

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
November 26, 2013

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 26, 2013, 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; Jim Whitney, Chris Griffin, Laura Papish, Burt Ussery, Council Members; Paul Clark, Council Member was absent. The following staff members were present: Barbara Salinas, City Clerk; Janet Amerine, City Attorney; City Administrator Kent Brown was absent. Others present at the meeting were: Ernie Misak, Public Works Director; Beki Zook, Recreation Director; Todd Dannenberg, USD 264 School Board, Recreation Commission; Lonnie Stieben, SKT; Paul Rhodes, Times Sentinel Newspaper; David Papish, Bruce Long, Joan Fleming, Greg Fleming, Scott & Roxanne Howell, City Residents; Johnathon Layton, Colton Gentry, Bryna Vogel, Shane Puetz, Derek Stearns, Eric Tuxhorn, Andrew Kaufman, Loren Wormington, Will Sorenson, Nick Linder, Clearwater 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.

Approval of the Minutes of the Regular Meeting of November 12, 2013

City Attorney Amerine stated that on Page 3 it should read that the bid was received and accepted. Council Member Papish made a motion to approve the minutes with the correction of the November 12, 2013 City Council Meeting. The motion was seconded by Council Member Ussery and passed unanimously.

Consent Agenda

There was nothing for the consent agenda.

Mayor's Recommendations

Mayor Mike York did not have any recommendations.

Public Forum

Paul Rhodes from The Times Sentinel Newspaper stated to the Council that the 20th Year Anniversary Addition to the paper was to go in the Thanksgiving paper. It has 64 pages of content with lots of stories of years past. Rhodes will have extra copies at all City Halls and Public Libraries for people to pick up to read.

New Business

Public Hearing - Presentation of a Proposal to Vacate a Portion of Park Avenue, Grain Avenue and the Alley Located Between and Parallel with Grant Street and Grain Avenue.

City Attorney Janet Amerine stated to the Council that she would like to advise Council before the Mayor opens the hearing. City Attorney Amerine stated that she prepared a draft Ordinance with

options in red. There are 3 things under consideration; Park Avenue, Grain Avenue and the Alley Located between and Parallel with Grant Street and Grain Avenue. At the end of the hearing Council will need to discuss options individually and agree to proposed options. Council's decisions will be incorporated into the official ordinance. Council Member Papish asked if this Ordinance had been changed from publication. City Attorney Amerine stated that nothing had been published because nothing was predetermined. The Ordinance will be drawn up after the Council meeting. Council Member Ussery asked if Council Member Papish could be sitting in Council seating and voting. City Attorney Amerine stated that Papish could sit in Council seating and she could vote because there was no contract involved.

Mayor Mike York opened the hearing at 6:45 p.m.

Mayor York asked if the Council had any questions on this proposal. City Attorney Amerine handed out a sheet showing publication which is one of the requirements of the hearing. City Attorney stated that the petition was filed and accepted on October 22nd. Council Member Ussery asked if the procedure would be to take about each section of the Ordinance individually. City Attorney stated that each street and the alleyway should be talked about separately.

Public Works Director Ernie Misak stated there is a map in the Council notebooks. Misak states that the map shows the street is vacated by Park from Grant to Grain. There are sewer lines in a row on Grain going south to Park and Grant has sewer lines.

Mayor Mike York asked if anyone would like to step up to the podium and speak. City Resident Bruce Long stated that he thought the intent of petition was to put into place what was started over 20 years ago. City Attorney Amerine read the proposed Ordinance to make sure Long knew what the city was proposing. Amerine stated that the Ordinance would execute all of the existing things that were in the previous Order 20 years ago. Council Member Ussery stated that the verbage there that is important today is the right of way can only affect what is currently there today. City Attorney Amerine stated that the new Ordinance now reads the public utilities rights of way and easements for public service facilities now in service. City Attorney Amerine stated at the end of the hearing she fix any language that the Council directed her to change. Council Member Whitney stated that the vote on the streets does not affect Option 2. City Resident Joan Fleming stated that she would just like to move forward.

Discussion moved to the alley vacates. After discussion, Council Members Griffin and Whitney asked if any member of the audience had something to say for the hearing. Scott Howell, city resident and possible future property owner of the Fleming property, stated that he had talked to his builder about options for the sewer within the house plans to make it feasible to access sewer in the rear of the property. Roxanne Howell, city resident, stated that whatever is decided by the city leaves their options open to access sewer services. City Attorney Amerine stated that the proposed ordinance would preserve only utility service right of way and easement in the alley. It would not allow any use for vehicle access. City Council Whitney asked the Howells if they were interested in outbuildings on the back half of their property. The Howells responded that they were not interested. After further discussion, Mayor York asked if anyone else had any other comments for the public hearing. Mayor York then closed the public hearing at 7:30 p.m.

City Attorney Amerine stated that the Council could take the entire Ordinance up for consideration or take it up one section at a time. Council consensus was to discuss the Ordinance one section at a time. City Attorney Amerine stated Section 1 covers the vacation of Park Avenue from the west line of Grant Avenue to the west city limits while the city retains the public utilities rights of way and easements for facilities now in service. Section 2 covers Grain Avenue from the south city limits north to the north line of lot 138 and lot 137 on Grain Avenue, in Hammers Addition to the City of Clearwater. Section 3 covers the alleyway between Grain and Grant Avenue from the south city limits to the south line of Kansas Avenue as found on the Hammers Addition plat. City Attorney Amerine stated that the alternate Section 3 would replace Section 3 in the Ordinance if Council would choose that option. City Attorney Amerine stated alternate Section 3 would vacate the alleyway between Grain and Grant Avenues from the south city limits also known as Park Avenue then northward between Grain and Grant Avenues and ending at the north line of lot 149 and lot 150 as found on the Hammers Addition plat.

Council Member Whitney stated for clarification that the City does retain the easements for public utility and no alley. City Resident Long asked about Westar and telephone poles in the easement. Long also stated that underground utility would be a better option. Council continued to have discussion regarding utility easements in the alleyway.

City Attorney stated that the council needs to make their findings from the hearing. Council Member Ussery stated that Item A is a valid petition for vacating said property was filed and accepted and the matter set for hearing. Council consensus was that there was a valid petition. Council Member Ussery stated that Item B is the publication notice of the hearing described the property and set forth the date and time of the hearing. Council consensus was the publication notice was completed. Council Member Ussery stated that Item C is no private rights will be injured or endangered by said vacation. Council Member Whitney asked if something could be included that no property owner can return and say that it is different than what was written. Council consensus was that no private rights will be injured or endangered by said vacation. Item D is that the public will suffer no loss or inconvenience thereby. City Attorney Amerine stated that she heard no evidence presented that the general public will suffer any loss with the vacation. Council consensus was that the general public will suffer no loss or inconvenience thereby. Council Member Ussery stated that Item E is a vacation of the described property should be granted. After discussion, Council consensus stated that a vacation of the described property should be granted.

After discussion, City Attorney Amerine stated that the proposed language would exactly match what the Council requested. The Ordinance would vacate the streets and alleyway with the boundaries as presented.

Council Member Ussery moved to approve Ordinance No. 977 with the vacation of the properties as presented, Council Member Whitney seconded the motion.

Roll call vote: Ussery, yea; Papish, yea; Griffin, yea; Whitney, yea. Motion Carried and passed unanimously.

Identification of Sewer Main Connections for lot in the 200 block of S. Grant from Certified Engineering Design.

Council Member Burt Ussery stated to the Council that Option 2 is no longer a valid option based on the decisions made of vacating the streets and alleyway. After discussion, Council Member Whitney pointed out that the purchasers of the property need to take the options to their builder and decide how they want to proceed and which option will work best for their plans. The purchasers at least have a ballpark figure for the project cost. Scott and Roxanne Howell agreed that they would take the engineer's information provided to their architect and builder.

Presentation of City Park Improvement Project List as recommended by the Park Board.

Clearwater Recreation Director Beki Zook presented to the Council the recommendations from the Park Advisory Board. The Park Board listed safety as the number one priority in the city park. A specific project in that category would be a pour and play rubberized surfacing or bonded material for the large playground equipment. A previous quote was \$20,000 for pour and play and \$16,000 for bonded material. The Board also recommended a sidewalk to enclose the area. Zook stated that location would be the next item the Board also discussed and would need some general response from the Council such as moving small playground equipment, swings, gazebo and shelter. Zook stated the shelter would be a big project repairing the shelter, replacing the shelter or removing the shelter to present a better image of the park in general is the focus. Zook stated there was discussion about the gazebo and adding more swings and additional items like park benches, sidewalks, picnic tables and signs have also been discussed at the Park Board meetings.

Council Member Whitney stated that he would like to look at the shelter first and then the pour and play. Whitney stated that the Public Works Department has worked on the shelter but it may be time to really look and see how much work needs to be done to make it safe. Council Member Whitney stated he would like to see formal bids for the pour and play and replacing or repairing the shelter house in City Park.

Council Member Ussery asked about the time frame for these projects and Zook replied spring time would be ideal. Council Member Ussery stated that the City will be able to look at the funding of these projects once the bids have been collected. The Council thanked Zook and the Park Board for the presentation.

Presentation of a Proposal from the Recreation Commission for Scoreboard at the Sports Complex.

Todd Dannenberg, Chairman of Clearwater Recreation Commission and School Board Member presented to the Council a proposal from the Recreation Commission and the School Board. The proposal is for the replacement of scoreboards on fields 2 and 3 at the Sports Complex. The School Board and the Recreation Commission have approved funding 1/3 each toward the project. The contractor quote totals are George Lay- \$5721.00, Decker-\$4757.16, Reeves-3998.00. Although Decker wasn't the least expensive, both the School Board and Recreation Board felt the most comfortable with the bid from Decker Electric. This is because Daktronics uses Decker for all installation and service issues with their scoreboards. Therefore, if there were any issues with the scoreboards; Decker would be familiar with the installation. Dannenberg further stated that the total cost for the replacement of both scoreboards is \$12,328.16, with Decker installation. The cost for

the scoreboards is \$7571.00; cost for Decker installation on both fields is \$4757.16. Each entity would provide 1/3 funding which is \$4109.38.

Council Member Ussery made a motion to accept paying 1/3 of the costs of the scoreboards at the Sports Complex at a cost of \$4109.38. Council Member Whitney seconded the motion and the motion passed unanimously.

Consideration of the Agreement with EBH for Wastewater Plan in response to KDHE Order.

City Clerk Barbara Salinas stated this document was follow up from for the last meeting per Council direction.

Council Member Whitney made a motion for the Mayor to sign the contract for Engineering Services with EBH & Associates, P.A. Council Member Griffin seconded the motion and passed unanimously.

Consideration of a Request for Street Closure for Christmas Comes to Clearwater Downtown Event.

Police Chief Gene Garcia stated the Downtown in Clearwater Committee talked to Police Department about closing Ross Street from 4th to Tracy for the Jingle Bell walk and then only close 2nd Street to Lee.

Council approved the closure with consensus.

Consideration of the Cellular Telephone Tower Lease Agreement

After some discussion, Council Member Burt Ussery suggested this item be tabled until the next meeting when City Administrator Kent Brown would be present.

Department Head Reports

Police Chief Gene Garcia stated to the Council that the Police Department's 2012 Chevrolet Tahoe is in need of a replacement video unit that is used primarily on the night shift. The current unit is over 12 years old and is outdated. Chief Garcia further stated that when the Council granted an enhancement to the equipment budget for firearms and additional equipment, there was money left as a result of negotiations and trade in on the old firearms.

Council Member Ussery asked about the dollar amount of the In-Car Video System. Garcia stated that the firearms cost \$5800 with \$3300 back with officer buy back that could be used toward the video system.

Council Member Whitney made a motion for Garcia to purchase the In-Car Video System for the patrol unit at a cost of \$4868. Council Member Papish seconded the motion and passed unanimously.

Public Works Director Ernie Misak stated he purchased trees for City Park. Misak purchased 8 trees Woods Tree Farm at a cost of \$1400 with \$600 in donations for trees. Misak stated that Public Works added 2 air valves in waterline at DeBruce. The elevator reports air has gone away. Misak

stated there are still a few problems with air in the line in that area. Misak stated he still has a few major purchases left to purchase in December that have already been approved. Misak stated that a replacement meter will be \$5000 and a grapple bucket will be \$2000 and one set of tires for a pick-up and still looking for a boat to be used at the sewer ponds.

Committee Reports

There are no reports at this time.

Claims & Warrants

City Clerk Barbara Salinas presented the claims and warrants as of November 22, 2013 in the amount of \$37,798.08.

After discussion, Council Member Ussery moved to authorize payment of the claims and warrants for \$37,798.08. The motion was seconded by Council Member Whitney and passed unanimously.

Old Business

Council Member Griffin followed up regarding the drainage ditch issue on Second Street. Council Member Papish asked about the property owner at 151 S. Fourth and Public Works Director stated he has not been able to speak with both home owners, but did discuss options with Mrs. Layton and the options were not well received.

After some discussion on the old business report several items have been completed and will be removed from the list.

Staff Reports

Mayor Mike York asked for an executive session for 13 minutes for real estate. The Mayor and Council went into executive session at 8:47 p.m. Mayor and Council returned at 9:00 p.m. with no action taken.

City Clerk Barbara Salinas stated that a calendar of all of the meetings at City Hall and groups affiliated with City had been placed in their Council books. Council thanked City Clerk Salinas for the calendar.

City Attorney had nothing to report.

Council Reports

Council Member Griffin had nothing to report.

Council Member Whitney asked City Clerk Salinas to let City Administrator Kent Brown contact EVS Director about the selling of the old ambulance. Council Member Whitney would like an update on the status.

Council Member Papish had nothing to report.

Council Member Burt Ussery had nothing to report.

Mayor Mike York had nothing to report.

Council Members Ussery and Papish and Mayor Mike York will not be at the meeting on December 10th.

City Clerk Barbara Salinas asked about the signing of the checks on December 10th for accounts payable. It was a consensus of the Council to approve the outstanding claims and warrants that will be due before the end of the year, since the Council is scheduled for only one meeting in December.

Adjournment

Being no further discussion to come before the Council, Council Member Whitney moved for adjournment and the motion was seconded by Council Member Ussery. The motion carried unanimously.

The Meeting adjourned at 9:17 p.m.

CERTIFICATE

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

I, Barbara Salinas, 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 26, 2013 meeting.

Given under my hand and official seal of the City of Clearwater, this 10th day of December, 2013.

Barbara Salinas, City Clerk