

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

NOVEMBER 22, 2011

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 22, 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 York, Mayor; Lyle Berntsen, Jim Whitney, Jim Frischenmeyer, and Sandi Keeler, Council Members. Council Member Laura Papish was absent. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Janet Amerine, City Attorney; and Gene Garcia, Police Chief. Others present at the meeting were: Marvin and Mary Schauf, Clearwater Fire Department; Michael and Amy Layton, Jim and Pat Watt, Joe and Janet Watt, Jami and Deborah Pelz, Residents; Jordan Currie, Lucia Schoenecker, Emily House, Jordan Soliz, High School Government Students.

Mayor 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 November 8, 2011

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

2. Mayor's Recommendations

Mayor Mike York recommended that the Council accept the resignation of Michael Weakley as Public Works Worker as of January 3, 2012. In January, he will have worked for Maintenance for 12 years and the Police Department for 10 years prior to that. There was Council consensus.

Mayor Mike York recommended that the Council appoint Mitchell Youngers as a firefighter. There was Council consensus.

3. Public Forum

No members of the public came forward to speak.

4. **Department Head Reports**

Gene Garcia, Police Chief, stated that the City recently experienced more vandalism at the park. Recently, a citizen contacted him about a group home located less than two miles outside of city limits. Garcia explained that he understands that the County supports an organization that purchased the home west of town; the residence is used to house citizens under house arrest. Garcia was notified that one of the potential house arrest members has an extensive criminal background. Janet Watt, who lives 2 miles west of town, stated that this is a KETCH program. Joe Watt, citizen, stated that residents of KETCH houses are under heavy home supervision at night and then are taken back to town during the day to attend programs and their jobs. Watt stated that it is his opinion that citizens should be concerned about this type of program being close to Clearwater city limits because of the potential extensive criminal backgrounds of the residents. Garcia stated that he was informed that this was part of a county program to alleviate the jail issues. Whitney asked who are supervising these individuals. Garcia stated that he is not familiar with the program. Janet Watt stated that the surrounding residents are concerned because they were never informed of this organization and its intent with the home. Watt stated that he contacted Lori Roberts, Program Director of KETCH, by phone but Roberts was on her way to a meeting and could not visit. Watt also contacted County Commissioner Tim Norton and he is aware of the situation and is further investigating the issue. Amerine explained that this property is within County boundary. Normally the City is notified of a zoning change of any property within three miles of City limits. The City was not notified that a group home was going to be allowed at this residence. Amerine stated that she assumes that the number of residents at this property is likely one less than what would consider it in a group home category which would require a special use permit. Whitney stated that he would like to request that Amerine send a letter to Tim Norton to investigate what this organization and program is about. He would like to know what security measures are in place. Pat Watt, citizen, stated that she would like to know who to call if there are any problems regarding the KETCH property and/or its residents. Garcia stated that the County Sheriff would have the jurisdiction of that area. Mayor Mike York stated that the County Commissioner should be the first person contacted to investigate this issue. Amy Layton, citizen, stated that she lives next door to the KETCH residence. She has concerns about being alone at home with her six children. Council Member Keeler stated that the City needs to know the program guidelines and the visiting hours at the home. City Attorney Amerine stated that generally issues like this are handled through zoning. Amerine stated that she fears that the KETCH program has figured out a way to skirt under the zoning and legal requirements. Normally, this type of organization would require a zoning change, which requires legal notification. Amerine stated that the City Administrator could send an inquiry to the County Commissioner and the program director about the program. City Administrator Brown stated that we are operating on limited information.

5. **Request to Vacate Street Right-Of-Way: 100 Block of N. Grain Ave**

City Administrator Brown stated that the homeowners have expressed interest in

vacating a portion of North Grain Avenue. He supplied a petition to the homeowners. The return of the signed petition would begin the process. City Attorney Amerine stated that by law, a request for a public hearing would be published and a public hearing would take place 20 days after publication. According to the map, the City has an easement for the center area of Grain Avenue. The area would be vacated; however two areas would be reserved. The City would have to get drainage easements. This is step one in a process. Jim Whitney asked for clarification. Brown explained that the homeowners have to sign and return the petition. Then a public hearing would be set after publication in the City's official newspaper. The City would keep the easements for the utilities. There is concern regarding flooding in that area. Amerine stated that if the petition were returned prior to the next Council Meeting, then the Council would make a motion to accept the petition at the next meeting.

6. Notification to County Regarding 4th Street Project

City Administrator Kent Brown stated that staff needs direction from Council to send official notification to the County regarding the City's recent response to the 4th Street project. The recent City survey provided the City Council with direction on how to proceed with the 4th Street project. Approximately 33% of the survey respondents were in favor of a partnership with the County regarding this project. Brown stated that there were 111 no votes and 58 yes votes. Mayor Mike York stated that a greater number of people do not perceive traffic on Ross and 4th Street being terrible. Council Member Jim Whitney stated that during these economic times, spending \$1 million on a street project does not seem feasible. The cost is way too much for the City to bear. Council Member Jim Frischenmeyer stated that he agrees with Whitney. Whitney stated that he has never had to wait more than 5-10 seconds at the intersection of 4th and Ross Avenue. Council Member Lyle Berntsen stated that he does not believe pursuing the project would be a smart decision. He stated that traffic is most impacted a half-hour in the morning and afternoon on school days. Whitney stated that he would be more interested in pursuing storm water and drainage projects along 4th Street. Brown stated that quite a few projects could be done at less than the proposed \$1 million project with the County. York stated that he would not be opposed to considering a drainage project at Ross Avenue at the same time that the County will do its project. Brown asked if the Council is in favor of expressing interest in a drainage project at the intersection. Whitney and York stated they are in favor Brown's suggestion. Brown stated that he would send formal notification to the County.

City Administrator Brown stated that he produced a summary of the recent City survey. The following results were reported:

Rate Quality of Life in Clearwater:

Average	46	31.3%
High	71	48.3%
Low	4	2.7%
Very High	26	17.7%

How Well Does Clearwater Government Operate?

Average	69	47.6%
Poorly	12	8.3%
Very Poor	4	2.8%
Very Well	9	6.2%
Well	51	35.2%

Would You Attend a Town Hall Meeting to Discuss Results?

Maybe	9	6.8%
No	39	29.5%
Yes	78	59.1%
Possibly	6	4.5%

Brown stated that he would publish a summary of the survey results on the City's website. He would seek the Council's approval prior to publishing the summary results. He asked the Council if there was anything specific that the Council was seeking from the survey. Council Member Jim Whitney stated that he is satisfied with the results of the survey. He was looking for general feedback from the citizens. Sandi Keeler stated that she agrees. Whitney stated that the survey sought written responses from respondents. Brown stated that there were positive and negative responses. Staff and Council can use this information to make improvements.

7. Security Proposal for City Park

City Administrator Kent Brown stated that Ernie Misak, Public Works Director, provided a summary of costs for the recent park vandalism. Brown noted that vandalism occurs within the City Park more than a couple of times per year. Brown stated that he asked SKT to provide an estimate for a camera and DVR security system. The proposed system would include four cameras, DVR capability, and wiring at \$3,012.68. Brown stated that Protec also provided a proposal. Their cost estimate is \$3,440. Brown stated that he would recommend utilizing funds out of the Police donation fund and the special parks fund. This proposal was brought before the City Council a few years ago. However, with the ongoing vandalism and police staffing costs, the City is wasting time and money on its current surveillance efforts. The City is currently using limited vision security cameras. The cameras were unable to produce clear images of the most recent vandalism that occurred at the Park. Police Chief Gene Garcia stated that he is in favor of utilizing funding out of the Police donation fund to protect the assets of the City. Brown stated that the first four cameras would provide a starting point. There is an option to have internet capability. The cameras are intended to catch those that are causing damage to property. The cameras are built to withstand intentional damage. The cameras are encased in protective housing. Mayor Mike York stated that the City has withstood damage to the gazebo, walking bridge, bathrooms, and park shelter. The list of damages and related costs continues. He states that he does not think the break-even point on this project would be too far out. Brown stated that the cameras would send a message that there would be repercussions for those that cause damage to City property. Brown identified the areas that would receive the first four

cameras. Garcia stated that this type of system would lesson the amount of man-hours in patrolling and identifying suspects. Council Member Frischenmeyer asked if the recent vandalism occurred after curfew. Garcia stated that the damage was recorded around curfew hours. As a result, City Police has been strictly enforcing curfew hours. Council Member Berntsen stated that he was not in support of the system before, but now regrets that decision. The project could have been paid for by now by the recent and ongoing damages.

MOTION: Council Member Jim Frischenmeyer made a motion to accept the low bid by Southern Kansas Telephone to install a security system in the City Park. Council Member Jim Whitney seconded the motion. The motion passed unanimously.

8. Culvert Replacement on 135th St. W.

City Administrator Brown stated that this request is for the drainage project that will be completed by Sedgwick County by the sewer ponds. Sedgwick County is asking for a right of way easement. The pullout map included in the Council packets shows the area in pink. It would be to assist in the slope and drainage of the area. The project will be let on December 13, 2011 and work will begin between January 15th and January 30th, 2012. The work should be completed by March 31, 2012.

MOTION: Council Member Sandi Keeler made a motion to authorize the Mayor to sign the easement for Sedgwick County on the 135th St. W. project. Council Member Frischenmeyer seconded the motion. The motion carried unanimously.

9. Review Annual Increase in Water/Sewer Base Charges

City Administrator Brown stated that the City Code calls for an annual increase of 1%. He is seeking the Council's consensus to increase the base rate of 11 cents for water and the base rate of 20 cents for sewer depending on the category. The water fund, because of the dry summer, is looking better that it was a year ago. With Council consensus, the Council approved a one percent rate increase. This rate increase would occur on the January billing.

City Attorney Amerine clarified that this would be a 1% increase per unit.

10. Order of Violation Regarding Nuisance at 137 N. Lee Ave

City Administrator Brown stated that he sent a letter to Everett Jackson regarding his salvage business. He also sent a letter regarding the number of items he has on his property. The homeowner has made some effort to clear out the property. Mayor Mike York stated that the homeowner informed him that he is "almost complete" contacted him. Council Member Jim Whitney reported that he drove past the property and it is

approximately 75% improved. There is still a lot of work to be done. There are items in the alley and in the front and back yard. The City should monitor the property to ensure that he completes the cleanup. City Attorney Amerine stated that if the City does not issue the order of violation tonight, then the process would be delayed three weeks until the next Council Meeting. York asked if the homeowner was notified of the potential \$250 fine. Brown stated no. Amerine stated that this is the statutory procedure, set forth by the legislature; this is how the City has to proceed with the nuisance. She asked that the Council determine which items are circled on the Abatement Order. She stated that she would recommend that the Council take action tonight. Council Member Frischenmeyer stated that the homeowner needs to be informed of the potential fine.

York stated that he would recommend items A, B, G, H and I on the Abatement Order. Whitney stated that the Council does need to proceed so that he knows that the City is monitoring his progress. Whitney stated that the removal of tires is necessary. Amerine stated that verbiage concerning removal of the tires, air conditioners, appliances, and salvage materials can be added to the Order.

Berntsen stated that the homeowner has until the next Council Meeting to meet the conditions of the Notice. Amerine stated that the City's action would enforce the homeowner's efforts in informing his customers that they are no longer allowed to drop off their salvage materials.

MOTION: Council Member Jim Frischenmeyer moved to authorize issuing the Abatement Order, with the conditions that the Mayor identified, and a notification of the fine. Council Member Lyle Berntsen seconded the motion. The motion carried unanimously.

11. 2012 Contract for Clearwater Senior Center

City Clerk Liza Donabauer stated that the Senior Center has a Contractual Relationship with the Sedgwick County Department on Aging. The Senior Center is considered a Level 1 and with this classification the Center is required to offer baseline special events, educational seminars, and activities. During a meeting with Stacy Nilles, Program Manager of Sedgwick County Department on Aging, a few changes were made on the contract. Carl Shaffer, Senior Center Director, and City Attorney Janet Amerine have reviewed the contract and Donabauer is seeking Council approval to sign the contract

MOTION: Council Member Sandi Keeler moved to authorize City Clerk Liza Donabauer to sign the 2012 Agreement with the Department of Aging, Senior Center Level 1. Council Member Jim Frischenmeyer seconded the motion. The motion carried unanimously.

12. Christmas Treecycle Program

City Administrator Kent Brown stated that this is a program allowing the City residents to drop off their Christmas trees for disposal. The County will set up the drop-off site on, or before, December 22, 2011 and continue through final clean up on January 23,

2012. The County will also grind the trees and leave the mulch for residents to take. The contract will run through 2016.

MOTION: Council Member Jim Whitney moved to authorize the Mayor to sign the 2011-2016 Christmas Treecycle Agreement. Jim Frischenmeyer seconded the motion and the motion passed unanimously.

13. Request to Close Off Street for Christmas in Clearwater

Kent Brown stated that the group conducting this event is requesting that the City close off two blocks of Ross Avenue to properly host the 12-03-11 Christmas in Clearwater event. Council Consensus was received.

14. Staff Reports

City Attorney Janet Amerine stated that there is another delay in the Merten's case. She stated that she was not aware of the KETCH program prior to tonight's Council Meeting. She stated that she suspects that the program has found a way to skirt zoning requirements. She stated that if any of the Council Members have questions about her City Attorney Report, please contact her. She stated that she would miss one City Council and Planning Commission Meeting at the end of January and beginning of February. She will be out of the country.

City Administrator Kent Brown stated that he received a second letter from Russell Mills. He is currently formulating a response.

The Park Advisory Board met on Monday the November 21st. A resident would like to donate trees with intent to place two trees around Chisholm Ridge Pond and several around the Disc Golf Course. The Board recommended approval of the placement of the trees. Council Member Whitney stated that further discussion should be had about the care of the trees around the Disc Course.

The City is working with the homeowner at 201 North Gorin. The homeowner is amenable to the garage coming down. The area will be secured if she has not done so by next week. City Attorney Amerine stated that the City could charge her for securing the area. The slab will remain. Ernie Misak, Public Works Director, believes that the debris could be removed in one load. This would be a less expensive option to renting a roll-off container.

City Administrator Brown stated he and the City Clerk are working on the budget amendment. The housekeeping item is done every year. There will be a transfer to the bond and interest fund to cover the shortfall in special assessments. It will be \$15,000, which is quite a bit less than last year. Staff will request a Public Hearing at the last meeting on December 22nd. A quorum will be expected at the December 22nd meeting.

In January, the City Council normally sets a date for the evaluations and raises of City employees. The date will be determined at the first meeting in December.

There is a town hall meeting on November 29 that is hosted by the Chamber of Commerce. The County Commissioner, Tim Norton, will be the facilitator. The meeting will take place at the Methodist Church at 7:00 p.m.

Brown reminded Council that the City Christmas Party is on December 5th at 6:00 p.m. at the Clearwater High School Commons area.

City Administrator Brown will be attending a City Manager and Administrator conference in Topeka on November 30, December 1st and December 2. Brown also received a jury summons for two weeks from now.

A farm tractor knocked down the crosswalk sign near the high school.

The Police Chief has assembled an inventory of illegally parked vehicles. Police staff will hand deliver the notices and Ordinance.

15. Council Reports

Council Member Jim Whitney asked City Administrator Brown if the City’s contract with Ninnescah Township for road maintenance could be changed. The Township bills the City for its maintenance services prior to the annual property tax assessments to calculate the amount. Amending the dates within the contract would benefit the City and avoid notices from the Township. City Attorney Amerine stated that the City would merely have to amend the contract.

Council Members Keeler and Frischenmeyer and Mayor Mike York had nothing to report.

11. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Sandi Keeler moved for adjournment. The motion was seconded by Council Member Lyle Berntsen and passed unanimously.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Liza Donabauer, 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 November 22, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 22nd day of November 2011.

Liza Donabauer, City Clerk