

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

AUGUST 24, 2010

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 24, 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; Jim Whitney, Sandi Keeler, Lyle Berntsen, and Jim Frischenmeyer, Council Members. Council Member Mike York was absent. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Beki Zook, Recreation Director; Carl Shaffer, Senior Center Director. Others present at the meeting were Marvin Schauf and Mary Schauf, Clearwater Fire Department; Laura Papish and Lonnie Stieben, Clearwater Chamber of Commerce; Barbara Hufford, Ruby Fisher, Lew Kellogg, Peggy Brockman, and Angie Shaver, Clearwater Senior Center; Dennis Woods, Greg Dunnegan, Jason Martin, Mark Reibenspies, Bill Budd, and Jess Tracy, Baseball Proposal Supporters; Matthew Alonzo, Clearwater High School Government Student.

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 August 10, 2010

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

2. Mayor's Recommendations

There were no recommendations.

3. Public Forum

Laura Papish, Clearwater Chamber of Commerce Board Member, requested use of the Chisholm Ridge Fishing Ponds for canoe races as part of The Great Race planned as part of the festivities on September 11th for the City's 125th Celebration. Council Member Whitney asked City Attorney Amerine what the City's liability is concerning the ponds. Amerine stated that the City is insured and there is recreational immunity. Mayor Justice stated that an officer should be posted at the Chisholm Ridge entrance to stop traffic as the canoe teams cross the road. Council gave consensus to use the fishing ponds.

4. Department Head Reports

Recreation Director Beki Zook reviewed the Recreation Department's recent activities. Baseball and softball season came to an end midsummer and now fall sports are gearing up. Flag-football, youth volleyball, and adult volleyball will be underway soon. The Recreation Department will sponsor the sidewalk chalk art contest during Fall Festival. It is going to be held outside the football stadium so the art can be viewed as people enter the football stadium for Friday night's football game.

Interim Police Chief Garcia stated the Police Department assisted with the Summer Scorchers Road Race on August 14th. Patrolling has begun in the school zones with the beginning of school today. The Police Department assisted with the hunter's safety course at the EVS building. Garcia gave a short local crime report. Garcia stated that he would like to make the public aware of an increase everywhere in fraud cases in retirement homes. Garcia reviewed some of the training officers have attended recently, including fraud, survival shooting, evidence handling, and incident response for bombings at schools.

5. Public Hearing for 2011 Budget

At 6:52, Mayor Justice opened the Public Hearing for the 2011 Budget. City Administrator Brown stated the proposed budget increases taxes by approximately 4 mills. Brown stated that expense increases and tax valuations remaining constant are the reasons for the tax increase. Brown reviewed how the tax increase would affect homeowners as follows:

<u>Valuation of house</u>	<u>2010 Tax</u>	<u>Proposed 2011 Tax</u>	<u>Amount of Increase</u>
\$75,000.00	\$360.24	\$396.75	\$36.51
\$100,000.00	\$480.52	\$529.00	\$48.68
\$150,000.00	\$720.48	\$793.50	\$73.02
\$200,000.00	\$960.64	\$1,058.00	\$97.36

Justice asked for questions or comments from the audience. Lonnie Stieben, citizen, addressed the council to express his concern for the lack of funding for economic development in the community. Stieben stressed the importance of the City, Schools and businesses working together to look toward planning for future. Stieben stated that the community needs to work together to keep businesses in town. Stieben stated that as taxes rise the City may start hearing from businesses that they can't afford to stay in the community and there may be cheaper options elsewhere. Justice stated he would leave the hearing open for 30 minutes.

6. Presentation of Changes to the Baseball Field in the Sports Complex

Dennis Woods addressed Council to present proposed changes to the baseball field in the Sports Complex. Woods stated that they are not asking for money from the City, just permission to make changes to the baseball field. Woods stated that the changes proposed are fully funded by various organizations and individuals. Woods stated that the group supporting the improvements hoped that improvements would renew interest in baseball and possibly bring a National Baseball Congress team into Clearwater. Woods explained that the current field is 15 feet short of regulation size for high school and collegiate baseball. In reviewing what it would take to increase the field size, the group came to realize that it would be cost prohibitive to move the outfield fence. Instead, the backstop will have to be moved back and the press box will have to be demolished. The group met with the Lions Club to get their approval for tearing down the press box the Lions Club built. The Lions Club agreed to the demolition and asks that as much of the building is salvaged as possible. The memorial plaque on the press box will be moved to the home field dugout. Jess Tracy, Clearwater High School Baseball Coach, reviewed a Power Point presentation that highlighted the improvement plans. Improvements include drainage control, sprinkler systems, grass infield, concrete dugouts and a concrete seating area. Tracy stated they have professional contractors on board to make the changes. Mayor Justice asked if the group planned to rebuild a press box. Tracy stated that a press box is not included in the first phase of the project. Tracy explained they do have plans for a second phase that may include a press box. Council Member Frischemeyer asked what the time line is for phase one and

phase two to be completed. Woods explained that at this time they intend to have phase one completed by March 1, 2011. Since the details of phase 2 are not defined yet, they don't have a time frame for that phase. Greg Dunnegan reviewed a list of donors and participants who have made hard commitments to the improvement project. Dunnegan explained there are several more prospective participants that are awaiting Council's decision before they commit to the project. Donors would be honored by a banner in the outfield to advertise their business. Banners will also be sold for advertisement for businesses not involved in the improvements. City Administrator Brown stated that he is looking into how to get donors to the project a tax credit. Brown explained that the tax deduction is something that the City can do currently. Brown stated he is looking into a vehicle to get the tax credit accomplished. Mayor Justice stated that he has spoken to Jim Charles, Chairperson for the Clearwater Foundation, and he is also looking into assisting in getting the tax credit. Justice explained that the tax credit is State approved and is out of the City's control. Justice stated that if Council approves the project, the group should move forward with phase 1 like the tax credit isn't attainable because of the economic climate. Council Member Whitney stated he was concerned with the longevity of the project. Whitney stated he has been part of similar projects where workers and donors have walked away from a project and left things unfinished. Whitney stated he would like a guarantee from the group that insures the project is complete. Whitney went on to explain options he has seen in other towns that guarantee a complete project, such as a performance bond. Justice explained that City normally requires contractors that do a project for the City get a performance bond. After a brief discussion, Council gave consensus to move forward with the project with requirements. First, the group must establish a contractor to take the lead on the project. Secondly, the group must get an estimated dollar figure of donor dollars going toward the project and provide the City with a performance bond for the project.

At 8:00 p.m., Council took a 5-minute recess.

At 8:05 p.m., the Council returned to regular session.

7. Senior Center Update

Senior Center Director Carl Shaffer addressed the Council to give an update on activities at the Senior/Community Center. Shaffer stated that currently The Center is receiving funding from the Department on Aging as a senior level 1. For the last two years, The Center has been operating enough activities to qualify for senior level 2 funding. The Center will be eligible for the senior level 2 funding in 2012. Shaffer reviewed some events

The Center is holding including monthly biscuit and gravy breakfasts, a fish fry, a quilt raffle, and the flagpole raising. Shaffer strongly encouraged the Council to take a more active roll in The Center's activities.

8. Ordinance Regulating Traffic Within the Corporate Limits of the City of Clearwater

City Attorney Amerine explained that the ordinance regulating traffic within the corporate limits of the City of Clearwater adopts the Standard Traffic Ordinance (STO). City Clerk Wright assigned ordinance number 929.

MOTION: Council Member Berntsen made a motion to adopt ordinance 929 regulating traffic within the corporate limits of the City of Clearwater. The motion was seconded by Council Member Whitney and passed on a roll call vote of 4-0.

9. Ordinance Regulating Public Offenses Within the Corporate Limits of the City of Clearwater

City Attorney Amerine explained that the ordinance regulating public offenses within the corporate limits of the City of Clearwater allows officers to right tickets for various offenses. City Clerk Wright assigned ordinance number 930.

MOTION: Council Member Berntsen made a motion to adopt ordinance 930 regulating public offenses within the corporate limits of the City of Clearwater. The motion was seconded by Council Member Whitney and passed on a roll call vote of 4-0.

10. 2011 Budget

At 8:20, Mayor Justice closed the budget hearing.

MOTION: Council Member Frischenmeyer made a motion to adopt the City of Clearwater 2011 Budget as written. The motion was seconded by Council Member Berntsen and passed unanimously.

11. Ordinance Amending Court Costs in Municipal Court

City Attorney Amerine stated that Mayor Justice vetoed ordinance 925 amending city

code setting forth costs in municipal court. Amerine reviewed 2 options for a proposed ordinance amending court costs in municipal court. The first option sets one standard court cost of \$74.50. The second option sets court costs at one level in all cases of traffic infractions, nuisance adjudications, violation of dog or sound amplification ordinances and a higher level for all other cases. After a brief discussion, council agreed they preferred the tiered court cost option. Amerine stated that now the Council needs to set the fines. Amerine stated that the current court cost is \$55.00. Council agreed on \$65.00 for the lower court cost and \$130.00 for the higher court cost. City Clerk Wright assigned ordinance number 931.

MOTION: Council Member Keeler made a motion to adopt ordinance 931 amending court costs in municipal court as amended. The motion was seconded by Council Member Frischenmeyer and passed on a roll call vote of 4-0.

12. Ordinance Regulating the Use of Seat Belts and Providing Fines for Violation

City Attorney Amerine reviewed the ordinance regulating the use of seat belts and providing fines for violation. Amerine explained that passing the ordinance would create a \$30 fine with no court costs for not wearing a seatbelt, where as the state imposed fine is set at \$5 with no court costs. Amerine stated the Municipal Judge, Prosecutor and Court Clerk requested the increased fine. After a brief discussion, Council agreed not to pass the ordinance and to follow the STO that allows for a \$5 fine.

13. Public Opinion Letter Explaining Waste Connection RecycleBank Service

City Administrator Brown reviewed the public opinion letter explaining Waste Connection RecycleBank service. Council discussed the dwindling amount of volunteers at the recycle center. Mayor Justice asked if there was an option for businesses to take advantage of the RecycleBank service too. Brown stated he would speak to Waste Connections to see if a recycle rate could be offered to businesses. Council directed staff to mail the survey to all city trash customers.

14. Proposal from Voornam Pyrotechnics to Provide and Shoot the Fall Festival Fireworks in October

City Administrator Brown reviewed the proposal from Voornam Pyrotechnics to provide and shoot the Fall Festival fireworks in October. Brown stated that the Council had

agreed to move the 4th of July fireworks show to Fall Festival following the Friday night football game to commemorate the 125th anniversary of the City of Clearwater. Mayor Justice stated he was concerned about the time limit set in the proposal. Justice stated that the City would expect more than a 10-minute firework show for \$5,000. Council directed staff to get more clarification on the shell size and variation of fireworks and time limit to the show.

15. Update Progress of Putting Richmond Hill School on the Historic Register

City Administrator Brown stated that Historical Museum Director Judy Cumming and Greg Kite, President of the Sedgwick County Preservation Society, attended the Kansas Historic Sites Board of Review meeting on Saturday, August 14th. The Richmond School was nominated and the nomination was accepted for the school to be placed on the Register of Historic Kansas Places. However, the school was not nominated to be placed on the national historic register because the school had been moved from its original site to Clearwater. Now that the school is on the state historic register, it qualifies for certain state-funded financial incentives, such as grants and tax credits. The Historical Society will move forward with trying to get grant money to restore the building.

16. Clearwater Area Chamber of Commerce Membership Dues for 2010/2011

City Administrator Brown stated that the City has been a Gold Sponsor of the Clearwater Area Chamber of Commerce in the past. Council agreed to the Gold Sponsorship with an additional Associate Business Membership in the amount of \$675.

17. Designate Voting and Non Voting Delegates to the League of Kansas Municipalities Conference

City Administrator Brown stated that the League of Kansas Municipalities Conference is in Overland Park, October 9-12. The City must assign one voting and one non-voting delegate. Council agreed to assign Brown as voting delegate and City Clerk Wright as non-voting delegate.

18. Reports

City Clerk Wright reported that customers have been taking advantage of the credit card service the City is offering. The customer pays the \$3.95 fee and there is no cost to the

City. Customers have used the credit card payment option to pay utility bills, pay fines, obtain permits and purchase pool passes.

City Attorney Amerine reviewed her report from the City Attorney's conference. Amerine discussed the National Broadband Plan that will require cities to provide wifi service, get utilities on line, and get updated communication radios. Amerine also reviewed ADA and public improvements. Amerine explained that Department of Justice auditors are going to go to small cities and audit whether they are compliant with the American with Disabilities Act. Amerine suggested surveying all public facilities for ADA compliance. Finally, Amerine reviewed the smoking ban. Amerine stated that there should be no smoking in any city building at any time. Signs must be posted that smoking is prohibited in all public buildings. Smoking is not allowed within 10 feet of any access point outside of all city buildings. A policy must be given to employees that explains the smoking ban.

City Administrator Brown stated that he and City Clerk Wright have met with 3 representatives from health insurance companies. Brown stated staff is reviewing the insurance proposals and will present options at the next council meeting.

City Administrator Brown stated that the emergency shelter is almost complete. The final grading needs to be completed, the heating and air conditioning unit needs to be connected to the EVS building, and plumbing fixtures need to be installed.

City Administrator Brown stated that he, City Attorney Amerine, and John Riggs, City Planner, met with John Dugan, owner of the property at 95th & 135th regarding development and plotting of the proposed business park.

Council Member Whitney stated there is a pothole at the corner of 4th & Ross that needs to be filled.

Council Member Whitney stated the owner of Walt's contacted him. She says she has lost business due to parking issues during events such as the Summer Scorcher road race and the swim meet, because people are using up her parking and not leaving room for her customers to park. City Administrator Brown stated he would work with the event coordinators to keep people out of her parking lot in the future.

19. Executive Session-Personnel

MOTION: At 9:30, Council Member Berntsen made a motion to enter into Executive Session for personnel for 25 minutes. The motion was seconded by Council Member Keeler and passed unanimously.

At 9:55, Council returned to regular session with no action taken.

20. Executive Session-Personnel

MOTION: At 9:55, Council Member Whitney made a motion to enter into Executive Session for personnel for 5 minutes. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

At 10:00, Council returned to regular session with no action taken.

21. Executive Session-Personnel

MOTION: At 10:00, Council Member Berntsen made a motion to enter into Executive Session for personnel for 25 minutes. The motion was seconded by Council Member Keeler and passed unanimously.

At 10:25, Council returned to regular session with no action taken.

22. Executive Session-Real Estate

MOTION: At 10:25, Council Member Whitney made a motion to enter into Executive Session for real estate for 10 minutes. The motion was seconded by Council Member Berntsen and passed unanimously.

At 10:35, Council returned to regular session with no action taken.

With Council consensus, Mayor Justice directed staff to draft a letter to the City Prosecutor giving her 30 days notice of termination.

With Council consensus, Mayor Justice directed staff to draft a letter to Police Chief Kim Demars stating that due to his inability to perform his duties the City is terminating his

employment as of August 31, 2010.

Council directed staff to post an opening for a City Prosecutor. City Administrator Brown and Interim Police Chief Garcia will conduct the interviews and bring a recommendation for hire to Council.

23. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Berntsen 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 August 24, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 14th day of September, 2010.

Jodi McBee, Deputy City Clerk

