

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

JULY 24, 2012
(Approved 8-14-12)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, July 24, 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; Chris Griffin, Pastor at Nazarene Church; Lonnie Stieben, Southern Kansas Telephone; David Hutchinson; 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 10, 2012

MOTION: Council Member David FitzGerald made a motion to approve the minutes of the 7-10-12 City Council Meeting. The motion was seconded by Council Member Jim Whitney and passed unanimously.

2. Consent Agenda

There are no consent agenda items at this time.

3. Mayor's Recommendations

Mayor Mike York made the following recommendation:
Appoint Chadd Posch as a Clearwater Fire Fighter.

The above appointment of Chadd Posch was accepted with Council consensus.

4. Public Forum

Pastor Griffin from the Nazarene Church gave a status update on the property at 118

S. Byers. Since the 6-26-12 City Council Meeting, the shed was torn down. Griffin has contacted Richard Hardwell who will inspect the home next week. Griffin stated that he and the volunteers are moving forward.

5. **Public Hearing on Unsafe Structure at 115 N. Lee Avenue**

Mayor York opened the public hearing regarding the unsafe structure at 115 N. Lee Avenue.

City Administrator Kent Brown explained that the Council passed a resolution to set tonight's hearing regarding the property at 115 N. Lee Avenue. There has been a series of letters that have gone back and forth between the City and the property owner. Administrator Brown included the letter from Sedgwick County Department of Code Enforcement in the Council's agenda packets. Administrator Brown also included pictures of the roof and guttering along the side of the building. He noted that the property owner has started making property repairs. Brown introduced Russell Mills and explained that he is present to discuss the intent of the repairs on the building.

Russell Mills stated that he is representing his wife and son at tonight's public hearing. He explained that he and his son Cole Mills have not intended to disregard the City's letters and notices. His son owns the business located at 115 N. Lee and wants to do the work himself. His son has been working 14-hour days to get the money to make the roof repairs. In the meantime, he has been trying to find people to do the work. The building has 2" of hot tar and shingles on the building and the weight of the roofing is causing the problems. Mills explained that the roof would be repaired in stages. The decking and trusses would be repaired. Mills described the interior structural improvements that have been made since his son first bought the building. He explained that there were no support walls along the inside along the south side of the building. He stated that it is his opinion that the structure is sound and the roof is not. Russell Mills requested that the Council not take any action on this property for a minimum of one month. Mills stated that he does not believe that the property should be destroyed. Council Member David Fitzgerald asked what type of roof would be put on the building. Mills stated it would be a shingled roof. A metal roof would be too expensive. Mayor Mike York asked if the contractor is taking the easterly side of the roof down to the trusses. Mills stated that the contractor would determine the amount of repairs as he reveals the roof in segments.

Council Member Jim Whitney asked if the contractor is licensed with Sedgwick County. Mills stated yes. Council Member Sandi Keeler asked if there are plans for replacing the siding along the bottom of the structure, which is falling off. Mills responded that the roof is the highest concern at this time. Mills stated that vehicles have hit his son's building several times. He asked the Council for direction on how to structurally protect the building from traffic. Mills stated that Triple B should install posts to protect the south side of his son's building. After discussion, Council Member Laura Papish suggested that the two property owners should discuss the building repairs.

Council Member David FitzGerald asked if the property had been surveyed. City Administrator Kent Brown responded that a property owner could build right up to the edge

of their property line in C1 zoning. Council Member Jim Whitney stated that until the property is surveyed, nobody would know the property lines. Mayor Mike York asked who owns the small strip of grass along the south side of the building. Mills stated that he assumed this was part of their property since the eave of the overhang hangs over the grass.

Council Member Jim Whitney suggested that after the roof has been addressed, there should be a discussion regarding the siding. The Council can be accommodating in allowing more time as long as progress is being made. City Attorney Janet Amerine asked the Mayor if anybody else would like to address this topic before the public hearing is closed. Lonnie Stieben with Southern Kansas Telephone stated that the damage to the building could be caused by other nighttime traffic. Council Member David FitzGerald asked how many days Mills would like for repairs. However, he would like at least 30 days for the work to begin on the building. City Attorney Janet Amerine noted that the Council received a report from the Sedgwick County Code Enforcement Abatement and Nuisance Inspector and pictures as part of the City's evidence. Attorney Amerine instructed that the mayor can close the hearing and the Council can make its findings at that time. Mills stated that the report is flawed because the inspector never inspected the interior of the building. The inspector is not aware of the structural improvements that have been made.

Mayor Mike York closed the hearing at 6:59 p.m.

Council Member David FitzGerald stated that the building and its roof seems quite large. FitzGerald would be willing to grant 45 days to allow more time to get the project started. City Administrator Kent Brown stated that Mills has admitted that the project would not be completed within 30 days, but he finds that an update at the first meeting in September would be approximately 45 days. City Attorney Janet Amerine stated that the property owner must commence repairs within 30 days. Mills has already commenced repairs. Typically, the building has to be completed within an arbitrary number of days. The council is allowed to grant the property owner additional time. She explained that the resolution would be passed at the following meeting. The Council would have to direct when the building should be completed, and if the building repairs are not made by that time, the property owner would have to come before the Council to request more time.

Mayor Mike York asked Mills if he thought 45 days would be ample time. Mills asked if he would be able to provide an update and expected completion date at the end of the 45-day period. Attorney Amerine suggested that 45 to 60 days would be a reasonable completion date. At such time, the property owner will be required to provide a project update for Council's consideration. Council Member David FitzGerald stated that he would be in favor of 60 days. Mayor Mike York stated that he is in favor of the 60-day completion date as well.

MOTION: Council Member David FitzGerald made a motion to authorize the completion date of the project at 60 days. At such time, if the project has not been completed, the resident may request more time. Council Member Laura Papish seconded the motion.

City Attorney Janet Amerine stated that a resolution would be brought before the

Council at the next meeting. This would be from the date of the resolution (60 days from the date of the resolution). The Council would expect the work to be done otherwise an update would have to be given.

The motion passed unanimously.

6. David Hutchinson, Focus On The Future, Industrial Group

David Hutchinson, Focus on the Future, Industrial Group, introduced himself and stated that he is excited to report progress since the recent Focus on the Future Meetings. The Industrial Group is one of the five focus groups that came out of the Focus on the Future Town Hall Meetings. The purpose of the Industrial Group is to establish fluid communication between the Group and the Council. Hutchinson encouraged the Council to give the Group some direction as it pertains to its role and responsibilities. The Group is prepared to be open to economic changes and to be viewed as a resource pool for the City Council. The Group also wants to understand the leadership roles of the Council and the business leaders within the community. He noted that it would be important for each community group to work independently, yet be able to work together: for instance, the development of the economic group should not be intertwined with the Industrial Group. It is his understanding that the Industrial Group is focused on the Industrial Park. The economic group is more general. He named the other community leaders within the Industrial Group: Andy Jacobs, Jim Whitney, Kent Brown, Lonnie Stieben, Mike Justice, and Mike Roth. He stated that some of the ideas for the group could include meeting and greeting prospects from industrial type businesses as they prepare to make their site selection.

The Group would like to move forward with some direction from the Council. Mayor Mike York stated that he thinks that the group is a well-assembled group. Council Member Laura Papish stated that she is impressed with the amount of time that has already been put into this group. Communication is very important. Papish stated that she would suggest that someone from the Chamber should be involved in the Industrial Group and be able to keep the Chamber of Commerce informed.

Mayor Mike York asked how often Hutchinson anticipated the Group would be able to provide updates to the Council. Council Member Laura Papish suggested a quarterly report would be appropriate.

Lonnie Stieben inquired on the process for the Group to have an agenda item on the City Council Agenda. City Administrator Kent Brown asked that they give staff plenty of notice. The sharing of confidential financial information would qualify for an executive session. Mayor Mike York clarified that the executive session would have to be on the agenda.

Lonnie Steiben stated that the next Town Hall Meeting is on 7-30-12 at the Mulvane winery for a wine tasting. He explained that there are a couple of reasons for meeting outside of the community. The upcoming meeting is a celebration. David Hutchinson will lead the Industrial Group and Stephanie Carlson will lead the real estate group. The Winery

will give a presentation about starting a tourism business. There will also be a speaker from the Casino to discuss how the equestrian Center will expand tourism options. The meeting will begin with a social gathering at 6:30 p.m. and presentations at 7:00 p.m. The committees will meet at the close of the meeting. Council Member David FitzGerald stated that the Chamber's newsletter did not explain why the meeting is taking place outside of the community. Lonnie Stieben stated that he would send out another email to explain the purpose for the meeting.

7. Proposal on Recycling Container Disposal at Recycling Center

City Administrator Kent Brown stated that he would like to table this item since there is no representative from Waste Connections. Council Member David FitzGerald stated that there are three citizens here to listen to the Waste Connection proposal. City Administrator Kent Brown stated that Waste Connections has proposed utilizing a large metal container trailer for the recyclables since the City does not earn anything for from Sunflower RC&D. Council Member Laura Papish stated that she would like to hear the opinions from the public. Hugh Williamson, citizen, stated that he would like to see the Recycle Center be kept open to eliminate some of the trash that goes into the landfills. Council Member Laura Papish stated that businesses bring in a lot of cardboard. Hugh Williamson stated he and the other workers take a few bales each month to Harper. Council member Jim Whitney stated that Waste Connections would be used to collect the items that the City does not get any money for from RC&D. Administrator Brown asked how many trips Williamson makes a month to Harper. Williamson stated that he takes bales to Harper once or twice a month. Brown asked if the highest numbers of contributors are from outside of the city limits. Williamson stated yes. Hugh Williamson stated that the curbside has cut down on the participation of the recycling center. The recycle center is providing a good service for the community and surrounding area. Williamson stated that the plastics take up a lot of room within the Recycling Center, however, he does take it to Harper and he does get paid. He also noted that it has been difficult getting money from RC&D. RC&D still owes money for the second and third quarter of 2011. Council Member Laura Papish asked if the City receives money for the cardboard, aluminum, newspaper, and plastic. Williamson stated yes. He explained that a gaylord is 4x4x4 cardboard container.

Council Member Jim Whitney asked what they do with with the stuff that does not get taken to Harper. Williamson stated that all goes to Harper. It takes a lot of work to sort the recyclables. Howard Walker, Boys Scouts, stated the Recycle Center is a community service project for the Boy Scouts on the first Saturday of the month. Howard also stated that he would like to see the Recycle Center stay open. Mayor Mike York thanked the men for their input.

City Administrator Kent Brown listed the following rates for recent recycling payouts from RC&D: 1 ton of newspaper was hauled and the City received \$65; 6/10 of a ton of magazines for \$15; two tons of cardboard for \$174; 7/10 of a ton of shredded paper for \$4.65; 7/10 of a ton of pop bottles for \$249.90; Milk Jugs, 542 pounds for \$165; 536 pounds of colored HDPE plastics for \$125. The mixed plastic does not earn very much.

The city does not receive any money for glass. Administrator Brown suggested that the lesser earning recyclables could be removed by Waste Connections. It could also free up space within the building. Council Member Whitney stated that the Council's intent was to free up staffing time. There was no discussion to close the facility. Council Member Laura Papish asked if the trailer could be moved to the back of the building so that it is not obvious to passersby.

Council Member Jim Whitney asked if there are any suggestions to improve the operations at the Recycle Center. Williamson stated that the only way he could see a dumpster as an effective tool is if it were placed inside the building so that the workers have control over what goes inside the trailer. Williamson stated that he would like to invite the Council Members to come work the Recycling Center. Walker stated that his theory is that if a dumpster is set outside all week, people would use it as an opportunity to dispose of their trash. Council Member Laura Papish stated that she is hearing the men would prefer that the Waste Connections trailer be placed within a protected building. City Administrator Brown suggested having Waste Connection bring two recycling carts instead of a large container to the Recycle Center on a trial basis.

Council Member Jim Whitney stated that the Council has heard rumors that RC&D is going out of business. Whitney asked what the Council would do at that point. Council Member David FitzGerald stated that it is extremely helpful that the Masons and Boy Scouts provide this service. This is a community project that the Council appreciates.

City Attorney Janet Amerine stated that this is tabled until the next meeting. Council Member David FitzGerald asked if Administrator Brown could ask Waste Connections about how many people are using their Recycle Bank points. Administrator Brown stated that staff helps citizens set up their accounts.

8. **Request from School District to Share in Project to Improve Drainage and Maintenance Along Fourth Street at Middle School**

City Administrator Brown stated the school district is looking to do something between the bridges on Fourth Street at the Middle School. The school district is looking to do something between the two bridges because the Middle School parking lot does not drain. They have a quote from J. Martin Co. The school district is looking for collaboration with the City on this project. The school district would like to move forward on this project.

Council Member David FitzGerald stated that the City has always asked for two bids before proceeding on a project. FitzGerald would like to see other bids prior to splitting the costs. City Attorney Janet Amerine clarified that it is legal to move forward on a project with only one bid. Mayor Mike York reminded the Council that Jason Martin donated a lot of his time last spring when there were troubles at the pool. Jason Martin asked for three pool passes in lieu of payment.

Council Member Papish asked if this is drainage problem for the City or the school. Papish stated that she does not see the Middle School parking lot drainage problem as an issue for the City. City Administrator Brown explained that the drainage off the parking lot

moves south. The bottom of the ditch is lower than the bridge. Council Member Jim Whitney stated that there is a drainage issue and once repaired, it could be cleared out. City Administrator Brown stated that when the middle school was built, the bridges were too narrow. Papish asked if they would redo the bridges. Brown stated no. Ernie Misak, Public Works Director, stated that the bottom and the sides of the ditches are being proposed to be changed. Public Director Misak stated that the area is very unsightly because it is difficult to maintain for either the school district or the city.

Council Member David FitzGerald stated that he would like to see a couple of other bids. Council Jim Whitney stated that this is the School's bid and the City would not have to do it. City Attorney Janet Amerine stated that at this point, Jason Martin's bid is out and it would be unfair to seek other bids. Amerine further stated that all that the Council can do at this point is to either join or not join the school in this project.

Public Works Director Misak clarified that the school is only asking the City to pay for the concrete materials. None of the first \$3,400 is being asked for reimbursement. Misak stated the J. Martin might have already considered the north section.

Council Member Jim Whitney stated this would come out of the street fund and will affect the street fund for future projects. Council Member Jim Whitney stated that the ditch is the City's property. City Attorney Janet Amerine stated that the City could definitely ask the City to pay for the entire project.

Council Member David FitzGerald stated that there is a drainage issue at Wood and Grant. FitzGerald also stated that he does not want the City to spend its entire resources without looking at the other drainage issue at Wood and Grant.

MOTION: Council Member Sandi Keeler made a motion to authorize the request from the School District for \$5732.50 to be taken from the Special Highway Fund. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Council Member Laura Papish asked if this is the proper time to ask if J. Martin should be consulted regarding the north side. City Administrator Kent Brown stated that staff would discuss this with the school.

9. **Review Quote to Extend Water Line into Business Park**

Ernie Misak, Public Works Director, stated that he does not believe that he has received a quote from anybody else to extend the water line into the Industrial Park. He explained that there is no water or fire hydrant out in front of the Andy Jacob's project. This project has to be done. Misak stated that he has two new employees, Chadd Posch and Cole Hollis, that have not done a water project. This would be a great training task. Misak received a quote from Water Products on the materials for the project. It is a straight-line project that can be done with a backhoe. It would be 332 feet to extend the water line. The City already has a valve at the end of the current existing water line. Council Member David FitzGerald asked how long it would take to complete the project.

Misak stated that the project could be done in 4-5 days without interruptions. Misak stated that he would like to install the waterline before the electric line is put in. Council Member Laura Papish stated that the water line is the City's responsibility. City Administrator Kent Brown showed on the map where the line would be extended. The hydrant would be good for another business within the industrial park. Code requires that a fire hydrant must be within 300-400 feet of a business. The hydrant would be placed at the intersection where it would turn north. There once was a contract from Nowak Construction to do this. The engineering plans have already been done for this project. Misak stated that his crew has put in waterline before. Council Member Jim Whitney and Council Member David FitzGerald stated that they are both in favor of the project. Misak stated that if the land is clay and would need to be shored; this would slow his crew down. Mayor Mike York stated that he is in favor of getting the line installed prior to the electric line being installed.

Mayor Mike York received Council consensus to grant authority to the Public Works Department to move forward on this project. Misak stated that he would go with the company that gives him the cheapest pricing on the materials.

10. Review of 2013 Budget & Approve Public Hearing Notice

City Administrator Kent Brown presented the public hearing notice for Council's approval to be placed in the 8-02-12 Times Sentinel newspaper.

MOTION: Council Member David FitzGerald made a motion to approve the budget for 2013 as written. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

11. Department Head Reports

Ernie Misak, Public Works Director, stated the mulch has been received for around the playground equipment at City Park and the filler will be installed. Misak stated that he has sprayed the soil under the playground to sterilize the land from future weed growth. Public Works is not discharging from the ponds. Cell #1 is still running but is less than 5' deep and normally is 5 ½ to 6 feet deep. Cell #1 is evaporating. The sewer permit is effective 7-01-12. There are some stipulations that the City has to meet with timetables for the permit otherwise additional actions will have to be taken. High algae did not die off in the winter and therefore there is more algae in the ponds than ever before. Gray water is a little less than 5' in Cell #1 and 4' in the other 3 cells. He is not sure of the quantity of acreage needed for irrigation if the City were to come up with a place to irrigate.

Council Member David FitzGerald asked if gray water could be pumped into the oil wells that are drilled. Public Works Director Misak stated that he is not sure of the answer. Council Member Laura Papish asked if carp would help eliminate the algae. Misak stated no. Carp help with moss.

Public Works Director Misak stated that he spoke with Curtis Lauterbach about the 40-45 acres north of the sewer ponds. Council Member Whitney states that the landowner

may be interested in taking the irrigation from the sewer ponds. Misak stated that he was going to discuss the irritating pivots for their acreage. Misak stated that he would propose that the City purchase the acreage so that it always has land to irrigate. Misak stated that there would be a revolving loan fund that would be available for this type of project.

Police Chief Garcia stated that Alcohol Beverage Control (ABC) performed “controlled buys” at Casey’s and C- Bar on 7-13-12 and both were in compliance. However, Cancun Mexican Grill and Pizza Hut served underage patrons. The governing body and Chief of Police, under ordinance, are able to suspend their license or penalize the business. It is the recommendation of the Chief of Police to suspend their license for one day. Council Member Laura Papish asked if one day would make an impression. Police Chief Garcia stated that one day on a Friday would be a good punishment for a first offense. City Attorney Janet Amerine explained that if the chief suspends the license for one day then the appeal would come to the City Council. If the suspension comes from the City Council then the appeal goes to District Court. City Attorney Janet Amerine would prefer that Police Chief Gene Garcia exercise his authority and if there is an appeal, then the Council can hear that appeal. Council Member Laura Papish asked Police Chief Garcia if it is better to do a suspension than a warning. Garcia stated yes. Garcia stated that warnings do not work in almost all cases. Chief Garcia stated that he would specify a day. If caught selling liquor, then the Cancun Mexican Grill would receive another citation. City Attorney Janet Amerine encouraged the Council to support Police Gene Garcia in using his authority and good judgment.

Police Chief Gene Garcia stated that his plan on the youth violators seemed to work out well. The City benefits with a lot of poles painted and a few other projects completed. Surprisingly, the young people have taken this job seriously and has exceeded Garcia’s expectations. Council Member David FitzGerald asked if they are painting fire hydrants. Garcia stated that this is on the list.

Police Chief Gen Garcia stated that they have finally located a patrol vehicle from the East Coast. It is difficult to find one during the late time of the year. Police Chief Garcia got the financing on 6.1% which will be a savings of approx. \$500 over the term of the lease. The Police Chief was not able to get the color choice that the Police Department wanted. They were only able to get black. Kate Brinkerhoff will change the markings and use the Columbia blue color for the police department logo.

Police Chief Garcia stated that he spoke with the Council last spring for the crime prevention through environmental design. The Police Department often reacts to situations and this class would allow the department to teach others how to put in place steps to prevent crime through design. Garcia would like to send two employees, Jo Johnson and Officer Rebecca Schauf to Louisville, KY through the Southern Police Institute which is highly regarded. The goal is to have Johnson and Schauf solicit residential and businesses and assist them in designing the layout of their businesses and landscaping which would utilize lighting. There are only six officers in Kansas to do this work. The plans would be offered to the businesses and residential to decrease their exposure to burglaries and crime. There is room within his budget to send these two individuals to training for four days.

Council Member Laura Papish asked if there would an Indian on the new Police car.

Police Chief Garcia stated that he would bring a design for the Council's review. Papish is concerned regarding vandalism on the Clearwater Indian logo.

Police Chief Gene Garcia stated that he has done some research and thinking regarding his Department's use of four vehicles. Garcia stated that it makes sense to have four vehicles for safety and maintenance. Garcia's staff knows that he can respond in the middle of the night with his police vehicle. There may be an instance when maintenance needs to be completed on a vehicle that may take more than an afternoon.

12. Committee Reports

The 7-16-12 Park Advisory Board Meeting Minutes have been included in the notebooks. The 7-07-12 Planning Commission Meeting was canceled. The next committee meeting will be the 8-10-12 Park Advisory Board and is open to the public to attend.

13. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 7-20-12 for \$32,533.30. Since that date, staff has received additional invoices in the amount of \$2,524.13. Staff requests that the Council authorize payment of the all claims and warrants.

MOTION: After discussion, Council Member Jim Whitney moved to authorize payment of the claims and warrants for \$32,533.30 in addition to the claims for \$2,524.13. The motion was seconded by Council Member David FitzGerald and passed unanimously.

Old Business

Mayor Mike York asked about the remainder of the property next to the Senior Center that needs to be mowed. Council Member Jim Whitney stated that there is still a disagreement over who owns the property. Damien Hallocy was notified of his four lots on the east side of Longhorn Court that need to be mowed.

Council Member David FitzGerald asked if they decided what was going to be done with the Welcome Home sign at the west entrance into Clearwater. City Administrator Kent Brown said that the signs would be taken care of.

14. Staff Reports

City Clerk Liza Donabauer stated that the Chamber GloBall Night Golf Tournament is Saturday Sept 8th. The employee Safety Luncheon was moved to Thursday July 26th. The police department is hosting the luncheon and the safety topic will be on-the-job accident investigation. Donabauer does have the paperwork from the bank to recognize Kent Brown as the new City Treasurer. Signature cards need to signed by the Mayor and the Council President.

City Administrator Kent Brown stated that the electrical proposal for the business park would be ready for the next Council meeting. The new website will go live on 8-03-12. City Administrator Brown asked that each of the Council Members review their biographies from the website for each Council Member to review. City Administrator Brown reported that he and City Clerk Donabauer will present the request for annexation at the County Commission meeting tomorrow. The Commissioners will want to know if the City has extended utilities to the residential property. In addition, Brown and Donabauer have a meeting with the Senior Center involving the advisory board and a group of individuals that want to separate from the Center. Brown also reminded the Council that the annual League of Kansas Municipalities Conference is in Topeka during the first week of October.

City Administrator Brown discussed a water line issue into the new development west of Chisholm Ridge. The Council came to the consensus to get cost estimates on an eight-inch line from Chisholm Ridge west into the new development.

15. Council Reports

Council Member David FitzGerald stated that he wants the ditch at Hellar and Wood that he discussed earlier to be fixed. Behind the maintenance shop, the bottom of the fence is full of branches and garbage. FitzGerald is concerned that this could back up into the residential homes. Council Member Jim Whitney stated that the City does not have an easement there. Whitney stated that he would like the County to be contacted in reference to cleaning out the bridge on 103rd. Public Works Director Misak stated that the City does periodically clean them out. City Administrator Kent Brown stated that the City does maintain the areas occasionally; however, the City has to be careful about entering property that is not theirs. In addition, these extra duties are added onto the Maintenance staff's duties that should be the County's duties. City Attorney Janet Amerine stated that the Council has to keep these issues in mind when looking at budget cuts. Council Member David FitzGerald stated that this has been an area of concern for seven years. Administrator Brown stated that the line item for drainage has been cut from budget and has not been restored. Attorney Amerine stated that other cities have developed a new tax to cover drainage projects. These drainage issues are becoming more and more of an issue. Council Member David FitzGerald asked if the City is responsible for the area between Wood and Hellar. Administrator Brown stated that this is mainly the railroad property. Public Works Director Misak stated that in between the drainage and the tracks is being mowed by the City. The concrete was placed in the ditch intentionally to prevent erosion. City Attorney Amerine stated that at this time, in our budget, we do not have money for drainage issues.

Council Member David FitzGerald stated that he read the codebook and asked about a fence issue at Lee and Hellar regarding a wooden picket fence. City Attorney Amerine stated that Brown, as the City's code enforcement agent, would go and check out the fence.

Council Member Jim Whitney stated that there was a mention regarding a soccer field valve. Whitney ordered new diaphragms and cellenoids. This was fixed last night.

Council Member Laura Papish stated that she had a citizen complaint that the dump

was closed because of the heat. City Administrator Kent Brown stated that the hours were moved to close an hour earlier per request from the employees who work at the City Brush Dump. The City tried to get enough notification out. The dump hours have changed to 10:00 – 2:00 p.m. on Saturdays until there is relief from the heat.

16. 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 Laura Papish and passed unanimously.

The Meeting adjourned at 9:53p.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 July 24, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 14th day of August, 2012.

Liza Donabauer, City Clerk