

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

OCTOBER 23, 2012

(Approved 11-13-12)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, October 23, 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, Lyle Berntsen, and Sandi Keeler Council Members. Council Members Laura Papish and David FitzGerald 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; Police Chief Gene Garcia, Jo Johnson and Rebekah Schauf, Clearwater Police Department; David Hutchinson, Aubree Cash, Chase Rariden, Micah Cash, Bob and Pat Johnson, Shane Cash, citizens; Braden Teeter, Logan Davis, Tre Flinn, Amanda Garringer, Leticia Chavez and Chase Kirby, 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.

1. Approval of the Minutes of the Regular Meeting of October 9, 2012

City Clerk Liza Donabauer stated that City Attorney Janet Amerine found two spelling errors. She also noted a name change (Brown to Whitney) on page 13. Donabauer also stated that she would add Ernie Misak, Public Works Director, to the list of staff members present.

MOTION: Council Member Lyle Berntsen made a motion to approve the minutes of the 10-09-12 City Council Meeting with noted changes. The motion was seconded by Council Member Jim Whitney and passed unanimously.

2. Consent Agenda

MOTION: On a motion by Council Member Sandi Keeler, seconded by Council Member Lyle Berntsen, all voted to approve the Consent Agenda:

1. Authorize Payment to sign maintenance agreement of water tower with Corpro for contract period 1-01-13 through 12-31-13 for

\$1,170.00

City Clerk Liza Donabauer noted that a change needs to be made to an item listed under Mayor's Recommendations. The word resignation should be changed to retirement.

3. **Mayor's Recommendations**

Mayor Mike York made the following recommendations:

Accept Roger Dawson's retirement from the Clearwater Fire Department and EMS.

The above retirement of Roger Dawson was accepted with Council consensus. Mayor York stated that Dawson has served the City with excellence for many years.

4. **Public Forum**

No members of the public addressed the Council.

5. **The Clearwater Police Department Life Saving Award**

Police Chief Garcia read the following letter to the City Council, dated 10-17-12:

It is my privilege and recommendation that City of Clearwater Council Members and Mayor York recognize and award Lt. Jason Gearhardt the "Clearwater Police Department Distinguished Meritorious Commendation Award" for his key role in a life-saving event on July 11, 2012.

Briefly, the incident of note was a medical call where the husband found his wife on the floor unconscious in the early morning hours and called for EMS response. Lt. Gearhardt responded to assist as normal, but as is sometimes the case, arrived well in advance of the ambulance. Lt. Gearhardt recognized the urgency of the situation and immediately began CPR to the unconscious female. Within a few minutes, Clearwater EMS arrived on the scene and life-saving efforts continued until she was transported to the hospital. Through the efforts of EMS and Lt. Gearhardt's initial response, the patient's life was sustained and she later recovered from the heart attack. Mr. Mike Snyder, the chief MICT on the response that day advised me later that Lt. Gearhardt's actions were instrumental in the life-saving effort to resuscitate the patient that morning.

It is therefore requested that my request to award Lt. Gearhardt be approved and recognized. Lt. Gearhardt is an exceptional example of what law enforcement officers' efforts can provide to our citizens in emergency life-saving services.

Respectfully submitted,

Gene Garcia
Chief of Police

Mrs. Pat Johnson spoke about how Jason Gearhardt aided her with his rescue efforts which prepared her for surgery. Johnson stated that the hospital told her that due to the efforts of EMS and Lt. Gearhardt's initial response, her life was sustained and she later recovered from the heart attack.

With Council consensus, the Council agreed to award Jason Gearhardt the "Clearwater Police Department Distinguished Meritorious Commendation Award". Johnson presented a plaque to Lt. Gearhardt.

6. David Hutchinson, Focus on the Future, Industrial Group, and Discussion with Clearwater Engineering

David Hutchinson, Industrial Group, stated that in July, he spoke with the Council about the Industrial Group. Part of the role of the group is to provide an update of the group's activity and participation. Hutchinson stated that the group will remain open to the suggestions from the Council. There are seven members and the first group meeting was in August. They identified a business that was in need of retention efforts. The group met with Clearwater Engineering. Clearwater Engineering is experiencing growth and has a need for additional space. The group has since met on 10-03-12. The City Council has pursued phase 1 of an environmental study for the industrial park. City Administrator Brown has shared that information. Lonnie Stieben is exploring funding options for businesses. Stieben has also been instrumental with starting conversations with businesses and to determine how the industrial group can be a resource to them. Hutchinson stated that he is exploring options on how utilities will help draw businesses to the industrial park. He would also like to develop an informational packet. Andy Jacobs is researching the type of workforce that is available in this community.

Hutchinson stated that he has spoke with Commissioner Tim Norton regarding getting the industrial park shovel-ready for development. The Greater Wichita Economic Development Coalition (GWEDC) has clarified that they will not entice or help a business leave a community in order to move into Wichita.

Some of the meetings are very formal and others are activity based. On 10-05-12, an exploratory meeting was done for short-term space requirements to fill the needs of Clearwater Engineering. He clarified that the Industrial Group is not negotiating or "making deals". As a result of the exploratory meeting, on 10-09-12 the group toured the old Duckwall's building and made contact with the owner of that building to determine what their needs are.

Mayor Mike York asked if they have any meetings coming up in the future. Hutchinson stated that the goal is to have a monthly meeting. The group would like to meet with commercial property owners to determine what their needs are for the community.

Hutchinson introduced David Cool, Clearwater Engineering. Cool described his expansion proposal. Cool and his wife purchased the business in 2006. Cool has a background in sales and marketing. They have international customers, but have supplied for local companies such as Spirit, Boeing and Lockheed. They have a goal to grow the business and continue it in Clearwater. Cool stated that they were approached by the

industrial group to determine what they could do to either move into the industrial park or look at other options. Clearwater Engineering started with six employees and \$600,000 in annual revenue. They are on track for \$3 million in sales. They were able to increase sales during the recession. Currently, they are in a 10,000 square foot building. They would like to move into 20,000 square foot building with room to expand to 30,000 to 40,000 within the future. They are sitting on a piece of property that has limitations. It is not on city water or sewer. Cool has met with the GWEDC and they are willing to help, but they are not willing to move the business out of a small town. Half of the employees are from Clearwater and Wichita.

Payroll projections are \$800,000. Clearwater Engineering has a budget of \$1.6 million to expand the business. They are looking for temporary facilities for their shipping activities so that they may be able to bring in additional equipment. The equipment and employees are what make the company money. The logistics of being in 2 to three different temporary facilities is not ideal. This is not the most economical to move into temporary facilities as it costs \$5,000 to move each piece of equipment and they need to move 10-11 machines.

Mayor Mike York asked what his potential timeframe would be for expansion. Cool stated that the initial expansion or lease for an additional 5,000 square feet while a larger facility is built needs to be done in the next 3-6 months. Cool would like to build a facility in Clearwater, which would attract other businesses and investors. He noted that Spirit and Cessna have expanded into smaller communities. If they were to build, they would anticipate construction to be 18 months. They would like to make that investment quickly. There is a potential buyer for their current building and land. Cool stated that their other option is to move into a building in Wichita. Mayor York thanked Cool for his time. York stated that the Council would take this into consideration.

7. Crime Prevention through Environmental Design (CPTED)

Police Chief Gene Garcia introduced Police Clerk Jo Johnson and Police Officer Rebekah Schauf. They attended a program that can serve the Clearwater Community and its taxpayers. Jo Johnson presented their PowerPoint presentation. Johnson thanked the Council for permitting her and Schauf to attend the Crime Prevention through Environmental Design (CPTED). Johnson and Schauf learned a lot and it was a great experience. Johnson stated that she and Schauf are excited about implementing the ideas they have learned. They plan to survey local businesses and make recommendations to the business owners.

Schauf described the two basic goals of CPTED: discourage inappropriate and aggressive behavior, and promote appropriate and positive social interactions. Schauf cited examples throughout the community of good surveillance, proper signage, territoriality, well-maintained spaces, and well maintained landscaping. She stated that all of these help in keeping the community safe.

Police Chief Gene Garcia stated that typically law enforcement is reactive. This program allows his staff to be proactive. Schauf and Johnson will solicit their services in an

effort to reduce the incident of crime in the Clearwater community..

8. Petition for Water Service at Indian Lakes 2nd Addition-Commercial Properties

City Administrator Kent Brown asked to table this item. The Engineer had this scheduled for November after the approval of the preliminary plat at the 11-06-12 Planning Commission Meeting.

9. Petition for Sewer Service at Indian Lakes 2nd Addition-Commercial Properties, and Unplatted Tract A

City Administrator Kent Brown asked to table this item. The Engineer had this scheduled for November after the approval of the preliminary plat at the 11-06-12 Planning Commission Meeting.

10. Request for Annexation and Connection to City Utilities at 8301 S. 135th West

City Administrator Kent Brown asked to add this agenda item on behalf of property owners that are requesting to be annexed and included on city water on 135th Street West. The property is at the corner of Prairie Grass and 135th West. The homeowners were part of the original benefit district. The homeowners have been paying for the water line but had chosen not to connect to City services. Since the property changed hands, the new homeowners have requested to be on City water due to the hardness of the water.

MOTION: Council Member Lyle Berntsen made a motion to accept the request for the consent for annexation for Lot 2 Block 1 North Wood estates Add. Sec 11-29-2W. Council Member Sandi Keeler seconded the motion. Motion carried.

MOTION: Council Member Lyle Berntsen made a motion to accept the request for water at the same address given that the County allows them to annex into the City. Council Member Sandi Keeler seconded the motion. Motion carried.

11. Request for Annexation and Connection to City Utilities Pending Rural Water District #4 Release at 13500 West 87th Street South

The second property is Greg and Sharlyn Mills, 13500 West 87th Street, (corner of 87th and 135th). They have requested annexation into the city of Clearwater and connection to the City's water utility. Their water line runs in front of their property. They were not part of the original benefit district. City Attorney Janet Amerine recently changed the wording of an ordinance, which allows properties not included in a benefit district that request connection to the water system to pay an amount as determined to be appropriate by

the Governing Body and said amount constitutes an additional connection fee. She stated that the governing body should set the terms of payment, including per year cost and length of annual assessment. City Administrator Kent Brown stated that the bond attorney will help determine the appropriate connection fee.

MOTION: Council Member Lyle Berntsen made a motion to accept the consent of annexation of the property located at 13500 West 87th Street. Council Member Sandi Keeler seconded the motion. The motion

City Attorney Janet Amerine stated that she hand-carried the Petition for Release of Lands from the District to Tom Borniger. Borniger will present it to the RWD Board on Thursday night. City Administrator Kent Brown explained that it would be too expensive for the rural water district to run miles of water lines to this property. However, the City has to ask permission and the rural water district has to release the property from the district.

MOTION: Council Member Lyle Berntsen made a motion to authorize request to connect to city of Clearwater at the address pending the determination of the connection fee and decision of Rural Water District No 4. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

11. Resolution to Send to County Request for Annexation of Properties

City Administrator Kent Brown explained that a resolution has to be sent to the County requesting permission to accept the City's request to annex the properties located at 8301 s. 135th West and 13500 West 87th Street South.

MOTION: Council Member Sandi Keeler made a motion to adopt Resolution 22-2012 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 22-2012

A RESOLUTION BY THE CITY OF CLEARWATER, KANSAS REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.

Mayor York asked if the property owners have run out of water. Brown stated that the property at 13500 West 87th Street South did run low on water after they accidentally left a spigot on. However, they also think this would increase the resale value of their home. Council Member Jim Whitney stated that this connection is a subject matter that the City Council is going to have to consider. The Council is going to have to determine how many homes to allow onto the City water because there is not an infinite supply of water. Public

Works Director Ernie Misak stated that it was the intent of the Council to bring the development onto the water line. This would increase the tax base of Clearwater.

11. Agreement with APAC-Kansas, Inc. SHEARS DIVISION for 2012 Maintenance Project

City Administrator Kent Brown stated that this is the same agreement that was used when APAC did their last job with the City.

MOTION: Council Member Jim Whitney made a motion to authorize the mayor to sign the agreement. Council Member Lyle Berntsen seconded the motion. The motion carried unanimously.

12. Proposed Changes to Article VI of Personnel Rules & Regulations

City Clerk Liza Donabauer stated that full-time employees who have taken advantage of the wellness program receive a \$15 discount on their single or family membership at the Clearwater Wellness Center on behalf of the City. The proposed language in Tab G of the agenda packet would be added to the employee manual to formalize what is already being done.

MOTION: Council Member Lyle Berntsen made a motion to adopt the Wellness Center Policy, as part of Article VI, of the Personnel Rules & Regulations. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

13. Department Head Reports

Police Chief Gene Garcia reported that he has been working with the volunteers in preparation of the Mikesell Tree House fundraising event on Friday, 10-26-12. There are some vehicle repairs that are forthcoming. The flywheel has gone out on one of the Ford vehicles. Council Member Sandi Keeler stated that she has received inquiries from the public regarding when the white pickup would be switched out with the new Tahoe. Public Works Director Ernie Misak clarified that the Tahoe is replacing Lt. Gearhardt's vehicle. Lt. Gearhardt is using the new Tahoe during his overnight shifts.

Whitney suggested that the Council needs to publicly announce the prices on the Ford Crown Vics and Chevy Tahoe's in order to inform the public that the City is taking advantage of the state pricing program. Whitney asked Garcia how many vehicles the Police Department has. Garcia stated that they have a Ford truck, a Chevy Tahoe, and two patrol vehicles. Lt. Gearhardt's old car is being used for the SRO position.

Garcia stated that his staff would be ready for The Downtown Halloween event and street closures. Keeler asked if the Humvee, which was acquired at no cost to the taxpayers, would be ready for the Halloween event. Garcia stated that it is the Department's hope that

the Humvee will be ready for the downtown Halloween event.

Ernie Misak, Public Works Director, reported on the following:

- The City acquired 7 dump loads during cleanup weekend. There was a lot of scrap metal. His staff is in the process of hauling in the scrap metal. The money from the waste oil and scrap metal is used to pay for the annual volunteer recognition and employee holiday party. He stated that this staff has cashed in approximately \$300 in waste oil and \$180 in scrap metal. He anticipates that they will accumulate an additional \$300-400 before the end of the year.
- He has not discharged water from the sewer ponds since June, 2012. A&E Lab performs internal system sample testing for the City. The ponds look good right now.
- The swimming pool was winterized with the exception of the deep end. It will be set up with a sump pump like last year.
- His employees did repair all of the cuts in the streets last week. Street and prep work will be required prior to APAC starting their work.

Council Member Jim Whitney asked what type of work was done on the water tower. Misak stated that a valve was replaced at the bottom of the tank. The valve was the original valve from when it was installed. After cleaning the interior of the water tower, they started refilling the tower at approximately 2:00 p.m. They were able to maintain pressure.

EMS Director Donald Schauf stated that Roger Dawson started in 1974. Dawson volunteered for the Fire Department and Clearwater Ambulance for 38 years. His volunteerism was honored at last year's volunteer recognition and employee Christmas party. He has put in over 2,500 documented hours of volunteer hours. He has provided training and is well known and respected throughout the community. The two departments are planning a retirement party for Dawson on 11-11-12 from 2-5 p.m. at the Community Center. Esther Vanley is planning the party. Schauf asked the Council to consider waiving the rental fee for use of the Community Center in honor of Roger Dawson. The party would be announced on the Sedgwick County Firefighters Association website and on the EMS listserv.

Keeler stated that her sister appreciated the fact that the Clearwater EMS put an aircast on her wrist. Her sister now has a pink cast.

Donald Schauf stated that if it were not for Lt. Jason Gearhardt, Mrs. Pat Johnson would not be alive. The Clearwater Police Department is a huge support to the Clearwater Ambulance service. Typically, the police is prepared to provide assistance before the EMS vehicle is on the scene. He noted that it takes a few minutes for EMS volunteers to get to the scene because the volunteers have to leave their jobs or come from home, get to the EMS vehicle, and then drive it to the scene. He also noted that for every minute that CPR is not used, there is a 7-10% decreased chance of survival.

Kent Brown stated that the volunteers from the fire department and ambulance truly benefit the community.

14. Committee Reports

No meeting minutes were distributed in the Council Packets. The following committees are scheduled to meet and are open to the public to attend:

Planning Commission: Meeting scheduled for 11-06-12

Park Commission: Meeting scheduled for 11-19-12

The 11-06-12 Planning Commission Meeting is a public hearing for the revised preliminary plat on the 2nd addition at Indian Lakes.

15. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 10-22-12 for \$13,572.67. Today, the Police Department submitted a claim for \$2,000.00 to Media Concepts for the graphics wrap on the Hummer D.A.R.E. vehicle.

MOTION: After discussion, Council Member Sandi Keeler moved to authorize payment of the claims and warrants for \$15,572.67. The motion was seconded by Council Member Lyle Berntsen and passed unanimously.

16. Old Business

Appointment. Mayor Mike York appointed Scott Howell to take the open City seat on the Planning Commission as of 10-23-12. The Council agreed with Consensus.

Jim Whitney asked if Administrator Brown has made contact with the resident on 210 S. Gorin. Administrator Kent Brown stated that he does not have current contact information for the person. Brown stated that additional action might be required. The Council asked if the homeowner pays utility bills and whether there is a building permit on file for the work the owner has started on the home. Amerine stated that she will research the statute, but the City may be allowed to tack the notice on the door. Amerine stated that the statute requires staff to complete an internet search. Amerine stated that she would bring the statute with her at the next meeting. Whitney asked Brown to continue researching contact information for the property owner. Amerine asked Brown to send a certified letter to the property owner.

17. Staff Reports

City Clerk Liza Donabauer stated that Hugh Williamson brought in a payment from RC&D Recycling for the City's recyclables from the third quarter of 2011.

Attorney Amerine stated that she does not have anything to report.

City Administrator Kent Brown stated that they received a request from a water and sewer magazine to use a photo from the City website. The photo of two City employees would be used in an article about training. The Public Works Director did authorize the use

of the photo.

Administrator Brown reported on the following items:

- Staff installed temporary barricades along the side of the Cole Mills property.
- Water rights: The City has received permission to pump more water within the City's basin. The allowed additional pumping rights is at 75% of the requested amount. A general rule has been established for this basin; however, several individual applications are still being reviewed.
- Industrial Park Phase 1 Environmental Study. Brown distributed a copy of the report and stated that he would report on the recommendations that were made in a report at the next Council Meeting.
- Water Tower Repainting: The City has received two claims from citizens who received paint damage on their car while parking in the Historical Society Museum parking lot on a Sunday afternoon. The aquatic center parking lot was barricaded. The claims will be forwarded to their insurance company.
- Sumner County has an agreement that they will also be using Sedgwick County Code Inspection. Berntsen stated that as of the first of the year, Sedgwick County and the City of Wichita building and inspection services will be combined.
- Someone has expressed interest in building two homes on the vacant properties on the 200 block of South Grant Avenue. Brown stated that the alley is apparently vacated, however, he cannot find the ordinance verifying that. Brown has informed the interested party that they would have to go through a small platting procedure and speak with surveyors and engineers to draw up the plan. Amerine asked if the City would have to run the sewer up the alley. Brown stated that there is a small extension of a sewer line however, it stops before the properties. Amerine stated that an easement could be acquired through eminent domain if the property owner is not willing to grant a utility easement.
- The Recreation Commission suggested a joint meeting date on 11-14-12. Whitney stated that he would like to see an agenda prior to the meeting.

City Administrator Kent Brown stated that the high school government students assisted in the City's fall and spring cleanup. The City typically donates \$1,500 each year to the school to be used for the annual Government Class Washington D.C. trip.

MOTION: Council Member Lyle Berntsen moved to authorize a donation of \$1,500 to the high school students in recognition for their clean-up efforts. Council Member Jim Whitney seconded the motion. The motion carried.

The Council discussed canceling the second City Council Meeting in December since the meeting falls on 12-25-12. City Administrator Kent Brown told the Council that they would have to make a motion at the first December meeting to authorize payment of the bills for the remainder of the month. The Council agreed with consensus that they

would cancel the second meeting of the month in December.

18. Council Reports

Council Member Lyle Berntsen stated that he had nothing to report.

Council Member Sandi Keeler stated that she had a citizen complain to her regarding a resident and her radar gun. Keeler informed the citizen to file a police report.

Council Member Jim Whitney noted that the property at 330 Tracy must have its lawn mowed and cleaned up. The vacant lawn in Park Glen also needs to be cleaned up.

19. Follow-Up Discussion RE: Clearwater Engineering

City Attorney Janet Amerine recommended appointing a committee of two Council members and the City Administrator to meet with Clearwater Engineering. The goal of the Committee would be to request Cool to present the City with a contract. City Administrator Kent Brown stated that he could meet immediately with Sedgwick County and the Department of Commerce to outline what programs that could best assist Clearwater Engineering in their expansion efforts. Browns stated that he would assume Cool would be interested in hearing how the City can assist him with land and utilities. The committee would be able to report back to the Council. Since Council Member Jim Whitney is on the Industrial Group, Mayor York suggested appointing Whitney, Kent Brown and himself as members of the committee to discuss Clearwater Engineering's expansion efforts

York stated that he would like to appoint a committee of Jim Whitney, Kent Brown, and himself to discuss Cool's proposal to acquire an industrial site. Sandi Keeler and Lyle Berntsen gave consensus on the Mayor's appointment.

The Duckwall's building does not fit the needs of a retail establishment. The building may work as a temporary building for Clearwater Engineering immediate needs. Whitney stated that if the Duckwall's building is not utilized, then the building will continue to become dilapidated which might result in other action. Whitney stated that Clearwater has a good chance of keeping Clearwater Engineering, however, the city of Maize has been courting him. Brown stated that he would try to set up an appointment right away with Sedgwick County and the Department of Commerce. There was a discussion regarding the realtor's agreement and realtor fee regarding the City Industrial Park. The realtor's fee would be \$1,000 an acre.

20. 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 Jim Whitney and passed unanimously.

The Meeting adjourned at 9:09 p.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 October 23, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 13th day of November, 2012.

Liza Donabauer, City Clerk