and donations, but there has not been a significant increase in revenue; therefore, the operations will have to continue to be supported by tax dollars. The payment for the Senior and Community Center building is in the bond and interest fund.

City Administrator Brown reported that the police department budget includes all of the normal activities plus the purchase of cameras, computers, and trading out a vehicle.

City Administrator Brown reported that the payment for the new ambulance is not in the general account as it is being paid for by the \$2.00 per water paying customer in the City. Brown stated that the request from the EMS director Donald Schauf is to discontinue paying for the Advanced Life Support (ALS) supplies from the donation account and begin paying for the ALS supplies from the general funds. Brown provided a recap of ALS supplies purchased and donations received in 2006, 2007, and thus far in 2008. The 2009 budget includes all requests from Donald Schauf.

City Administrator Brown reported that the payment for the new pumper/tender fire truck is included in the fire department budget. Also included in the budget is \$12,175 for an additional tornado siren for the sports complex.

City Administrator Brown reported that the park budget is still a work in progress as there has not been a determination on the need for equipment for 2009. Brown stated that the position of grounds keeper has been included in the 2009 budget.

15. Reports

City Attorney Amerine reported that the legislature changed the open meetings law where two council members can talk about city business. The rule now is a majority of the members not the majority of a quorum can talk about city business. This means that the administrator and two council members can have a meeting or the mayor and two members or just two members can discuss city business without violating the Open Meetings law.

City Administrator Brown reported that there has been an issue with a fire hydrant on Janet. The hydrant was broke during the fire hydrant test. Council Member Whitney suggested adding a riser on the fire hydrant. Brown reported that the hydrants test are completed for the water study.

City Administrator Brown stated that the State wants tests done on the influent at the sewer ponds. This is caused by the ongoing investigation into the TSS level at the sewer ponds.

City Administrator Brown requested Council permission to attend the City Managers Conference in Richmond Virginia in September. By consensus, the Council approved the trip.

Council Member York stated that in the alley between First State Bank and Southern Kansas Telephone the bushes on both side need to be cut as vehicles have to go around the bushes. City Administrator Brown stated he would send out letters.

Council Member Armstrong reported that she attended the REAP meeting. REAP is requesting the governing bodies of cities and counties to provide a serious list of transportation needs to the State of Kansas. The report has to be ready in September, as this is the end of the 10-year transportation project.

Council Member FitzGerald stated that the weekly updates from City Administrator Brown to the Council are very informative and helpful.

Council Member FitzGerald requested that Public Works take a look at the house on North Fourth where the City poured sidewalk and the water pools in the homeowner's driveway. FitzGerald stated that the homeowner wants something done about the pooling water in his driveway.

16. Executive Session

MOTION: At 10:45 p.m. Council Member York made a motion to enter into executive session for personnel reasons for a period of fifteen minutes. Council Member FitzGerald seconded the motion and it passed unanimously.

At 11:00 p.m. the Council returned to regular session with no action taken.

17. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Armstrong 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 June 10, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 24th day of June 2008.

Cheryl S. Wright, City Clerk