

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

January 26, 2010

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 26, 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, Lyle Berntsen, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Others present at the meeting were Mary Schauf, Clearwater Fire Department; Gladys Martinez, Jordyn Baker, Marie Horsch, Emily Woodson, Shelby Benson, Catherine Mollenelli, Jessica Williams, Alex Baughman, Breanna Hamilton, Brandon Schmidt, Holly Hartman, Hannah Vaughn, Aaron Bradley, Ryan Yost, Randi Emery, Rachel Cordell, Morgan Kenney, Tracy Rausch, Matt Gress, Karsen Wohler, Seda Oezel, Federica Bianchetti, Tyler Wise, Benjamin Guiltner, Dani O'Banion, and Andrea Burns, 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 January 12, 2010

MOTION: Council Member Berntsen 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

Mayor Justice, with Council consensus, accepted the resignation of Chris Atwater from the Clearwater Fire Department.

3. **Public Forum**

No one addressed the Council.

4. **Section VII-6 Working Past Mandatory Retirement**

City Administrator Brown stated the City's personnel policy has a mandatory retirement age of 70. Jim Vulgamore with Public Works is past that age and would like to keep working. Staff recommends Council approval because he is able to perform the duties of the position.

MOTION: Council Member Frischenmeyer made a motion to extend the mandatory retirement age for Jim Vulgamore. The motion was seconded by Council Member Berntsen and passed unanimously.

5. **Request to Block off Ross Avenue in Front of Elementary East**

City Administrator Brown stated that the Clearwater School Health Council will be hosting the 3rd annual "Family Fun and Fitness Night." They are requesting that Ross Ave. in front of Elementary East and the City Park parking lot be blocked off for the activities from 5:00-8:00pm on Friday, April 16. Brown stated he has already spoken to Public Works, Police, Fire & EMS and they have no problem with the request. Council expressed concern that traffic would be blocked off so it couldn't get to 3rd Ave. Brown stated the barricades could be angled to allow traffic down 3rd Ave. Council gave consensus to block the streets for Family Fun and Fitness Night on April 16.

6. **Consent Agenda**

City Administrator Brown stated that Clearwater is a member of the Sedgwick County Association of Cities (SCAC). The Sedgwick County Solid Waste Management committee is being formed to discuss waste and trash in the county. At least one third class city and one second class city from the SCAC will be appointed as a member of this committee. Brown went on to advise Council if they wanted to put forward a name, Brown would forward it to SCAC for consideration. Council gave consensus to pay Sedgwick County Association 2010 Membership dues of \$100.

Council gave consensus to pay Kansas Municipal Utilities Non-Electric annual membership in the amount of \$520.00.

City Administrator Brown stated that \$700 is a maximum amount the City pays for lifeguard training. There are currently 8 individuals enrolled in the training. The City pays

half the training at \$87.50 per person, which is a total of \$700.00. Brown stated that it is doubtful that the City will need 8 new lifeguards for this year. The trainees will be advised that if they are not hired by Clearwater, they will have to reimburse the City. Some of those individuals may not take the training class and the City's portion may be less. Council agreed to only reimburse individuals who are hired to work at the Clearwater Aquatic Center. Council gave consensus to pay \$700 for basic lifeguard training for 2010.

7. **Reports**

City Clerk Wright stated that at the previous meeting, Council agreed to move forward with the first of the annual base rate changes for water and sewer in the month of January. Wright explained that the water rates are easily changed within the Utility Billing program. Sewer rates, however, are more difficult to change as they must be changed by individual account. Wright stated that therefore she is purposing to change the sewer rates in March when the sewer rates are changed for the winter average consumption. Wright stated that the manpower it would take to change the rates now and in March isn't justifiable. Council agreed to postpone the sewer rate change until March. City Attorney Amerine will prepare an amendment to the ordinance to make the change.

MOTION: Council Member Frischenmeyer made a motion to authorize the change in sewer base rates from January to March annually. The motion was seconded by Council Member Keeler and passed unanimously.

City Clerk Wright stated that she attended the committee meeting for the 2010 Fall Festival. This year is the festival's 25th anniversary and the City's 125th anniversary. Wright stated the committee discussed several prospective events to honor the milestones such as a duck soup ball game, gunfighters, and floats in the parade to mark each quarter century. Wright stated that Council has set aside money in this year's budget to assist with the special celebration. Wright stated that she needs to know from Council if they would like to decide how that money is spent or if the money should be donated to the Fall Festival Committee for them to use at their discretion. Council discussed past celebrations and the work it takes to put on such events. Council agreed to come back to the next meeting with ideas for the budgeted money for the City's 125th anniversary celebration.

City Administrator Brown stated that there has been an arrest made in a rash of car burglaries in the City. In all the reported cases, there were no signs of forced entry. Several Clearwater officers were involved in investigating the case. Within 24 hours of the initial report, the suspect was arrested in Wichita. Brown stated he is discussing the case at this time because he wants to stress to the audience to make sure to remove personal property from vehicles and to keep vehicles locked.

City Administrator Brown stated he received a petition to improve downtown and install street lamps in the 100 block of east Ross. Brown stated that no action needs to be taken tonight, the discussion can take place as an agenda item at the next meeting.

City Administrator Brown stated that the sidewalk on north 4th was started this week. Some changes were made that eliminated a portion of the sidewalk. Now there is enough in the approved cost to add a sidewalk between the Mimosa Arms and Mize parking lots. Brown stated he needs to get approval from Mimosa and Mize before they can proceed in constructing that sidewalk. The sidewalk now starts at 4th and Ross, goes north to Janet and then turns east on Janet. Pedestrians can then cross Janet, walk through part of Mimosa's parking lot and then sidewalk would continue between Mimosa Arms' and Mize's parking lots. Council Member York asked if a crosswalk needs to be painted on Janet to direct people towards Mimosa Arms' parking lot. Mayor Justice stated he thought there needed to be a crosswalk to give pedestrians the right of way.

Council Member York stated that Nancy Ave. between Tracy and Lee is getting torn up at the alley entrance. York stated he assumed it was the trash truck scraping the ground because of the steep incline as it went in or out of the alley. Brown stated that has been an on going problem. There is a sewer line in the alley, so the incline cannot be easily fixed. Brown stated either staff could ask the trash truck driver to back down the alley or the residents could put their trashcans out at the street. Brown stated staff would present some solution options at another meeting.

Mayor Justice requested that staff look into posting an "End School Zone" sign going east on Ross Ave. Council Member Whitney stated a School Zone sign needs to be placed on Ross west of 4th Ave. to inform drivers they are in a school zone as they turn onto Ross from 4th.

8. Review Personnel Rules & Regulations IX, X, and XI

City Administrator Brown began the review of Section IX regarding Political Activity, Residency, Outside Employment, Driver's License, Section X regarding Travel,

and Section XI regarding Vehicle Use and Fringe Benefit and Imbursement. Council and staff suggested the following changes:

- Article IX, Section 2 discusses memberships on boards and commissions. Council recommended changing the words “specifically directed by” to “approved by”.
- Article IX, Section 3 is in regards to residency. Council discussed at length residency requirements for city employees and what a reasonable distance should be defined as. Council agreed to change Subsection A. to require the City Administrator, City Clerk, Public Works Director, Police Chief, Fire Chief, and EMS Director to live in Clearwater City Limits. City Clerk Wright stated that within Subsection A. the requirement by state statute can be eliminated because the City has chartered out of the statute requiring the Clerk and the Treasurer to live within city limits. Subsection B. would then require employees subject to frequent call out for emergencies to live within 15 miles of the city. The current Subsection B. will then be changed to Subsection C.
- Article IX, Section 4 pertains to outside employment. Brown reviewed the current policy and a proposed alternate policy. Council agreed they preferred the alternate policy with the addition of Subsection D. from the current policy.
- Article IX, Section 6 discusses use of city property. Council Member York stated that employees should not use city property to store personal property. Council Member Whitney agreed and went on to explain a liability issue if personal property was damaged within a city facility. Council recommended that Subsection A. to state, “City property may not be employed for personal use or personal storage.” Subsection B. would then cover employees’ proper usage of city property.
- Article X, Section 1, Subsection D pertains to reimbursement by receipts for travel expenses. Council Member Whitney suggested adding a statement within the meal portion of the policy that a limit should be set on what should be spent on meals before travel.

9. Reports

Council Member Whitney stated he would like to revisit the conversation regarding the petition for downtown improvements. Whitney stated that the petition presented is not a formal petition and he would like to see a more detailed proposal of what the group would

like to have done downtown. Council discussed at length various City projects and the costs associated with those projects. Council agreed that if the City had an abundance of funds, they would like to see downtown improvements. Budgeted money has been set aside for other projects at this time. There is a tight budget and necessity takes priority over nonessential projects.

City Attorney Amerine stated at the previous meeting, Council had directed staff to contact Don Mertens in writing to clarify whether he wants a vacation of the easement or a variance at Lot 15, Block 1, Chisholm Ridge Addition. City Administrator Brown and Amerine have met with Mertens. Amerine reviewed the variance application that Mertens initially filled out and it states he is requesting a variance to the rear yard setbacks. Amerine stated that the Planning Commission denied that variance request and Mertens recourse was at the district court. The time limit to file with the district court has now expired. Amerine stated that Mertens understands the situation. Amerine also stated that if Mertens wants to talk options, the City should still be open to that discussion.

10. Executive Session - Personnel

MOTION: At 9:15, Council Member Frischenmeyer made a motion to enter into Executive Session for personnel reasons for 20 minutes. The motion was seconded by Council Member Berntsen and passed unanimously.

At 9:35, Council returned to regular session with no action taken. Council directed staff to have conversations with Officers Gearhardt and Garcia to keep them informed of the situation discussed in Executive Session.

11. Executive Session - Personnel

MOTION: At 9:35, Council Member Frischenmeyer made a motion to enter into executive session for personnel for a period of 25 minutes. The motion was seconded by Council Member Berntsen and passed unanimously.

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

12. 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 January 26, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 9th day of February, 2010.

Jodi McBee, Deputy City Clerk