

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

APRIL 12, 2011

A reception was held for the outgoing Mayor and Council Member and the incoming Mayor and Council Member on Tuesday, April 12, 2011 at 6:00 p.m. The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, April 12, 2011, 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; Laura Papish, Incoming Council Member. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Ernie Misak, Public Works Director; Gene Garcia, Police Chief. Others present at the meeting were Greg Kite, Historic Preservation Alliance; Judy Cumming, John Chitwood, Peggy Chitwood, Clarice Sparr, & Mary Hawley, Clearwater Historical Museum; Johnny Mishler, David Papish, & Lonnie Stieben, Citizens; Michael Friday, Jared Vaughn, Dalton Zogleman, Sam Mumford, Chelsea Cox, Mia Dickerson, & Courtney Snyder, 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 22, 2011

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.

Mayor Justice stepped down from the dais. Police Chief Garcia thanked Justice for his service as Mayor, Council Member, and former Reserve Police Officer and presented him with a gift from the Police Department. City Administrator Brown thanked Justice and presented him a plaque from the Citizens of Clearwater representing his years of service to the City of Clearwater as Council Member and Mayor. Justice addressed the Council, staff and audience.

Council Member Keeler stepped down from the dais. City Administrator Brown thanked her for her service.

2. Swearing in of New Mayor and Council Member

City Clerk Wright administered the Oath of Office to Mike York as Mayor. Mayor York took his place on the dais.

City Clerk Wright administered the Oath of Office to Laura Papish as Council Member. Council Member Papish took her place on the dais.

3. Mayor's Recommendations

With Council consensus, Mayor York accepted the resignation of Jeremy Watts as Part-Time Police Officer.

With Council consensus, Mayor York appointed Debra Peterson to the Library Board.

4. Public Forum

Johnny Mishler addressed the Council to discuss the recycle program. Mishler stated that recycling has cut his trash by a fourth but he does have some concerns. Mishler stated that he felt the rewards that came with the points system in RecycleBank were not items that were useable to him. Mishler stated that when the 6month free period ends the \$3.75 per month is too high and maybe if the recording of the points was stopped the cost could be reduced. Mishler also stated that the recycle bins need to have a device to latch the lid so that if the bin fell over trash wouldn't scatter.

5. Department Head Reports

Public Works Director Misak reviewed the activities in the Public Works Department including repairing vandalism and trimming trees at City Park, repairing aerators at the sewer ponds, and attending training classes.

Police Chief Garcia stated that the Police Department has been actively patrolling the City Park to try and catch the individuals that have been vandalizing the park. Garcia stated that the Police Department received an additional radio through the grant that they received the other radios.

6. Election of Council President

MOTION: Council Member Whitney made a motion to nominate Council Member Berntsen as Council President. The motion was seconded by Council Member Papish and it passed unanimously.

7. **Update on Richmond Schoolhouse**

Greg Kite with the Historic Preservation Alliance stated that he has been assisting the Clearwater Historical Museum with their efforts to obtain funding to preserve the Richmond Hill Schoolhouse. In November 2010, the Clearwater Historical Museum and the Historic Preservation Alliance submitted a Heritage Trust Fund Grant application for the Richmond Hill Schoolhouse. In February 2011, the Clearwater Historical Museum was notified that their grant application was denied at this time because the schoolhouse was seen as not as urgent as other projects. The Clearwater Historical Museum plans to reapply after they get the schoolhouse on a foundation. Kite stated that he has done some additional research as to what the grant requirements are and will resubmit the grant accordingly. Judy Cumming with the Clearwater Historical Museum stated that she has been working to get bids to put the schoolhouse on a foundation. Cumming stated that the museum has a board meeting next week and will accept a bid. The foundation will be poured soon thereafter. Cumming stated that the roof will not be repaired at this time. Cumming introduced John Chitwood, a board member that has been doing some repair work at the Historical Museum. Chitwood explained that at this time the roof doesn't appear to be leaking. Chitwood explained that he inspected the interior of the schoolhouse and there doesn't appear to be any water damage to the school since it has been in City Park. Council Member Whitney asked what the museum's plan is for the schoolhouse if they don't receive any grant funding in the next couple years. Cumming stated that they will raise money to improve the building if the grant application is denied. Whitney went on to discuss the costs that arise with an old building such as the schoolhouse that have asbestos and lead based paint. Kite stated that they understood the costs and added that building is on the State Historic Register and even more care has to go into restoration because of that designation. Cumming went on to request that the museum have some additional park space for the schoolhouse and equipment. City Administrator Brown stated that the request is a possibility if the museum wants to come back with a plan for the space that they need.

8. **Resolution Making Changes to Posted Hours for Speed Limit Signs Regarding School Zones**

City Administrator Brown stated that there had been a request at a previous meeting to eliminate the school zone speed limit during 11:00a.m. - 1:00p.m. Brown stated he spoke with the Elementary West Principal and Sedgwick County Traffic Division and they both agreed the school zone was not needed during the mid-day. Brown stated that the resolution is modeled after the existing resolution and only eliminates the mid-day 20 miles per hour speed limit. The traffic signs and lights will be adjusted accordingly. City Clerk Wright assigned Resolution No. 4-2011.

MOTION: Council Member Berntsen made a motion to adopt Resolution No. 4-2011 making changes to posted hours for speed limit signs regarding school zones. The motion was seconded by Council Member Whitney and passed unanimously.

9. **Planning Commission Recommendation for Change to Land Use Map in the Comprehensive Plan**

City Administrator Brown stated that the Planning Commission is recommending a change to the land use map in the comprehensive plan. The future land use map is a plan for what the City wants to see happen to property inside and outside of the City of Clearwater in years to come. Brown explained that what initiated the change was a request for a zoning change for the property on the southwest corner of 95th & 135th. The request is a change from what is part of the future land use map. In reviewing the future land use map regarding the land at 95th & 135th, the Planning Commission reviewed some other properties in Clearwater to change the future land use plan. The current land use map shows the property at 95th & 135th as commercial along the frontage of 135th St and residential in the interior. The Planning Commission is recommending changing the entire property to two sections of commercial. Other changes include designating the Clearwater Business Park as industrial, the Casey's property as commercial, the frontage of the north side of 103rd east of 4th St. as commercial, changing the senior apartment property to multi-family residential, and the property to the east and south of the senior apartments to residential. Brown stated that the Clearwater Golf Course is now also included on the map as a public facility. All the changes to the future land use map are only changes to the map and would require zoning changes in the future, except the City's business park. The Clearwater Business Park has already been rezoned as industrial. If the Council approves the recommendation, the changes to the future land use map will become part of the City's comprehensive plan. Council Member Whitney asked why the Planning Commission didn't designate any of the property at 95th St. and 135th St. as industrial. Lonnie Stieben, Chairman of the Planning Commission, explained that during the request for change of zoning for that property there was a lot of opposition from neighboring property owners for that land to become industrial. The Planning Commission also had reservations about zoning that parcel of land industrial without knowing what the property owner has in mind for business for that location.

MOTION: Council Member Frischenmeyer made a motion to change the future land use map in the comprehensive plan. The motion was seconded by Council Member Whitney and passed unanimously.

10. **Request for Summer Scorcher Road Race August 13th**

City Administrator Brown stated that Jeff Laha is requesting the use of EMT service and the use of city streets for the annual Clearwater Summer Scorcher road race on Saturday, August 13. The event usually concludes about 9:30 a.m.

MOTION: Council Member Papish made a motion to approve the request for the Summer Scorcher Road Race on August 13th. The motion was seconded by Council Member Whitney and passed unanimously.

11. **Request from USD #264 to use City Park April 29th for 4th Annual Family Fun and**

Fitness Night

City Administrator Brown stated that USD #264 is requesting the use of the park and closing Ross Ave. to traffic between Second & Third Aves. for the 4th annual Family Fun and Fitness Night on April 29th. Council gave consensus for USD #264 to use the park on April 29th.

12. Application from Wholesale Fireworks to Sell Fireworks at 800 E. Ross

City Clerk Wright stated that this is an annual request from Wholesale Fireworks to sell fireworks at 800 E. Ross. Wright stated she did receive the \$5,000.00 application fee and a certificate of insurance along with the application. Council gave consensus to approve the application for firework sales from Wholesale Fireworks pending the Fire Chief's inspection.

13. Follow Up on Options for Handicap Ramp on Tracy near Ross

City Administrator Brown stated that at the last Council meeting Council discussed installing a concrete pad at the southeast corner of Ross & Tracy to create a flatter surface from the west side of the parking space to the sidewalk for a handicap ramp. Brown stated he spoke to the ADA Coordinator with Sedgwick County and he thought the plan was appropriate as long the slope was 1 inch per foot as required by ADA. Sedgwick County suggested extending the concrete pad into the parking space so the entire space is a flat surface. Brown stated that there is still some details to review such as a drainage grate, a handrail to the west of the space, and a parking bumper. Brown asked Council whether this project was something to send out for bid or have the Public Works Department install. Council directed staff to get bids for the project and get some additional details on the handrail and drainage grates. Council also requested to find out if the proposed pad would cause additional drainage issues.

14. Economic Development/Kansas Department of Commerce Discussion

Mayor York stated that at the last Council meeting, Council discussed developing an Economic Development Committee to be a liaison between Council and the Kansas Department of Commerce. York stated that the Economic Development Committee would be set up as an ad hoc committee. An ad hoc committee would be a temporary committee set up to solve a specific problem or work towards a specific goal. York stated that Mike Roth, Mike Justice, Lonnie Stieben, and Kent Brown have all expressed interest in being a part of the committee. The committee would be an advisory committee to the Council. If the committee requests a more formal structure, then the committee can be formalized at a later date. City Attorney Amerine stated that the committee needs to decide what they want to accomplish and then they can come to the City for the resources to further the economic development in the City. With Council consensus, Mayor York appointed Kent Brown, Mike Roth, Lonnie Stieben, and Mike Justice to the Economic Development Committee.

15. Reports

City Attorney Amerine stated that City Clerk Wright received a request for certified documents on the Mertens' case. Wright has fulfilled the request. Amerine stated that the notice of appeal has not been filed, but Mertens' attorney has mentioned that he plans to appeal.

City Administrator Brown stated that a modem is out in patrol car #4. Sedgwick County estimated that the replacement modem will cost \$1,500-\$2,000.

City Administrator Brown stated that the grand opening of the disc golf course at the Chisholm Trail Sports Complex was held on Saturday, April 9. There are still some finishing touches to be done, but the course is open to the public.

City Administrator Brown stated that a concerned citizen has taken to monitoring speed limit violations on Tracy. This individual has requested that the Police Department continually monitor Tracy for traffic infractions. Brown stated that Police Chief Garcia has said that the Police Department monitors this street periodically, but it is no more important than any other street going in or out of Clearwater. The citizen has been informed to stay out of the street when using her radar gun.

Council Member Papish stated she would like to see more joint meetings between the City and other city organizations to improve communication.

Council Member Whitney stated the crosswalk sign is missing on Ross by Chisholm Ridge. City Administrator Brown stated that the sign was turned over to Sedgwick County and they will reinstall it.

Council Member Whitney asked if Waste Connections could come pickup the recycle carts of the individuals that refuse to use the service. Whitney stated that he has received several complaints of unused recycle carts blowing into the streets. City Administrator Brown suggested inviting Herschel West with Waste Connections to a council meeting to discuss issues with the recycle service.

Council Member Frischenmeyer stated that he was impressed with the care that the High School Baseball Team is taking with the new baseball field at the sports complex. Council Member Whitney agreed that he too was impressed with the efforts of the baseball team in maintaining the field.

City Administrator Brown stated that there has been a complaint regarding the property at 241 S. Tracy. The property has been accumulating items in the yard. The property doesn't have a garage, so the items that are in the yard are items that would normally be stored in a garage. Brown asked Council how to proceed in getting the property cleaned up. After a brief discussion, Council agreed to contact the family to inform them there have been complaints and give them the opportunity to clean up the property. If they

do not comply, formal action can be taken.

City Administrator Brown stated the City Wide Cleanup is Friday, April 15 and Saturday, April 16.

16. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Berntsen moved for adjournment. The motion was seconded by Council Member Whitney 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 12, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of April, 2011.

Jodi McBee, Deputy City Clerk