

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**CITY COUNCIL MEETING**

**MINUTES**

**June 23, 2009**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 23, 2009, 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 York, Lyle Berntsen, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. Mike Justice, Mayor, was absent. 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 Bill Kenney, owner of Sno Zone; Mary Schauf, Clearwater Volunteer Fire Department.

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Council President York called the meeting to order at 6:30 p.m. York 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 9, 2009**

**MOTION:** Council Member Berntsen made a motion to approve the minutes of the meeting. The motion was seconded by Council Member Keeler and passed unanimously.

**2. Mayor's Recommendations**

There were no appointments or resignations.

**3. Public Forum**

Bill Kenney thanked Council for allowing him to rent the City Park concession stand to run his Sno Zone shaved ice and ice cream stand. Kenney stated that as the council considers remodeling the building, he has a few requests for additions to the building. Kenney requested a sliding window so the window could be open and closed during operation. Kenney also requested space for a small window air conditioning unit to be placed in the building. Kenney offered to pay for and maintain the air conditioning unit.

4. **Ordinance Granting a Franchise to Clearwater Cable Vision**

City Attorney Amerine reviewed the ordinance granting a franchise to Clearwater Cable Vision. The term remained at 15 years, with the addition of a 5-year review for Council to make any amendments. If changes are made at any 5-year mark, then the ordinance would have to be republished. The rate has remained at 3%.

**MOTION:** Council Member Berntsen made a motion to accept Ordinance 905 Granting a Franchise to Clearwater Cable Vision. Council Member Frischenmeyer seconded the motion and it passed on a roll call vote of 5-0.

5. **Ordinance Authorizing the Operation of Work-Site Utility Vehicles and Golf Carts on the Streets Within the Corporate Limits of the City**

City Attorney Amerine reviewed the ordinance authorizing the operation of work-site utility vehicles and golf carts on the streets within the corporate city limits. Amerine stated there are 4 categories that are included in the state statute allowing on road vehicles in cities. They are work-site vehicles, golf carts, micro-trucks and all terrain vehicles (ATVs). Amerine stated that the mule, which is used by city staff, is considered a work-site vehicle so she researched that category to include in this ordinance. Amerine stated she was also directed to include golf carts. Amerine stated she has understood that the police department has not wanted to legalize ATVs in city limits in the past, so she left that category out of the ordinance. Amerine continued to review each section of the ordinance. Council Member Whitney asked if golf carts were going to be able to drive to the golf course since the posted speed on north Tracy past the cemetery was 45 mph and per the ordinance golf carts may only be allowed on streets where the posted speed is 30 mph. Amerine stated that the city limits end at the north boundary of the cemetery. The road from there to the golf course is in the County and not in the City's jurisdiction. Individuals that choose to drive their golf carts to the golf course do so at their own risk. Council Member York asked if someone ever wanted to use micro-trucks would the ordinance have to be amended. Amerine stated that the ordinance would have to be amended to add micro-trucks. After a brief discussion, Council agreed to add micro-trucks to the ordinance. Amerine stated that she added as a requirement to the ordinance that all vehicles included in the ordinance must have a slow moving vehicle sign. Council agreed that requiring a slow moving vehicles sign was a good idea to make the vehicles more visible. These special use vehicles will have to be inspected and licensed by the Police Department every calendar year at a cost of \$10. Individuals with valid drivers licenses must operate the vehicles. Amerine stated she would bring the ordinance back to the next Council meeting to include micro-trucks.

6. **Final Findings of Planning Commission Review of Housing Stock**

City Administrator Brown stated that the Planning Commission periodically reviews the housing stock to see which buildings are deteriorating. Houses are then put into three categories according to how the buildings look from the street. Category “A” is houses that need no maintenance. Category “B” is houses that need maintenance that doesn’t cost more than the house is worth, such as loose siding or windows, roof, or doors in need of repair. Category “C” is houses that need maintenance that may cost more than the house is worth. “C” houses would have to come to Council to see if steps to condemn the building are necessary. Brown continued to review houses in each category. The Planning Commission had no recommendations for action on any building at this time. Council Member Frischenmeyer suggested in future review of housing stock to take into account Sedgwick County appraised values of buildings.

7. **Resolution Granting Ad Valorem Tax Abatements as an Incentive for Business Development and Expansion**

City Administrator Brown stated that the resolution granting ad valorem tax abatements as an incentive for business development and expansion creates a foundation for incentive policies for businesses in Clearwater. It also gives prospective clients an opportunity to see how they fit in. The policy does offer ways to vary off of the base line for different circumstances.

**MOTION:** Council Member Keeler made a motion to approve Resolution 6-2009 Granting Ad Valorem Tax Abatements as an Incentive for Business Development and Expansion with corrections in Section 1 and Section 7-B-11. Council Member Berntsen seconded the motion and it passed unanimously.

8. **Review Plans for Restrooms/Concession Stand at City Park**

City Clerk Wright stated at the budget-planning meeting it was suggested that something be done about restrooms/concessions at City Park. Wright stated there are several options that need to be considered. Wright reviewed plans drawn up by Public Works Director Misak, plans from a company that designs public restrooms, and designs from Randal Steiner, the architect that did the City Hall remodel design. After discussion regarding design of a restroom/concession building Council chose the design presented by Randall Steiner with the following design items:

- Request design for restrooms with the concession stand and storage as alternate bids with completion at one time, not in phases.
- Three restrooms (men's/women's/family) open 24/7 March-October
- Split design with concessions at one end and restrooms at the other
- Cut face block building with metal hip roof (similar to pool building)
- Automatic hand dryers and water faucets
- Stainless steel fixtures with alternate bids on porcelain
- Floor drains for cleaning
- One sink in each bathroom
- Keep concession fixtures
- Small A/C unit for concessions (possibly rooftop)
- Sliding service window in concessions with roll down metal shutter

Council agreed that it would be nice to have the building done by Fall Festival, but it wasn't necessary since portable restrooms are brought into City Park anyway.

**9. Request from Jeff Laha for Summer Scorcher Road Race in August**

City Administrator Brown stated that Jeff Laha has requested use of city streets for the Summer Scorcher Road Race August 8<sup>th</sup>. Brown stated he has already spoken to the Police Department about assisting and has not yet spoken to the EMS Director to see if they are available. This is the 3<sup>rd</sup> annual race and the EMS has assisted in the past, so Brown assumed they would be willing to assist again. Council gave consensus to allow the use of city streets for the road race August 8<sup>th</sup>.

**10. First Review of 2010 Budget Funds Other than General**

City Administrator Brown stated that this is the review of all other funds other than the General Fund. The Employee Benefits Fund is used for payroll taxes, health insurance, and the city portion of KPERS for the employees. Increases in KPERS and State Health Insurance will affect this fund. The Special Liability Fund is used for the umbrella and general liability insurance for the City. Both funds are funded by property and motor vehicle tax. The Special Highway Fund is proposed to be used for the street projects, part of the portable generator/welder, part of the replacement John Deere Tractor, and savings for future 4<sup>th</sup> street project. Revenue in this fund comes from gas taxes, which is probably going to be decreased due to State budget cuts. The Special Parks Fund gets its money from half the liquor tax and from funds the Department of Wildlife & Parks gives the City for taking care of the fishing ponds at Chisholm Ridge. A portion of the money for the City Park restroom building would come from this fund. D.A.R.E. could also be funded from Special Parks. The Capital Building Fund was set up to improve streets or capital buildings. The fund is

supplied by property and motor vehicle taxes. A portion of the Capital Building Fund will pay the Aquatic Center bond and another portion will be used to pay for part of the bi-annual street project. The EMS \$2 Fee Fund is supplied by the \$2 fee on the city utility bill and pays for payments on the ambulance. Council briefly discussed possibly charging a usage fee for ambulance service. Council Members Whitney and Frischenmeyer both stated that with budget cuts, costs for the ambulance service needs to be made up from sources other than city budget. Brown stated that the expenses for the Bond and Interest Fund would decrease in 2010 by \$58,000 due to the 2002 refunding bond paying off. The majority of this fund is supplied by special assessments and with the balance supplied by property and vehicle taxes. The estimate for special assessments has not been received yet. Brown stated that the Water and Sewer Funds are both user-based funds. Brown continued that the staff would have a better grasp on the effect of increases in water and sewer fees in another month. The Water Fund includes a program to replace water meters and fire hydrant valves, a portion is proposed to replace the John Deere tractor, a portion of the portable generator/welder, replace piping at well #6, and look to replace the water line along Kansas from Second to Prospect. The Sewer Fund is proposed to fund a portion of the John Deere Tractor, a portion of the portable generator/welder and the aerator at cell #4.

City Administrator Brown asked if the Council's goal in preparing the 2010 budget is to stay level, decrease or increase property taxes. Council agreed that they would like to attempt to stay level. Brown stated the City will receive the tax valuation the beginning of July and then staff will have a better grasp on what cuts will need to be made.

#### **11. Consent Agenda**

Council gave consensus to pay Central Air Conditioning Co. \$1,227.00 to replace the thru wall air conditioning unit at the City Maintenance Shop and Randal Steiner \$6,250 to provide architectural and engineering services for construction of a restroom and concession stand building in City Park.

#### **12. Reports**

City Clerk Wright stated the City Hall remodel project is to begin on Monday, June 29<sup>th</sup>. The parts for the new door came in wrong, so the date has been pushed back several times.

City Clerk Wright stated a Council Member had requested a copy of the personnel rules and regulations. Wright stated she and City Administrator Brown have been working on a revised policy and would be happy to disperse a copy of the tentative policy to any Council Member that would like one.

City Clerk Wright stated Council had previously approved a purchasing policy. Wright stated she has been working with First State Bank to acquire purchase cards for certain city staff members. The cards are in and Wright is working with staff members to hand out cards and sign and implement the policy.

City Attorney Amerine stated she had a training session with Council Members Keeler, Whitney, and Frischenmeyer.

City Administrator Brown stated that maintenance crews would be painting the cross walks on Ross this week.

City Administrator Brown stated that well #7 has been put back together, but now an air release valve is not working.

City Administrator Brown stated that the Public Works Department had been working at trimming some limbs in alleys and will be spraying weeds in the streets.

Council Member Whitney stated there were some wide cracks in town that needed to be sealed

Council Member Whitney stated that the roof at the recycle center needs to be repaired. Water is leaking on the bailer.

Council Member Whitney stated that he received a complaint regarding a yard with tall weeds at 200 S. Byers.

Council Member York stated that the alley between Tracy and Lee where it meets Nancy needs some repair. City Administrator Brown stated that the trash truck has gouged the asphalt. Brown and Public Works Director Misak have discussed the problem and are looking at a long-term solution to the problem.

Council Member York asked if anything had been done about the drainage problem at the northwest corner of First and Ross. City Administrator Brown stated that problem will be proposed to be fixed with the upcoming street project.

**13. Executive Session-Personnel**

**MOTION:** At 9:20, Council Member Berntsen made a motion to enter into executive session for 10 minutes for personnel. Council Member Keeler seconded the motion and it passed unanimously.

At 9:30, Council returned to regular session with no action taken.

**12. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Keeler moved for adjournment. The motion was seconded by Council Member Frischenmeyer 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 June 23, 2009 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 14<sup>th</sup> day of July, 2009.

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Jodi McBee, Deputy City Clerk

