

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

April 13, 2010

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 13, 2010, 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, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. Lyle Berntsen, Council Member, was absent. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were Marvin Schauf & Mary Schauf, Clearwater Fire Department; Bill Kenney, owner Big John's Pizza; Paul Rhodes, Times Sentinel Newspaper; Ashley Lange, Citizen; Cody Bech, Chris Turner, Dustin Cooper, Darek Patton, Ike Sandberg, & Erin Bergman, 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 March 23, 2010

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

2. Approval of the Minutes of the Special Meeting of March 30, 2010

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

3. Mayor's Recommendations

Mayor Justice, with Council consensus, appointed Joshua Hecker, Lucas Frickey, and Jeremy Whitney as firefighters with Clearwater Volunteer Fire Department.

With Council consensus, Mayor Justice accepted the resignation of Kyle Berger as Police Reserve Officer with the Clearwater Police Department

4. Public Forum

No one addressed the Council.

5. Sedgwick County Report on Public Warning System

City Administrator Brown reviewed information received from Sedgwick County regarding updating the public warning system, which are primarily sirens. The County is looking at updating the sirens to allow specific sirens to be sounded during inclement weather, instead of all sirens throughout the County being sounded. The County wants to know two things. First, does Clearwater want to be included in the project to replace all sirens with a new system? Second, which government would assume financial responsibility for replacing the sirens? Currently, the Volunteer Fire Department sounds the emergency sirens within the City. Brown stated that the system has worked well to this point. Fire Chief Schauf stated that the sirens in Clearwater have been dependable. After a brief discussion, Council agreed to keep with the current system and not join with Sedgwick County at this time.

6. Handicap Parking in the 100 Block of Ross Avenue

Bill Kenney, owner of Big John's Pizza, addressed the Council to request a van accessible handicap parking space in the 100 block of Ross Avenue. Kenney proposed creating a parking space in front of City Hall, then only one parking spot would be lost. The only handicap parking space on the south side of the street is on the east side of City Hall and it isn't accessible for a handicap van with lifts because of the drainage channel that runs through the parking space. Council Member Whitney stated he was concerned with placing a handicap spot at Kenney's proposed location because a person coming out of a handicap van with a right side lift would have to wheel into traffic on Ross to access the ramp to get onto the sidewalk. Mayor Justice suggested placing a van accessible handicap parking spot on the southeast corner of Ross and Lee. Then, downtown and bank patrons could utilize the space. The parking spaces have not been repainted since the curb in front of the bank was

redone, so a handicap space could easily be installed at that corner. A suggestion from the audience was to place a handicap stall at the northwest corner of Ross and Lee. Council directed staff to have the Public Works Director and Police Chief look at both locations to see which was best suited for a van accessible handicap parking space. Mr. Kenney stated he has a customer that is a consultant for ADA issues and may be able to make some suggestions.

Bill Kenney stated that in the past he has had an open agreement with the City to run his Sno Zone operation out of the park concession stand. Kenney stated he would like to continue with that same agreement with one change. Kenney went on to explain that he would like to continue to pay the \$100 monthly rent but would like to contribute the 5% of sales that he has donated to the City to a scholarship fund. Council agreed to consider the change.

7. Planning Commission Recommendation for Changes to the Animal Ordinance

City Administrator Brown stated that the Planning Commission is recommending the following changes to the current animal ordinance:

- Limit the number of livestock (i.e. sheep, goats, cattle & horses) to one animal per half acre in zoning districts where they are currently allowed.
- 3 dogs and 3 cats or a combination with a maximum total of 5 pets over the age of 6 months. (Current allowance is 5 dogs and 5 cats with a maximum total of 10)

Council Member York asked how the change regarding livestock would impact the Ganaway property. Brown stated that Ganaway has a special use permit that gives him permission for a certain amount of animals on his property. City Clerk Wright asked what the current allowance for livestock was in the R-L (Residential Low Density) zoning district. Wright stated that staff would look at the current code to insure the new ordinance doesn't limit what residents have currently. Council directed staff to draft an animal ordinance with the Planning Commission's recommendations.

8. Volunteer Group Request to Cleanup Public Area

City Administrator Brown stated the Methodist Church would like to send a group out on Saturday, April 24 to clean up public areas of the City. Brown stated he has recommended north 4th Ave. and the City Park. Mayor Justice suggested Chisholm Ridge Fishing Ponds. Council agreed they appreciated any cleanup the group could accomplish.

9. **Adopt Resolution to Join KMIT (Kansas Municipal Insurance Trust) for Worker's Compensation Insurance**

City Administrator Brown stated that at the special Council meeting, Council agreed to purchase worker's compensation insurance through Kansas Municipal Insurance Trust (KMIT). KMIT is a cooperative association and the City has to join it to purchase the insurance. Switching to KMIT requires adopting a resolution to become a member. City Clerk Wright assigned resolution number 1-2010.

MOTION: Council Member Whitney made a motion to adopt resolution number 1-2010 to join KMIT for Worker's Compensation Insurance. The motion was seconded by Council Member York and passed unanimously.

10. **Execute By-Laws and Interlocal Agreement for KMIT**

City Administrator Brown reviewed the By-Laws and Interlocal Agreement for KMIT. City Attorney Amerine stated she has reviewed both documents and approved them to form.

MOTION: Council Member Keeler made a motion to adopt the By-Laws and Interlocal Agreement for KMIT. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

Council gave consensus for the mayor to sign a Notice Pursuant in joining KMIT under Kansas statute K.S.A 12-2616. City Clerk Wright stated all the documents would be sent to the Sedgwick County Register of Deeds for recording.

11. **Review Aquatic Center Salary Schedule for 2010**

City Clerk Wright stated that Kansas law now requires that minimum wage be set at \$7.25 per hour. Wright went on to review the proposed salary schedule for the lifeguards, basket room personnel, and pool manager. Wright explained that in comparison to last year, city staff estimates the City will pay \$3,000 more in pool salary.

MOTION: Council Member Frischenmeyer made a motion to accept the Aquatic Center Salary Schedule for 2010. The motion was seconded by Council Member Keeler and passed unanimously.

12. Set Date for Council Tour and Planning for 2011 Budget

Council discussed available dates for the council tour and planning session for the 2011 budget. Council agreed to have the tour at 5:30 pm and the planning session at 6:30 pm on May 18th.

13. Final Review of Personnel Rules and Regulations

City Administrator Brown stated that the personnel rules and regulations are ready for final review. Brown distributed a page of changes to the policy that city staff has made. Brown stated that there is a discrepancy in holiday pay between departments in the new proposed policy. Brown explained that according to the new policy, the Police Department gets time and half for 8 hours if they work on a holiday and an additional day off. The Public Works Department would get double time. After a lengthy discussion, Council agreed to double time holiday pay with no compensatory time for all departments. City Clerk Wright stated that there is no dress code for City Hall personnel in the proposed policy and she believes that a dress code should be included. Council directed staff to draft a dress code for City Hall staff to include in the personnel policy. Council was given a revised policy to take home and review. Council will come back with questions or suggestions at the next meeting.

14. Request for Family Pool Pass Price Review

Ashley Lange approached the Council to discuss pool pass prices. Ms. Lange requested the Council review family pool pass prices. Lange asked that family pool pass prices be adjusted for families with more than four people. City Administrator Brown stated that currently the single pass is \$45. The family pass is \$135 for a family of four and each additional family member is \$45 per person. Lange stated that she would request the Council look at changing the family member price for families over four so larger families could receive a comparable price break.

15. Consent Agenda

Council gave consensus to pay the following items:

- Triple B Construction work order #1640 in the amount of \$5,168.00 for the sidewalk in City Park around the windmill
- Triple B Construction work order #1625-1 in the amount of \$5,530.00 for the sidewalk along the north and south side of Janet and east side of Mimosa Arms apartments.

- Kansas Building Products in the amount of \$1,827.05 and \$2,010.95 for building materials for construction of the concession stand/restroom building at City Park
- Steve Swift Construction in the amount of \$4,995 for labor and materials for footing and concrete floor for the concession stand/restroom building.

15. Reports

City Administrator Brown stated that cleanup weekend is April 16 & 17. There will be individuals stationed at the dumpsite checking identification to ensure only Clearwater residents are utilizing the service.

City Administrator Brown stated that the City received notification that the FEMA grant has been approved for the emergency shelter. Brown stated that a schedule for construction of the building should be ready in the next couple weeks.

Council Member Whitney stated that he appreciated what the Public Works Department was doing to reduce the odor coming from the sewer ponds. City Administrator Brown stated that they were trying to generate oxygen to help the good bacteria grow in the pond by spraying water into it and also trolling a boat to stir the pond. Whitney asked why a fountain or aerator couldn't be installed. Brown stated that that is an option, but they will have to find an alternative way to anchor the machine so it doesn't puncture the lining on the bottom of the pond. Public Works will continue with the efforts to reduce the odor for the next couple weeks.

Council Member Keeler stated that she received a complaint regarding a tree down in the back yard of 321 Nancy that needed to be removed.

Council Member York stated that he had a resident inquire whether the City has plans to continue the sidewalk north of Mize on 4th Ave. to Home Bank. City Administrator Brown stated there were needs in other areas of town for sidewalks. Brown mentioned Tracy between Nancy and Park. No plans were set yet for any additional sidewalks.

Council Member York stated he had a resident request to tear out the sidewalk in their yard because tree roots have caused it to buckle. City Administrator Brown stated that residents may remove sidewalk on their property at their own expense.

Mayor Justice appointed Cole Hollis as a part time seasonal maintenance employee, with Council consensus.

City Administrator Brown stated that he has been working to get quotes for the plaque at the windmill.

Council discussed the positive feedback they have received about the newsletter the City mailed.

Mayor Justice requested Council review the firework ordinance at the next Council meeting to look at extending fireworks sales when July 4th falls on a weekend.

City Administrator Brown stated the City will be painting the pool depending on conditions.

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 Keeler 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 April 13, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 27th day of April, 2010.

Jodi McBee, Deputy City Clerk

