

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

AUGUST 14, 2012

(Approved 8-28-12)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 14, 2012, 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, David FitzGerald, and Sandi Keeler, Laura Papish, Council Members. Council Member Lyle Berntsen was absent. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Mary Schauf, Clearwater Fire Department; Gary George, George Bowerman & Noel, P.A.; Pamela Riggs; citizen.

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 July 24, 2012

MOTION: Council Member Laura Papish made a motion to approve the minutes of the 7-24-12 City Council Meeting. The motion was seconded by Council Member David FitzGerald and passed unanimously.

2. Consent Agenda

MOTION: Council Member David FitzGerald made a motion to approve the Consent Agenda. The motion was seconded by Council Member Jim Whitney. The motion passed unanimously.

1. Authorization to pay invoice from PEC (\$2,312.34) for Storm Water Drainage Improvements at Indian Lakes Addition.
2. Authorization to pay invoice from PEC (\$1,765.86) for Paving Improvements at Indian Lakes Addition.
3. Renew Membership with Kansas Rural Water Association (KRWA). 2012-2013 Membership Fee is \$867.80.

3. Mayor's Recommendations

Mayor Mike York made the following recommendations:

- Accept William Lane's resignation as a member of the Clearwater Planning Commission.
- Accept Courtney Clymer's resignation as a volunteer for the Clearwater EMS.

The above resignations of William Lane and Courtney Clymer were accepted with Council consensus.

4. Public Forum

No members of the public addressed the Council.

5. Public Hearing for 2013 Budget

Mayor Mike York opened the public hearing at 6:36 p.m. York invited members of the public to express their comments and concerns. City Administrator Brown stated that within the agenda packets, there is a copy of the 2013 budget certificate for \$684,725 in ad valorem tax and a mill rate of 49.895. This is a .05 mill decrease from the 2012 budget, which was 49.943 mills. Administrator Brown also provided a summary of requested budget items from the Department Heads. The list reflects those items that were denied and approved. A priority for the 2013 budget year was to acquire 900 MHz radios for the Police, Fire Department, and EMS, which are required by Sedgwick County Emergency Management.

Mayor Mike York stated that he would leave the public hearing open until 7:00 p.m. to allow public comment.

6. Gary George, George, Bowerman & Noel, P.A. will Review 2011 Audit of the City's Financial Records

Gary George, George, Bowerman & Noel, P.A., gave a brief summary of the Independent Auditor's Report which provides the auditor's opinion, provides the audited financial statements for the City, describes the financial position of government activities, the business type activities, each major fund, and the aggregate remaining fund information of the City as of December 31, 2011. The report also discusses the respective changes in the City's financial position and cash flows, where applicable, and provides respective budgetary comparisons for the General fund for the year. He explained that the audit and report are in conformity with accounting principles generally accepted in the United States of America.

George stated that the City's overall financial position has improved since the 2010 audit, with an increase in net assets of \$72, 834 for the current year. George would recommend the Council consider raising water and sewer rates higher than 1% each year

since the rate increase does not meet inflation.

7. Public Hearing for 2013 Budget

No members of the public came forward to speak about the proposed 2013 budget. Mayor York closed the public hearing at 7:10 p.m.

MOTION: Council Member David FitzGerald made a motion to approve the 2013 budget as presented. Council Member Jim Whitney seconded the motion and the motion passed unanimously.

8. Ordinance Regarding Tax Revenues Required by the State

City Administrator Kent Brown explained that state statute requires the City to pass an ordinance which states the City is increasing property taxes, which is not true for 2013. The City has less debt service because one of its bonds retired. The total amount of taxes is less although it is spread differently between debt service and general operations. He explained that this same situation occurred in a previous year. Amerine clarified that the ordinance is a state required document. The summary of the ordinance will state that this ordinance is due to changes in the 2013 budget as compared to the 2012 budget as required by law.

MOTION: Council Member David FitzGerald made a motion to approve Ordinance 952 regarding an ordinance attesting to an increase in tax revenues for budget year 2013 for the City of Clearwater. Council Member Sandi Keeler seconded and the motion passed unanimously.

ROLL CALL VOTE: Papish yea, Keeler yea, Whitney yea, FitzGerald yea. 4 Yea.
Motion carried.

9. Resolution Finding that the Structure Located at 115 N. Lee Avenue is Unsafe or Dangerous and Directing that the Structure be Repaired.

City Administrator Kent Brown stated this is the resolution for the public hearing as a result of actions taken at the last City Council Meeting. The Council finds that the structure at 115 N. Lee Ave is unsafe or dangerous and directs that the structure be repaired and the premises made safe and secure. The owner has commenced the repair of the property and is to have the repairs completed within 60 days of the date of this Resolution and no later than the 11th day of October. The governing body can cause this structure to be repaired and the costs of repair shall be collected in the manner provided by K.S.A. 12-1, 115.

MOTION: Council Member Laura Papish made a motion to adopt Resolution 20-2012

12 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 20-2012

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT PROPERTY AT LOTS 1-3, EXC W 35 FEET THEREOF, LEE AVENUE, ORIGINAL TOWNSITE NI CL00058 115 N LEE AVE IN THE CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS COMMONLY KNOWN AND REFERRED TO AS 115 N LEE AVE, CLEARWATER, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REPAIRED AND THE PREMISES MADE SAFE AND SECURE..

City Administrator Kent Brown stated that the Sedgwick County Building Code Inspector issued a stop work order Friday morning. Since the contractor removed some rafters, the Code Inspector requires them to hire an engineer to approve the replacements. Work will resume after all documents are signed by the Building Inspector and the engineer.

10. Ordinance Annexing Land to the City of Clearwater; 14311 Prairie Grass Circle

Kent Brown, City Administrator, stated that this property is located north of Clearwater as part of the water line project. The house was just completed and the property owner is asking to be annexed into the City. The County Commission has approved the City's request for island annexation. The Council needs to pass a resolution to annex this property into the City.

MOTION: Council Member Jim Whitney made a motion to approve Ordinance 953 as written. Council Member Sandi Keeler seconded and the motion passed unanimously.

ROLL CALL VOTE: Papish yea, Keeler yea, Whitney yea, FitzGerald yea. 4 yea.
Motion carried.

11. Standard Traffic Ordinance 2012; Regulating Traffic Within the Corporate Limits of the City of Clearwater

Gene Garcia, Police Chief, stated that this is a standard process annually.

MOTION: Council Member David FitzGerald made a motion to approve Ordinance 954 as written. Council Member Laura Papish seconded and the motion passed unanimously.

ROLL CALL VOTE: Papish yea, Keeler yea, Whitney yea, FitzGerald yea. 4 Yea.

Motion carried.

12. Ordinance Amendment Regulating Public Offenses Within the Corporate Limits of the City of Clearwater

Gene Garcia, Police Chief, stated this was standard procedure annually.

MOTION: Council Member Jim Whitney made a motion to approve Ordinance 955 as written. Council Member Laura Papish seconded and the motion passed unanimously.

ROLL CALL VOTE: Papish yea Keeler yea, Whitney yea, FitzGerald yea.
4 Yea. Motion carried.

13. Resolution Re-Setting a Public Hearing on a Proposal to Vacate the Road Right-Of-Way for the 100 Block of North Grain Avenue Excluding Utility Easements

Kent Brown, City Administrator, stated that staff made an error. A hearing was supposed to occur at the first hearing in May. This hearing did not occur. This resolution will reset the hearing for 9-11-12.

MOTION: Council Member David FitzGerald made a motion to adopt Resolution 21-2012 to vacate the road right-of-way for the 100 block of N. Grain as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 21-2012

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS, ON A PROPOSAL TO VACATE THE STREET RIGHT OF WAY FOR THE 100 BLOCK OF NORTH GRAIN AVENUE EXCLUDING UTILITY EASEMENTS.

14. Discuss Options for Irrigation on Baseball Field #1 at Sports Complex

Kent Brown, City Administrator, stated that a member of the Clearwater Chisholm Trail Recreation Board questioned him regarding the water schedules and irrigation field at the sports complex. There is a concern because of the recent extreme heat. Brown consulted with city staff and Council Member Jim Whitney. Council Member Jim Whitney has stated that the field is watered 14 hours a day. Brown wrote a memo to the Recreation Board that provides watering options. The options included drilling an additional well, treating effluent water or reconnecting the sprinkler system

with city water. The use of effluent water is becoming more popular throughout the nation. The Recreation Board did not come up with any suggestions or recommendations at its recent Board meeting.

Council Member Jim Whitney commended Administrator Kent Brown for how he handled the situation. Whitney stated that if other boards and committees have complaints about the city or city staff, they need to come before the City Council. Council Member Jim Whitney stated that drilling an additional well is not going to provide unlimited water. Six wells in Park Glen have gone dry since Saturday. Council Member Jim Whitney stated that several years ago he gave a presentation to the City Council regarding the use of gray water. This is popular in California. Council Member Jim Whitney stated that the effluent water would only be used during evening hours. Whitney stated that there is no sense in releasing water into the river when it can be used to water grass.

Council Member Jim Whitney thanked Jim Peissig, former Public Works Director, for establishing a line to the sport complex. The biggest expense would be the infrastructure and it is already in place for effluent water to be used as a source of irrigation water.

Council Member Jim Whitney noted that Cessna stopped watering its facilities. The companies have saved over a million dollars since the beginning of the year.

Council Member Jim Whitney stated that he would like Harlan Foraker to provide a preliminary plan. Brown stated that this project would also fix the problems out at the sewer ponds regarding its BOD levels. The city has a terrific resource that it could reuse. Council Member Jim Whitney stated that there are representatives from KDHE that will help city staff. Council Member Laura Papish asked if the effluent water could be a revenue source from local farmers to use as irrigation in their fields. Administrator Brown stated since both parties benefit, there is usually no revenue generated.

Council Member Sandi Keeler stated that the City Council should move on this and go to the Recreation Board with the solution. City Administrator Kent Brown stated that this will take considerable city resources but it will solve two problems. Papish stated that with the drought situation, the citizens have to realize that they need to make a choice. The fields would be watered at night and the children would be playing on dry fields. Council Member Sandi Keeler stated that she would like to have Administrator Brown get the information. Administrator Kent Brown stated that he would ask Harlan to come up with an estimated cost. The Council will then review it and determine how to fund the project. Council Member Jim Whitney warned the council that pumps would have to be replaced on an occasional basis

15. Request from Sunflower Resource Conservation and Development (RC&D) Area, Inc. for Financial Support

Kent Brown, City Administrator, stated that a letter was distributed in the Council's packet from the Sunflower Resource Conservation & Development Area, Inc (RC&D). Brown stated that RC&D is who takes the City's recyclables at the City's

Recycle Center. They ask for support every year.

Council Member Laura Papish asked if the City would receive a tax benefit for the donation. Brown stated no. Council Members Whitney and Fitzgerald stated they would be in favor of a \$200 contribution for one more year.

MOTION: Council Member David Fitzgerald made a motion to donate \$200 to RC & D. Council Member Jim Whitney seconded the motion. The motion passed unanimously.

16. Tree House Benefit Concert in the Park Request

Kent Brown, City Administrator, stated that Jordan Freed and a group of citizens that want to raise funds for tree house playground equipment. They would like to hold a concert in the park. They want to charge admission for the concert. They are expecting 750 people to attend the concert. Administrator Brown clarified that there would not be any alcohol at the event. The city ordinance would not allow for this. The group would put up fencing and barricades. Brown stated that he asked other cities regarding liability and concerns regarding this type of event. Brown received two responses from other cities. One city required an insurance rider and the other did not require a permit since it was for a non-profit group.

Police Chief Gene Garcia stated that he would like more information about the event or see a plan. Garcia has concerns regarding alcohol and security. Council Member David FitzGerald stated that he likes the idea but would like more information. Council Member Jim Whitney stated that perhaps the Council could tell them that the Council is in favor of the event but requires more information. The group needs to think about providing security and restrooms. City Attorney Janet Amerine stated that she thinks that the rider on the city's insurance would not be very expensive.

Police Chief Gene Garcia stated that the location and adequate parking would be a concern if the anticipated attendance is 750 persons. Chief Garcia stated that there is a lot of pre-event planning that needs to be done. Council Member Laura Papish asked whether the group could use the football field. Administrator Kent Brown stated that the group would like to set up the stage where the tree house is planned to be built. They would angle the stage toward the Methodist Church. Mayor Mike York asked how many people Chief Garcia thinks would be needed for security. Chief Garcia stated that he would think four officers would be adequate. The City does have reserve officers. Council Member Jim Whitney asked how much the City spends on security for Fall Festival. Chief Garcia stated that there is typically 25 hours of overtime at \$25 dollars an hour. Council Member Jim Whitney stated that he would suggest Administrator Brown inform the group of the cost of security, cost of restrooms and trash containers and should meet with staff and the Police Chief. City Attorney Janet Amerine suggested that the City could offer the use of the concession stand. Chief Garcia stated that if the City were to prohibit coolers, then concession stand sales would increase. Administrator Brown stated that he is not aware when the group would like to have the concert. Papish stated

that she thought she heard October.

City Administrator Kent Brown stated that they will have the group come before the Council after staff and the Police Chief has a chance to discuss the Council's concerns with the group. Police Chief Garcia stated that when there is a large event, the City should consider a screening process.

17. Department Head Reports

Police Chief Gene Garcia showed the Council the proposed design for the new vehicle. Garcia stated that his department had the KS CJIS audit. Additional security locks were installed based on last year's audit. His department purchased a dog kennel after a concern was raised about how they cage dogs. A burglary theft and a battery case that took place in Clearwater came to a conclusion. A garage door was kicked in and the suspect was convicted.

18. Committee Reports

No meeting minutes were distributed in the Council Packets. The 8-07-12 Planning Commission Meeting was canceled. The Parks Commission will meet in 8-20-12. The following committees are scheduled to meet and are open to the public to attend:

Park Commission: Meeting scheduled for 8-20-12

Planning Commission: Meeting scheduled for 9-04-12. A

19. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 8-10-12 for \$73,680.36. An additional claim was received from the Police Department in the amount of \$217.01 for mileage reimbursement. Staff would request that the Council consider payment of the presented claims and warrants.

Council Member Laura Papish inquired on two DARE scholarships. Police Chief Gene Garcia stated that two DARE scholarships were granted to Clearwater students attending Emporia State and Kansas State University.

MOTION: After discussion, Council Member Jim Whitney moved to authorize payment of the claims and warrants for \$73,680.36 as well as the additional claim for \$217.01. The motion was seconded by Council Member David FitzGerald and passed unanimously.

20. Old Business

Council Member David FitzGerald stated that he went down to the Recycle Center and noted that two small recycle carts were deposited at the center. FitzGerald questioned whether this is adequate and whether the City was going to be charged for this.

Administrator Brown explained that the Council was informed that the small recycle carts were going to be used on a trial basis. Waste Connections is not charging the City for the containers.

Council Member Laura Papish asked about the vehicles in the back yard at the property north of Casey's. Police Chief Garcia stated that he has done a lot of research on the communities that have the same issues. There are not a lot of cities that have the type of ordinance he is looking for. Chief Garcia stated that perhaps the Council could consider issuing citations but he doubted a citation would hold up in court. Chief Garcia stated that the City has had some successes in removing junk cars. However, on that property, the City has not been successful. Chief Garcia stated that each week, an inventory is done on junk vehicles, and the weekend officers alert the property owners to move or remove their vehicles. Council Member Jim Whitney asked if any other City has an ordinance on the number of vehicles a citizen can have on their property. Chief Garcia stated he has not found any. Council Member Laura Papish asked if trailers must be licensed. Chief Garcia stated that they are trying to work on that. Papish asked if all vehicles have to be licensed. Garcia stated no. Citizens do not want to pay tax and insurance on a vehicle that they do not drive. Therefore, it is easier to park the vehicle on their property. Pamela Riggs, citizen, stated that citizens are not aware of the rule about parking vehicles on a dustless surface.

21. Staff Reports

City Clerk Liza Donabauer asked that each of the Council Members stick around after the meeting to sign the Budget Certification document. Donabauer stated that the Aquatic Center's regular summer schedule would end this weekend. After this weekend, the pool will be open on Saturday (8-25-12) and Sunday (8-26-12) from 1 – 7 p.m. and then Saturday, Sunday, and Monday of Labor Day Weekend from 1 – 7 p.m.

City Clerk Liza Donabauer stated that the new city website was revealed on 8-03-12. Staff has received several compliments regarding the new look. Staff will continue to add content and pictures. Donabauer stated that she would like to personally thank Shelby Robinson of Creative Visions for donating her talent and gorgeous photos to the City website. Other contributors include Laura Coon, Laura Papish, David FitzGerald, and the Times Sentinel. Today, the online searchable MuniCode feature was added to the website. This feature will allow citizens to search the City's Municipal Code. Citizens can also view the subdivision regulations and zoning regulations on the new website.

City Clerk Liza Donabauer stated that as of today, the City's Facebook page has received 73 "likes". This means that every time a news posting or calendar event is added to the City's website, it will automatically feed the Facebook and Twitter pages with the same informational news headline. Those that have "liked" the page will then receive an automatic message on their personal Facebook page. One citizen did post an event on the City's Facebook page regarding a Red Cross event. This leads into a topic of discussion for Council. Donabauer asked if the Council is in favor of allowing citizens to post on the City's Facebook page. After discussion, Council decided to allow comments and re-evaluate their decision later if needed.

City Attorney Janet Amerine stated that she included her attorney's report in the Council's agenda packets. She learned at a recent conference that the design build is the most popular form of doing a construction project. This is different from the traditional bid process. City Attorney Janet Amerine stated that approximately 100 attorneys attended the conference. She stated that she spoke with the attorney regarding the Merten's case. There was no appeal and they will close the case.

City Administrator Kent Brown stated that Public Works took care of a tree limb in the City Park. The mulch has been placed around the smaller playground equipment. More mulch is needed. The waterline is installed at the business park. The fire hydrant and 2" water line is also installed. There is an aerator not working at one of the fishing ponds at Chisholm Ridge. Westar did not provide an estimate for the business park. The engineering has not come up with their designs as of yet. Southern Kansas Telephone stated that they would provide free Wi-Fi services at the Aquatic Center for the rest of this year's swim season. City Administrator Brown has a meeting with the Industrial Park working group on Wednesday evening, and a meeting with Sedgwick County about the 4th street project on Thursday at 10:00 am. at City Hall. Administrator Brown did have a meeting with the Indian Lakes developer regarding their commercial lots in front. The group has not come back with a formal proposal yet.

22. Council Reports

Council Member Sandi Keeler stated that she drove down the alley and noticed that the neighbors of resident at 137 N. Lee have a lot of junk and vehicles in the yards. Keeler asked if staff needs to talk to the business owner on North Tracy. Mayor Mike York stated that staff has spoken to the business owner quite a bit and he always cleans up what is asked of him. Council Member Jim Whitney stated that staff should send a letter to discuss how the junk should be cleaned up.

Council Member Laura Papish asked how the Planning Commission could get another member. Papish asked if the vacancy was a city or outside-of-city-limits position. With the resignation accepted at this meeting, Administrator Brown stated that the Planning Commission is missing one inside and one outside city person. City Attorney Janet Amerine stated that it is the Mayor's job to get members.

Council Member Jim Whitney stated that he had nothing to report

Council Member David FitzGerald stated that Public Works Director Ernie Misak showed him the sign that he has prepared for the west side of town. He explained that the sign is a 4x4 post that states "Welcome to Clearwater". Under the Welcome to Clearwater portion, there are slots for individual signs from organizations to post or advertise. Council Member Jim Whitney stated that he is in favor of a Welcome to Clearwater sign that simply state "City Limits" and the population.

23. Adjournment

MOTION: Being no further discussion to come before the Council, Council

Member David FitzGerald moved for adjournment. The motion was seconded by Council Member Jim Whitney and passed unanimously.

The Meeting adjourned at 9:23p.m.

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 August 14, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 28th day of August, 2012.

Liza Donabauer, City Clerk