

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**CITY COUNCIL MEETING**

**MINUTES**

**SEPTEMBER 27, 2011**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, September 27, 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: Mayor Mike York, Jim Whitney, Jim Frischenmeyer, and Sandi Keeler, Lyle Berntsen and Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Janet Amerine, City Attorney; Gene Garcia, Police Chief; and Ernie Misak, Public Works Director. Others present at the meeting were: Marvin and Mary Schauf, Clearwater Fire Department; Donald Schauf, EVS Director; Sharon Tuxhorn, Clearwater Part-time Receptionist; Brenda Trammel, citizen; Nathan Brown, Becca Emerson and Shannon Robertson, High School Government Students.

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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 September 13, 2011**

**MOTION:** Council Member Sandi Keeler 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**

No recommendations.

**3. Public Forum**

No members of the public came forward to speak.

**4. Department Head Reports**

Donald Schauf, EMS Director, thanked the Ministerial Alliance for their September 11<sup>th</sup> Ceremony at the City Park. Although he was unable to attend the service, he read about the event in the newspaper and is appreciative of the acknowledgement given to local EMS Volunteers. His instructor/coordinator class at Barton Community College is going well and will be completed on 12-09-11.

Ernie Misak, Public Works Director, provided the Council with an update of projects his staff has been working on. His staff has brought seven loads of dirt to the Historical Society and rebuilt a two-foot platform into a four-foot platform at the skate park. The fire hydrant testing was completed. He stated that fifteen of the fire hydrants would need to have repairs made to them. Each year, his Department budgets replacing two fire hydrants. A hydrant at First and Kansas will be replaced. Another hydrant at Park and Prospect will likely be replaced. A hydrant at Garvey has a leak. Misak also stated that Kevin Bush has been out for about three weeks. Council Member Whitney asked when crack sealing is scheduled. He identified a few areas that are in need of repair. Misak stated that Public Works would schedule crack sealing when it can. Mayor Mike York asked Misak if there is anything that can be done to fix or raise the alley behind the mortuary on Kansas. Misak stated that staff has looked at the alley. Mayor York asked about a steel grate being placed in the alley for drainage. Director Misak does not believe that it will be very easy to fix the alley as York described.

Marvin Schauf, Fire Chief, stated that in performing the pressure tests on the fire hydrants, he changed from 2" to a 1 1/2" test. Schauf stated that he received a call from Weis Fire & Safety who will perform their testing during the last week of October. The travel time will be split with other departments in the area.

Gene Garcia, Police Chief, stated that patrol car #4 was fixed and the computer in the car was fixed for about one third of the anticipated cost. Some of the costs were covered by the warranty. He stated that he surveyed other cities and followed up with the City of Wichita regarding the animal shelter agreement. The City of Wichita will consider his comments when considering making changes to the agreement. The new agreement should be out by the end of the year.

**5. Update on Secure and Repair of Unsafe Structures at 201 N. Gorin, 250 N. Prospect, and 112 N. Prospect**

City Administrator Brown stated that he has contacted all of the property owners regarding the 9-13-2011 Public Hearing. The property owner at 201 N. Gorin, Brenda Trammel, has come to today's City Council Meeting. Trammel provided the Council with an update on the work she has done to her detached garage. She stated that most of the roof was removed. The garage doors have been closed and secured. Her 80-year-old father has been helping her. Brown stated that the Resolution that was passed on 9-13-11 called for removal of the garage structure at 201 N. Gorin. Trammel stated that she purchased the house when it was in disrepair. Each year, she sets aside funds to make repairs. It was her intent to fix the garage this year, however, she was laid off and had to use her savings for living expenses. Mayor Mike York asked Administrator Brown if he recalls what structural issues were reported. Brown stated that there are cracks in the structure. Council Member Frischenmeyer asked Trammel if it is her intent to keep the structure. Trammel stated yes because she does not have the financial capability to do anything else with the structure. Council Member Papish asked whether the garage could be re-assessed for safety now that the roof has been removed and the doors have been closed and secured. Council Member Whitney stated that he suspects that with no roof, the garage will not be structurally sound. He stated that he has concerns about Trammel spending money on the current garage when

it may make more economical sense to tear down the structure and rebuild a new structure in the future. Trammel stated that she couldn't afford destruction costs right now. Whitney stated that he would be in favor of having the inspector come back out to meet with Brown and Trammel to do an assessment. City Attorney Janet Amerine asked if there were any open windows on the structure. Trammel stated that there are two opening which are covered by latticework. Administrator Brown stated that he would contact the inspector to meet with him and Trammel at the property. Council Member Keeler stated that she would suggest Trammel post a "No Trespassing" sign on the structure.

City Administrator Brown stated that a contractor came into City Hall to acquire a permit for 250 N. Prospect. The work on that address should be completed by the end of the week. The property owner at 112 N. Prospect called Brown and has stated that her intent is to demolish the house. She determined that it would cost more to fix the house than to demolish it. The property owner has contacted two demolition companies. Brown stated that he informed the property owner that she needed to contact a plumber and the electric/utility companies to disconnect the water, electric, and gas. Council Member Frischenmeyer asked if the property at 112 N. Prospect would be held under the same 30-day time frame as the other two properties. Brown stated yes. City Attorney Janet Amerine stated that it has been her experience that if the demolition contractor is made aware of the 30-day deadline, they will get the property demolished within that time frame. The contractor can contact the utility companies to disconnect service.

**6. Resolution for Curb and Gutter on Lee Avenue**

City Administrator Kent Brown requested that the City Council table this agenda item to a future City Council Meeting.

**7. Survey Regarding City Services and the 4<sup>th</sup> Avenue Project**

City Administrator Kent Brown stated that the Council would find a draft of the citizen survey for the 4<sup>th</sup> Avenue project in the Council notebooks. The Council could choose a town hall meeting instead of the survey or the survey could be done in conjunction with a town hall meeting.

Council Member Papish asked if survey could go out with newsletter. Administrator Brown responded by saying that there seems to be a better response for something that is short and to the point.

Council Member Whitney stated that he liked the example provided to the Council. He further stated that he thought the City would receive more response, at a quicker response time, with a written survey as opposed to a town hall meeting. Whitney asked if the survey could be sent out with a return date of November 1<sup>st</sup> so the results could be tabulated and a decision made on this project by the first November Council meeting.

**8. Donation and Request for Plaque from American Legion Post #93**

City Administrator Kent Brown announced to the Council that the flagpole was put in by City Hall for a cost of \$599.13. A check was received from the American Legion

Post #93 for most of the project. The Legion would like a plaque but would like it to be generic enough that they are not responsible for future maintenance. Council authorized Staff to order a plaque.

**9. Park Board Recommendation on Trees in City Park**

City Administrator Brown stated that there are two groups that would like to donate trees to the City Park. The Ministerial Alliance and the Clearwater Middle School Tribal Council have donated funds for the City to plant in two locations at the City Park. The proposed location for the Ministerial Alliance tree is east of the sidewalk leading to the windmill. The Middle School tree would be planted near the Lion's Club Shelter. The proposed location of the trees would not interfere with any recreation activities. Council Member Laura Papish asked if there would be plaques at the base of the donated trees. Brown stated yes.

**10. Lease Agreement with Pitney Bowes for Postage Machine**

City Clerk Liza Donabauer stated that the lease agreement with Pitney Bowes, the leasing agent for the City's postage machine, is up for renewal. The agreement is for 60 months at a monthly lease amount of \$106. The City is currently paying \$114.53/month. The equipment would stay the same. Pitney Bowes is asking that the City sign and return the agreement with a copy of the City's tax exempt certificate. Pitney Bowes will also require Proof of insurance. Staff is happy with the postage equipment and requests Council's authorization to renew the lease agreement with Pitney Bowes. Council Member Jim Frischenmeyer made a motion to approve the lease agreement. The motion was seconded by Council Member Jim Whitney and passed unanimously.

**11. Consent Agenda**

With Council consensus authorization was given to make payment to Certified Engineering Design, P.A. for engineer design services for Phase 1 Street Improvement plans at the Clearwater Business Park Addition (\$28,828.50).

**12. Executive Session**

**MOTION:** At 7:40 p.m. Council Member Lyle Berntsen moved to enter into executive session for five minutes to discuss personnel issues. Council Member Jim Whitney seconded the motion and it passed unanimously.

At 7:45 p.m. Council Member Lyle Berntsen moved to go back into executive session for five minutes to continue discussion of personnel matters. Council Member Sandi Keeler seconded the motion and it passed unanimously.

At 7:50 p.m. the Council returned to regular session with no action taken.

### **13. Staff Reports**

City Clerk Liza Donabauer stated that she received a phone call from the County Clerk's Office indicating that they would like the City to add page numbers to the previously signed and submitted 2012 budget certification page. Staff added the page numbers and is asking Council and the Mayor to sign the certification page. City Clerk Donabauer will resubmit the corrected page to the County Clerk's Office.

City Clerk Liza Donabauer stated that she received a phone call from the City's insurance agent regarding the status of the Blanket Government Crime Policy application. The insurance agent explained that she submitted the application to the Bond Department and the underwriter returned the application stating that the City is already carrying a blanket policy. The agent apologized that she did not catch this. The policy has a \$10,000 coverage amount with a \$500 deductible. The blanket policy costs \$100 a year.

City Attorney Janet Amerine stated the City received a brief in the Merten's case. Amerine will review and prepare a report. The City's brief should be ready by October 21 and then filed. Amerine reported that she will be attending the Fall City Attorney's Association of Kansas Seminar on Friday October 7<sup>th</sup> and then the conference on the 9<sup>th</sup> and 10<sup>th</sup> in Wichita.

City Administrator Kent Brown stated that if Council wished to attend the Conference on October 9<sup>th</sup> and 10<sup>th</sup> they should let City Staff know and a reservation would be made for them. The Conference will be at Century II and the Hyatt Regency in Wichita.

City Administrator Brown also stated that he spoke with Herschel West from Waste Connections. Shear Envy and Mize's are now added to the recycle bank reward program.

City Administrator Brown stated that the Planning Commission Meeting scheduled for October 4<sup>th</sup> was rescheduled for October 18<sup>th</sup>. There will be four or five hearings during that meeting. There are several variances and a plat review. There is a preliminary plat hearing for the Indian Lakes addition between Walt's and Chisholm Ridge. The Condos at Wood and Janet want to split off so they can build a single-family residence on the empty lot. The First Baptist Church would like to put a bell tower in front of their church building on Ross Street. Ron Fleming on East Ross would like to put another accessory structure on his property.

### **14. Council Reports**

Council Member Jim Whitney stated that the piles at the brush dump are getting large. Grass is spilling onto the driveway. Whitney questioned when the City had to start reporting to the EPA about burning the brush piles. The City owns the brush dump. City Administrator Kent Brown stated the Department of Environmental Health is responsible for the enforcement. City of Wichita and Sedgwick County have joined forces by using the City of Wichita's Department of Environmental Health. The concern is because of air quality and ozone regulation issues. The City will now have to have someone watch the fire burn and not leave it alone during the day. The fire will have to be put out at night and restarted the next day. Council Member Whitney asked if it could be burned every week so

it would not take so long. Public Works Director Ernie Misak stated that the maintenance department tries to burn when winds are out of the southeast. Otherwise, northeast winds blows smoke at the house close to the dump.

City Attorney Janet Amerine stated that the County should be asked to provide an authority letter for the City's files. Amerine stated she would go over the letter to make sure that Sedgwick County had jurisdiction over the City of Clearwater's brush dump.

**15. 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, Carol Reitberger, 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 September 27, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 11th day of October 2011.

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Carol Reitberger, Deputy City Clerk