

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

September 30, 2008

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, September 30, 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; Jodi McBee, Deputy City Clerk and Janet Amerine, City Attorney. Others present at the meeting were Marvin Schauf, Clearwater Fire Department; Kim Demars, Clearwater Police Department; Ernie Misak, Clearwater Public Works Director; Mark Hardison and Barbara Hardison, House District #81 Candidate; Jennifer Arnold, Clearwater Chamber of Commerce; Jill McMillan, Clearwater Fall Festival Committee; Sandi Keeler, citizen; Megan Frey, Jordan Lukert, Russell Johnson, Jacob DeMott, Braden Taylor, Michelle Pogue, Taylor Wilkens, Leah Henry, Jerad Schneider, 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 September 9, 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

Mayor Justice, with Council consensus, appointed Jordan Ford as Firefighter.

Mayor Justice, with Council consensus, appointed Les Langston and Gary Morehead to the Historical Society Board.

Mayor Justice, with Council consensus, accepted the resignation of Elden Walker from the Historical Society Board.

Mayor Justice, with Council consensus, accepted the resignation of Judy Armstrong from City Council effective at the end of the meeting. Justice thanked Armstrong for her service on the Council. An appointment to her position will come later in the meeting.

3. Public Forum

Mark Hardison, candidate for the Kansas House of Representatives District #81 position, introduced himself to the council. Hardison stated he was small community man from Mulvane. Hardison continued to state that he knew the 81st district well because of his years of service to dairy and beef producers through Farmland Services. Hardison stated he hoped he would be able to assist the city with its needs if he was elected to the House.

Jennifer Arnold, Executive Director of the Clearwater Chamber of Commerce, requested Ross to be blocked off between Lee and Tracy for Halloween festivities on Friday, October 31st. There will be a barbeque sponsored by the Chamber of Commerce and businesses will be handing out candy to the trick or treaters. Council gave consensus to block off the 100 block of east Ross on October 31st from 5:30-7:30.

4. Discuss and Review Fall Festival Activities

Jennifer Arnold and Jill McMillan addressed the Council on behalf of the Fall Festival Committee to discuss some proposed changes for Fall Festival activities. McMillan, new president of the Fall Festival Committee, dispersed some maps of possible new location of the carnival and parade route. The carnival would be moved from the ball field into the street between Third and First Avenue on Ross. A different carnival company would have to be used to set up in the street. The carnival company that has been found is out of Derby and wouldn't need as much space for campers. They only need hookups for 2 campers and an ice truck. McMillan stated the issue with using this new company is they are not available during the normal Clearwater Fall Festival weekend. There are two proposed weekends the carnival company has available to come into Clearwater, the first or third weekends of October. The school has already been contacted regarding the change of dates to possibly get more involvement from the schools. McMillan and Arnold stated that benefits of moving the dates to later in the year would be possibly cooler weather, more involvement with the schools, not competing with the Kansas State Fair, a better carnival company and the possible addition of some more events. With the carnival possibly being moved to the street, there becomes an issue of the parade route. McMillan and Arnold proposed moving the parade route to start in the Middle School parking lot and travel west on Kansas to First,

north on First to Ross, west on Ross to Tracy, north on Tracy to Wood, east on Wood to Fourth, and south on Fourth back to the Middle School parking lot. Arnold stated there are several groups they would need to notify of the changes in weekend and a con to moving the weekend is that many groups have already started planning for the current weekend of Fall Festival. Arnold stated there was a question of where to place the Fall Festival tent, where many activities are held, due to possible upgrades to the City Park and the ball field. City Administrator Brown stated that next year there shouldn't be a problem with erecting the tent where it was this year, in the park to the west of the shelter house. Arnold asked for input from the council regarding all the possible changes before they moved on in moving the date of the Fall Festival weekend. Council Member FitzGerald stated he hears many complaints of the Fall Festival falling on the first State Fair weekend. Council Member Whitney stated that Fall Festival had been in the middle of October in the past and it worked out well with coordinating with Homecoming. Council Member York asked whether the City had to notify or ask permission from Sedgwick County to block off Ross, since it is a county road. Brown stated the county would have to be notified, but no permission would have to be asked since the road is within city limits. Council Member Whitney stated trying out the carnival in the street would be a good idea before the city invested too much money into improving the park. Council agreed that moving the date would be beneficial and thanked Arnold and McMillan for their presentation.

5. Review Police Procedure Manual

Police Chief Kim Demars stated that he and City Attorney Amerine had worked together to complete the Police Procedure Manual. Demars stated the only changes since the council review were changes that had been requested. Demars stated that a final policy regarding tasers was input, which went along with the current policy and was following the policy on electronic devices of the City of Lawrence. Amerine stated this was the policy she and Demars agreed upon because it was the most legally conservative. Amerine stated that she is recommending the Council adopt the final police procedure manual. Council Member FitzGerald asked Demars how long it would take officers to be ready to abide by the manual. Demars stated the officers were already prepared to follow the new manual. The officers had been involved along the way in helping develop the manual. Demars will have each officer sign a statement agreeing they have read and will follow the new policy. FitzGerald also requested a date the manual was adopted be added to the front cover. Mayor Justice suggested also anytime changes are made to the policy in the future, those changes should be dated as well.

MOTION: Council Member FitzGerald made a motion to adopt the Police Procedure Manual. Council Member Berntsen seconded the motion and it passed unanimously.

6. **Executive Session-Legal**

MOTION: At 7:07, Council Member York made a motion to enter into Executive Session for a period of 5 minutes for legal matters. Council Member FitzGerald seconded the motion and it passed unanimously. Police Chief Demars, City Attorney Amerine, and City Administrator Brown were requested to attend the Executive Session.

At 7:12, Council returned to regular session with no action taken.

7. **Review Clearwater Recreation Commission Decision on Amendment to Agreement and Discuss Options to Proceed**

City Administrator Brown reviewed the Recreation Commission's response to amending the agreement with the City in regards to the oversight of the concessions at the parks. The Recreation Commission decided they would like to retain control of the concessions with no other entity involved. Mayor Justice stated that he was concerned that the agreement with Bill Kenney, Operator of the Sno Zone, not be impaired by the running of the concessions at the City Park concession stand. Justice stated the issue regarding the concession stands needs to be talked about with the Recreation Commission when the contract is up unilaterally for next year. Council agreed to leave the concessions with the Recreation Commission for this year, but discuss with them some possible changes for next year. Council Member Whitney stated that the Recreation Commission should handle all the complaints, and the City not get involved if the Recreation Commission was responsible for concessions. Justice stated Recreation Director Zook should get an inventory of the buildings so there is accountability for what belongs to which organization. Justice also stated there are to be no locks placed on the buildings that cannot be accessed by the City. The buildings belong to the City and the City employees need access, especially to access utilities. Council Member FitzGerald asked whether there was currently a listing of the inventory of the buildings. Justice stated that at the time of the signing of the agreement with the Recreation Commission there was supposed to be drafting of a list of what equipment was in the concession buildings and to whom it belonged. Any equipment, which was not claimed by an organization, was to be defaulted as city property. A listing has yet to be received. Justice stated that when the original agreement was drafted there was no full time Recreation Director. Now that the Recreation Commission has a Director, she needs to be made aware of some of the issues that need to be addressed so she can rectify them. City Clerk Wright stated right now the contents of the concession buildings are not insured and if the organizations knew they aren't insured until a listing is given to the Recreation Director they might be more inclined to get a list prepared. City Attorney Amerine stated that the issues should be discussed in a meeting with Recreation Commission. Other issues that have

been discussed at prior Council meetings were opening the concession stand during activities other than Baseball/Softball and getting alternative bids for concessions at each concession location. Council agreed that the Recreation Director should be the responsible party in lining up and communicating with the operators of the concession stands. The City should assist in pointing people in her direction in all things dealing with Recreation. After more discussion regarding storage and access of equipment, Council decided to leave the agreement status quo but start initiating some conversation with the Recreation Commission about needed changes to next year's agreement.

8. ADT Select Link Alert Notification System

City Administrator Brown stated ADT had notified him of a special they were running on an alert notification system. The special has since expired, but Brown felt like the notification system was still worth reviewing. This messaging system allows messages to be sent to multiple parties according to a database set up in a central location. Notification can be sent by land phone, cell phone or email. Brown stated it could be useful for the city in contacting the volunteer staff and alerting city residents of emergency and nonemergency issues. The cost of the messaging could be charged to the receiver or paid for entirely by the City. The Clearwater School District has a similar system they use to contact student's parents. It was used recently to inform parents the buses arrived safely after the recent flooding. Mayor Justice stated that a messaging system would be a more timely and efficient way of getting information to a large group of people. Council Member Armstrong spoke of the convenience of relaying messages to city residents instead of the public having to contact City Hall when issues, such as the water main break, occur. Council Member FitzGerald stated that anything that would assist in getting information to the public is better than what is happening currently. Council directed staff to look into getting some proposals from different companies regarding a notification system.

9. Cereal Malt Beverage Application

City Clerk Wright stated she had received an application for a Cereal Malt Beverage License from Kabredlo's, Inc. for the location of 750 N 4th. City Administrator Brown stated Kabredlo's had never has a Cereal Malt Beverage License in the past because of the proximity of their current location to churches and schools. Kabredlo's is going to be moving to the Stars and Stripes location during October and therefore can now apply for a Cereal Malt Beverage License. Stars & Stripes already has a cereal malt beverage license, but Kabredlo's cannot take over theirs. The application is only for packaged carryout cereal malt beverages.

MOTION: Council Member FitzGerald made a motion to approve the application for Retail Cereal Malt Beverage License to Kabredlo's, Inc. at 750 N Forth.

Council Member Berntsen seconded the motion and it passed unanimously.

10. Proposed Ordinance to Adjust Water Rates

City Administrator Brown presented some additional information regarding the increase of water rates. Brown stated he had reviewed data in 2008 to find out how much water the average consumer uses. The most common amount of water usage is in the 3,000-5,000 gallon range. Brown stated the proposed rate increase is increasing the base fee from \$8.00 to \$11.00 with 2,000 gallons included, \$3.75 per 1,000 gallons from 3,000-5,000 gallons, \$4.25 per 1,000 gallons from 6,000-10,000 gallons and \$4.75 per thousand over 10,000 gallons. A 1% rate increase every year is also built into the proposed rate increase. The current usage rate is a flat \$3.50 per thousand gallons. For a consumer who uses 4,000 gallons, their water bill would go from \$15.00 to \$18.50. Brown reviewed several examples of specific users and what the rate increase would do to their water bill. Brown stated that 2008 was a wet year and the usage would vary from year to year. Brown stated in reviewing the current water rate ordinance there was a section titled "Changes in Monthly Charges" that has never been followed. The section says that any time the minimum balance in a calendar month in the water fund falls below \$40,000 the water rate will be increased and anytime it goes above \$50,000 the water rate is to decrease. City Attorney Amerine stated that Section 13-08-011, the section Brown was referencing, should be completely amended to show the 1% increase per year. Mayor Justice asked what the approximate dollar amount the rate increase would generate. Brown stated it would be enough to cover the shortage the water fund has incurred and build it back up. After review of all the information, council agreed the increases are what the City needs to do to replenish the water fund. Brown stated there had only been one water rate increase since 1982. Brown stated he would have the new water rate ordinance ready at the next Council Meeting. Brown said he will include a comment about the water rate increase to come in the mass mailing about the citywide cleanup to help prepare residents.

11. Reports

MOTION: At 8:12 p.m., Council Member Berntsen made a motion to recess for a period of 10 minutes. Council Member York seconded the motion and it passed unanimously.

At 8:22, Council returned to regular session.

City Clerk Wright asked that anyone interested in going to the dinner hosted by John Riggs during the Kansas League of Municipalities Conference at Larkspur contact her so she

could RSVP.

City Clerk Wright stated the personal vehicle mileage is paid to employees according to the Kansas Department of Administration Accounts and Reports. As of July 1, the rate has increased from 47.5 to 50.5 cents per mile.

City Clerk Wright stated the architect would be reviewing the design to the front of the building on Wednesday. Wright asked Council for clarification as to what the Council would like to see done to City Hall. Council agreed the entrance to City Hall should be moved to the north side of the building and a vestibule be created to block the north wind when entering. Council Member Berntsen asked staff to ensure a ramp could be placed in front of the possible new entrance due to the curb drop off to make it ADA accessible. City Administrator Brown stated the architect had requested a budget amount to follow. Brown stated there had been \$30,000 budgeted in the past. Council agreed that was a good starting point.

City Clerk Wright stated in November Deputy Clerk McBee would be attending her first year of Kansas Municipal Certification Institute. McBee applied for and was awarded a scholarship to attend.

City Attorney Amerine stated the City had been paid for the damaged fire hydrant.

City Administrator Brown stated there was a response in purchasing the old fire tanker from the Fire Department. After talking to staff, Brown stated Public Works Director Misak was interested in using the tanker in his department. There is a budget item of \$10,000 for a sewer jetter to clean out sewer lines. Misak said that instead of the jetter the tanker, with modifications, could be used. Other uses of the tanker could be in cleaning out culverts, cleaning the swimming pool, watering trees, and many more. Misak requested that the Council wait in making a decision on selling the tanker until Public Works can inspect the vehicle and see if the truck could be modified for use in the City. Misak stated the safety concerns the tanker was taken out of commission for weren't concerns the Public Works Department would have. The steering was an issue with a full load and over country roads. Public Works should never haul the truck with a maximum capacity and should never haul over country roads. Council Member Whitney stated if the truck is going to stay with the City, then he would like to see it out of the fire station. With Council consensus, Misak stated he will look at the truck and do some research about seeing that it could be usable for Public Works.

Public Works Director Misak stated the Public Works Department has been busy repairing alleys, cleaning ditches at the sewer ponds, and lowering the levels at the sewer ponds. A materials list is being prepared to start replacing the water lines near Garvey Grain

on Hoover Rd. The line is a continual problem with leaks and repairs. The existing line is being abandoned and new lines and taps will be installed. After the work is done, water can be shut off within the Garvey complex and the trash transfer station without disturbing water flow to other residents in the area.

Council Member Whitney asked what needed to be done on the 300 block of Nancy to repair some of the areas where the asphalt has bulged. Public Works Director Misak stated the asphalt on Nancy and in several other parts of town is only about 2 inches thick. When it is milled it is going back down to dirt. Misak stated in the future when the streets are repaired, the milling could be done just near the curb, and then an overlay over the whole street, to make the asphalt layer thicker.

City Administrator Brown stated there is going to be a hearing for a cell phone tower at the next Planning Commission meeting. If the tower is approved, it will be located in a section of ground on the west side of Tracy across the street from the cemetery. Brown stated in researching information regarding the cell phone companies request there is some language that needs to be cleaned up between the City's Zoning Ordinance and City Code. Brown said that will need to be rectified at a future meeting.

City Administrator Brown stated the Police Department has painted some curbs yellow near the schools to assist in traffic control.

City Administrator Brown stated there has been complaints regarding the cross walk on Ross near Chisholm Ridge. Children walking to school are having trouble getting across the street at that location because traffic doesn't stop for children waiting at the crosswalk. Mayor Justice stated the issue could be addressed at the High School to make students aware if there are people waiting at the crosswalk to cross, the vehicles should stop to let them cross.

City Administrator Brown stated the cameras approved for purchase by Council at the last meeting for the Police Department have been installed and the officers are awaiting training.

City Administrator Brown thanked the council for allowing him to attend the ICMA conference in Virginia. Brown will give a summary to Council of topics covered at the conference.

Council Member Armstrong stated there has been a complaint that the north meeting room at the Senior Center is in need of some cleaning. The room has become a collecting site for many projects and is hard to use because of the clutter. Armstrong suggested posting a notice at the Senior Center stating if there is anything in the room not spoken for by a

certain date will be taken to the trash. Council directed staff to draft a notice to post in the room to let users know anything not claimed will be taken to the city wide cleanup dumpster.

Council Member Armstrong stated that there would need to be council members appointed to the Senior Advisory Board and REAP since she is resigning from the Council.

Council Member Whitney asked if the City has sold its wheat yet. Brown stated it has not been sold.

Council Member Whitney asked if the drainage ditch in City Park was going to have some erosion mats placed where the dirt work was done. Brown stated Public Works planned on laying erosion mats. Brown went on to state that the County planned on replacing the bridge on Ross in front of the park.

Council Member Whitney stated the house to the east of Walt's is collecting clutter in the yard. Whitney received several complaints stating it is getting messier and needs to be cleaned up. Mayor Justice stated the homeowner and renter should be contacted to cleanup the yard.

Council Member Whitney stated there is a semi truck and trailer parking in the diagonal parking on Ross on the weekend. Whitney suggested changing the parking ordinance to keep semi trucks from parking on city streets. Trucks parking on city streets cause damage to the streets and can cause visibility problems for other drivers. Whitney stated the police department needs to ticket the trailers parked on streets and let the owners know they may park at the Sports Complex.

Mayor Justice requested from council approval of the appointment of Sandi Keeler to replace Judy Armstrong as Council Member effective October 14, 2008.

MOTION: Council Member York made a motion to appoint Sandi Keeler as City Council Member effective October 14, 2008. The motion was seconded by Council Member Whitney and passed unanimously.

12. **Adjournment**

MOTION: Being no further discussion to come before the Council, Council Member Berntsen 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, Jodi McBee, Deputy 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 30, City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 14th day of October 2008.

Jodi McBee, City Clerk