

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

OCTOBER 9, 2012
(Approved 10-23-12)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, October 9, 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: Jim Whitney, Lyle Berntsen, Sandi Keeler, and Laura Papish, Council Members. Mayor Mike York and Council Member David FitzGerald were 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: Police Chief Gene Garcia, Public Works Director Ernie Misak; Donald Schauf, EMS Director, Marvin and Mary Schauf, Clearwater Fire Department; Morgan Manlove and Laura Bernstorf, United Way; Ed Mikesell, Duckhorn Properties; Rob Hartman, PEC; and Peggy Brockman, Ima Kinkaid, Chris Griffin, Logan Davis, Barbara Hufford, citizens.

Council President Lyle Berntsen called the meeting to order at 6:30 p.m. Council President Berntsen 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 25, 2012

MOTION: Council Member Sandi Keeler made a motion to approve the minutes of the 9-25-12 City Council Meeting. The motion was seconded by Council Member Laura Papish and passed unanimously.

2. Consent Agenda

MOTION: On a motion by Jim Whitney, second by Laura Papish, all voted to approve the Consent Agenda:

1. Authorize Payment to Paddock Enterprises (\$2,500.00) for pressure testing to determine cause of leak at aquatic center.

3. Mayor's Recommendations

Council President Lyle Bernsten stated that Mayor Mike York made the following recommendation:

Accept Sharon Tuxhorn's resignation as Receptionist/Billing Clerk.

The above resignation of Sharon Tuxhorn was accepted with Council consensus.

4. Mayor York: Proclamation

Morgan Monroe, United Way, stated that United Way assisted 718 times in the City of Clearwater. She stated that United Way would distribute information to area businesses during the proclaimed week of 10-14-12 through 10-20-12. Council President Lyle Berntsen read the following proclamation:

PROCLAMATION
Of
The City of Clearwater, Kansas
Founded in 2872

WHEREAS, United Way of the Plains has been a source of support for our community for 90 years; and,

WHEREAS, United Way of the Plains identifies and resolves pressing community issues in the areas of education, health, and income stability; and

WHEREAS, citizens of Clearwater received assistance through a program funded by the United Way more than 700 times last year; and

WHEREAS, United Way of the Plains provides thousands of people the opportunity to become involved in their communities through volunteer opportunities through the United Way Volunteer Center; and

NOW, THEREFORE, be it resolved, that I, Michael York, Mayor of the City of Clearwater, do hereby proclaim the week of October 14 through October 20, 2012, as:

UNITED WAY OF THE PLAINS WEEK
In the City of Clearwater, Kansas.

5. Public Forum

No members of the public addressed the Council.

6. Request from Ole Sew & Sews for Consideration of Utilities

City Administrator Brown stated that this agenda item was previously brought before the Council. The request is for the property at 130 S. Grant. The group had requested that consideration be given to waive the connection fee and associated utility monthly fees for the

property. The City Council did waive the connection fee and determined that city utility services must continue at the property. Brown read the following letter 10-01-12 from Peggy Brockman:

“A quick history: In July of 2012 our quilt making group the “Ole Sew and Sews” moved from the senior center to its present location at 130 S. Grant because we had outgrown the area available at the center.

The building is owned by Barbara Hufford who is a member of the Old Sew and Sews. In September, we received a letter from the City that we must connect the water and pay a monthly fee. We had not connected the water because the building is over 100 years old and we do not have the money to repair any damage the old pipes might have. Also we cannot afford to heat it 24-7 to keep the pipes from freezing if they did work.

We are a group of senior ladies, meeting to make charity quilts. We have never been about making money. We meet less than eight hours a week, if we need the bathroom during that time, we use Barbara’s house next door.

Hooking up the meter would mean we would have to find a way to pay the bill, and would repurpose our group.

The City Manager, Mr. Kent Brown, has offered to waive the reconnect fee and the trash charges. And we are grateful for that. The remaining \$30 to \$35.00 we would be required to pay each month, is not easy for us. And again, we will not be using the water or sewer.

We feel there must be a fair solution for this situation. Sincerely, Peggy Brockman”.

City Administrator Kent Brown stated that staff put this request on the agenda as requested. Peggy Brockman stated that she realizes that asking for a reduction or elimination of the utility services at 130 S. Grant is unique. She stated that she does feel that the group is being picked on.

Brown stated that the city code states that every property must be connected to the water and sewer system. The properties north of town are not connected to sewer because sewer is not readily available to them. Council Member Laura Papish stated that she does not see a problem with waiving or reducing the monthly fee if the property is connected to City utilities and is not using water or sewer. Brown stated that utilities are required for other homes and businesses that may host a meeting only once a month. Once the residence or building is occupied, there is a requirement to be connected to the city water and sewer utility system. Papish stated that it does not seem fair to charge them for utilities they are not using. Brown asked Brockman if they are utilizing electricity or have to pay Westar a minimum monthly fee. Brockman stated that each of the group members pay a portion of the electric utility.

Keeler asked how the health department would view this property. City Attorney Janet Amerine stated that the health department has their rules. She cannot presume what the health department would do.

Whitney asked if there are any other buildings in town where the group could meet. Brockman stated that the Ole Sew and Sews met in the craft room at the Community/Senior Center, but grew too large for the space. Whitney stated that he does not know of any

meeting place in the city that is free. Whitney stated that there is a requirement of sanitary services if there are people meeting at the location, otherwise the City is held liable. Brockman asked if the Council is telling them that they have to disband. Whitney stated that the group could continue to meet.

A member of the Ole Sew and Sews asked the Council whether the group would be required to connect to city utilities if they moved to the outbuilding, a storage shed. The member stated that the pipes in the 100-year-old home would not be able to handle water. It would have leaks. Brown stated that the county assessor sees this as a residential property. Brown stated that staff could put out a request for a new meeting place for the quilting group.

Amerine stated that the City is simply telling the group that they need to pay the bill. Brown stated that the home is next to Barbara's residence. Hufford stated that her son moved out of the home in 2008. It was cheaper to keep the electricity on and the home was used for storage until last June. She stores a refrigerator in the home and utilizes it one to two times a week. She stated that they are making quilts for the Quilts for Valor and the Miracle Network in Kansas City. Council Member Laura Papish stated that nobody is picking on the group. The City is following the law. Amerine stated that the City Clerk is sworn to enforce the laws of the City. Part of those laws and rules in utility billing requires that the City Clerk gives no discretion. She has no authority to charge someone extra or less for services. Hufford asked how quickly the health department would be knocking on their door. Keeler stated that she does not know the answer to that. Papish stated that she hears a solution could be for the group to move into the garage building. Whitney stated that this would be the solution to avoid paying the water bill. A member of the Ole Sew and Sews asked what would stop the health department from coming to the garage building. Whitney stated that the garage is not classified as a residence and is on the same property as the residence. Brockman asked if there is any way to reclassify the home. Amerine stated no.

City Attorney Amerine explained that the water rates are set for the entire city. Brown explained that Hufford could combine the zoning parcels, but then only one home would be allowed to be on the property. It would make it difficult for Barbara and her heirs to do anything with the property in regard to the future. A member of the Ole Sew and Sews asked if there is anyway to pay for the ambulance and get a reduction in sewer and water rates. Papish stated no. The City Council cannot show partiality. The group asked for sponsorship or assistance from the crowd. Ernie Misak, Public Works Director, suggested that the group raffle off one of their quilts to raise the money. Attorney Russel Mills suggested that the group raffle off a quilt for the Senior Center, and in turn, the City assist in the funding for the group.

A member of the Ole Sew and Sews asked whether if her paying the utility bill would provide her a tax deduction as a charitable contribution. Whitney explained that this would be up to her tax person. Peggy Brockman expressed gratitude to the Council for their consideration.

7. Follow-Up on Unsafe or Dangerous Structures at 115 N. Lee Avenue and 118 S. Byers

City Administrator Kent Brown stated that resolution 20-2012 read, "The owner of

such structure has commenced the repair of the property and is to have the repairs completed within 60 days of the date of this Resolution (not later than the 11th day of October, 2012). Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the repairs of the properties.” Brown distributed photos of the building at 115 N. Lee. Significant improvements have been made. Russell Mills stated that they have torn off 10-12 tons of materials off the roof. This is what made the building unsafe. A new metal roof has been installed. However, the City has caused additional problems concerning the project. He explained that the inspector came and required an engineer to approve the re-roofing plans. He had to pay \$500 for the engineer to give an opinion. He stated that the engineer designed a structural beam through the center of the building. Then a City employee dropped a manhole cover on one of the worker’s feet, which broke his foot and put him out of work. The screws for the metal siding were not delivered. This has delayed the project 10-15 days. He stated that they are doing everything to make the building satisfactory in the eyes of the Council. The building is a lawn mower shed and he does not feel that a structural beam is necessary. He stated that the beam would take six feet of usable space. He stated that he had forewarned the Council that this project would not be completed within 60 days.

Russell Mills informed Council President Lyle Berntsen that employees from Triple B have contributed in damaging the building. He noted that persons parking during evening hours are also backing into the building. He stated that it is his position that the City or the Berntsen family needs to rectify the situation by either not allowing parking behind the building, change the parking to an angled parking, or install a barrier on the exterior of the building. He stated that it is his opinion that it is an obligation of being a good neighbor. Papish stated that as part of building code, there are required parking spots in a commercial zoning district. Mills asked that this be rectified prior to installing the metal siding. Berntsen asked if Mills knows where the property line is on the property because barriers could not be installed on City property. Berntsen stated that this could be placed on an agenda for future discussion; however, the City would need to know where the property lines are. Mills stated that it would be an added expense to hire a surveyor to determine where the property lines are on the property. Papish asked if it would be difficult to change the current parking to diagonal parking. Berntsen stated that he does not know the answer. Whitney stated that it is not the City’s responsibility to pay for parking guards in front of downtown buildings. It is not the City’s responsibility to protect the Mills building. He does not see how the City affected the parking situation. Russell Mills stated that the City laid the pavement along the alley and allowed a beer garden behind the bar. It is his opinion that the City and the Berntsen family are directly and indirectly causing damage to his building.

City Attorney Janet Amerine stated that this is a legal process. She stated that Russell Mills had the opportunity to give his opinion. Amerine asked how many more days Russell needs to complete the building. Mills stated that he does not have an answer. Berntsen asked him how many days he would need if he had the screws to complete the building. Mills stated he did not know.

Whitney asked Amerine how the City could legally protect his building. Amerine stated that although Mills has damage, he has yet to find the cause of the damage. She does

not see the connection between the City and the property owner. She stated that she would suggest that Mills file a police report and then hopefully the person would be found and the damage could be paid for. She stated that she heard Papish tell Mills that it is the right of the property owner to protect their property.

Whitney stated that he would be willing to make a motion to grant an additional 60 days with the same conditions as outlined in resolution 20-2012.

MOTION: Council Member Jim Whitney made a motion to grant an additional 60 days with the same conditions as written in resolution 20-2012. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

City Administrator Kent Brown stated that the structure at 118 S. Byers has received a structural inspection by structural engineer Richard Hartwell. He invited Pastor Chris Griffin and property owner Patrick Braman to speak.

Pastor Griffin stated that the church has done some work on the carport. They were concerned about the structural inspection. He contacted Richard Hartwell in anticipation of the Council's questions with what Hartwell wrote in the inspection report. The inspection report does not say that the trees caused the current condition of the home. The group would like some direction from the City Council. City Attorney Janet Amerine asked if they were going to make some repairs to the foundation. Griffin stated that the problem with the foundation has existed for several years and is a separate issue from the trees. The shed has been removed. He thanked HD Mills who really assisted in the project

Berntsen stated that he read in the report that it sounds like a lot of work must be done before the house could be serviceable. Whitney explained that according to the inspection report, flowable sand or concrete must be used to fill in the basement. A concrete truck and pump must control the flow of the fill. Whitney stated that the City's initial concern with this property was that it does not make sense to make repairs if the structure is not sound. If the foundation would collapse, the house would go with it.

Griffin stated that he did not want the Council to think the pause on the work with the carport was due to laziness. They wanted to wait and see what the inspection report would say.

Keeler asked if there was a full basement under the home. Patrick stated that there is a 10x10' cellar area under the home. Amerine stated that the group or property owner's task is to complete the requirements in the second and third paragraph in the letter dated 9-14-2012 from Hartwell –Structural Engineering.

Amerine stated that the Council could give Patrick more time to make a determination on what the next step should be. Keeler asked if Griffen and Patrick are comfortable with a 60 day extension. Griffin stated yes. Whitney stated that the Council expects the group to continue to work on removing tree stumps and the carport. Brown stated that the high school seniors would assist during the Fall Cleanup.

MOTION: Council Member Jim Whitney made a motion to grant an additional 60 days at 118 S. Byers to gather more information. Council Member Sandi Keeler

seconded the motion. The motion carried unanimously.

8. **Ordinance Changing Zoning Classification From R-1 to R-L at 14311 Prairie Grass Circle in the Prairie Meadow Estates Addition**

City Administrator Kent Brown explained that this is part of the process when the property is annexed. The default zone in annexation is R-1. This property is in the area where the R-L zoning district applies.

MOTION: Council Member Jim Whitney made a motion to approve Ordinance 959 as written. Council Member Sandi Keeler seconded the motion.

ROLL CALL VOTE: Berntsen yea, Papish yea, Keeler yea, Whitney yea, Four Yea.
Motion carried.

9. **Ordinance Changing Zoning Classification From R-2 to C-2 for Portions of Reserve B and Indian Lakes Drive**

City Administrator Kent Brown explained that the request is to change from R-2 (Two and Three Family Dwelling District) to C-2 (General Commercial District). A public hearing was held last night at the Planning Commission Meeting on the next three agenda items. The Planning Commission Meeting was moved because several members of the Planning Commission were unable to attend the regularly scheduled monthly meeting on October 2. At the conclusion of the hearing, the Planning Commission recommended approval for this change of zoning. Brown stated that there are a few members of the public that wanted to speak to the Council tonight regarding this issue.

City Attorney Janet Amerine explained that according to zoning code on these types of zoning changes, the Planning Commission must hold a hearing and make a recommendation. The final decision is up to the City Council. Brown stated that the purpose for this change is due to a certain retail establishment that does fit into the C-2 classification. A site selector on behalf of Dollar General is requesting the changes as proposed.

Amerine stated that the Planning Commission looked at the pond that is next to the proposed changed commercial lot. The property would be extended an additional 70' beyond the pond, which would cause it to abut a residential property. Papish asked if it is the site selector that has selected the specific property. Brown stated that the same commercial group was looking at this same property three years ago. The property is located on the north side of Ross across from the disc golf course that is in between the bus barn and the skate park. Keeler asked if there is any way that the commercial business owner could install a retaining wall to screen the property. Ed Mikesell of Duckhorn Properties stated that there are screening requirements from the City on the builder. Mikesell stated that he shares similar concerns since he will have many residential properties within that development that border the property on the north. He expects that the City will enforce its screening requirements.

Joyce Haivala, 135 Longhorn Court, distributed pictures of her home and the line of

sight from the rear of their home. Her neighbor told her that Don Merton had told him when he purchased his property that there were no plans for the property behind their home, which was a wheat field. She stated that during the initial zoning change, Brown had told her that a pond would separate her from the development. Since then, and with this new zoning change request, she has new concerns. She stated that she took pictures of Dollar Generals in the area and noticed that none of them were located next to a residential property. She conducted brief interviews from those living near Dollar Generals and there was a similar theme in the complaints regarding trash and noise from delivery semi trucks. She had concerns about the rear of the commercial building. She has no doubt that the front of the retail building would be kept orderly and clean, however, the rear of the building is what she has concerns about. Trash and Kansas winds, hours of operation, and lack of privacy were all concerns. She took pictures of good screening examples within the City of Clearwater. She cited SKT and Mize's as good examples of landscape screening. She took pictures of stamped concrete walls that she thought were good examples of landscape screening. She understood that the site selectors want to buy the property shovel ready. However, she would like to ask that the developer put up a protective wall. She asked that Ed Mikesell, Duckhorn Properties, take the money that they would be saving in sewer installation costs to build an attractive landscaping screen.

Ed Mikesell stated that he is not the developer in the context of this project. He explained that he is the property owner who is looking to sell his property to a developer. He has never spoken directly with Dollar General. Papish asked that Mikesell contact the site selector or developer and request that they consider an alternative site. Mikesell stated that Dollar General does not want to share driveways with another commercial property. They want to be located at one end or another of the commercial district within the Indian Lakes Development. Mikesell stated that he has owned this property since 2005 with the intent to develop this land commercially. It has always been the plan to develop this land as a commercial property. Whitney stated that there are only two areas within Clearwater to build commercial: along Ross Avenue and 4th Avenue. Papish stated that she does not like the look of a wood fence as a proper screening method. Papish asked if the City could have any sway on the building permit process in regard to the screening requirements. Mikesell stated that the commercial lots have to be shovel-ready with water and sewer. They do not want assessments. Amerine explained that other cities offer land without specials, therefore the site selector would not consider paying specials within this community.

Amerine asked Berntsen about the waterline deal that was discussed at a previous Council Meeting. Amerine asked if Mikesell would be willing to pay for 25% of the installation of the water line along the commercial properties on Ross. Mikesell stated that this was reasonable.

Mikesell stated that there was a thin margin of Clearwater being large enough for a Dollar General. They would like to see this deal move quickly. The developer has 120 days of due diligence. He explained that the developer would start working with the City more directly. Amerine explained to the Council that when the developer applies for their building permit, they expect to follow the City's established code and laws. Mikesell stated that the developer has a copy of the city code. Brown referred to the screening code on page 99 of

the Zoning Code, Article XXIV, Section 1.4., “Where districts . . . “C-2” . . . adjoin . . . “R-1”, they shall be appropriately separated by a landscaped area of at least fifteen (15) feet wide or a decorative architectural screen of at least 6’ high.”; and to Section 2, “whenever screening is required, a screening plan shall be transmitted to the building inspector for her/his review and approval prior to the issuance of the permit. Section 2.1 The screening plan should be in such detail as to provide enough information to determine if the plan meets applicable material“. Amerine stated that the City hired and paid a professional planner who has worked with many other cities to develop its codebook. The plan took 2-3 years to draft. This particular part of the code was thoroughly discussed. It was legally adopted and the City has used this code since its adoption by the City Council. It was used during the construction of Casey’s convenience store.

Berntsen asked the Council if they want to approve what the Planning Commission has recommended. Papish stated that she would recommend accepting the recommendation.

MOTION: Council Member Laura Papish made a motion to approve Ordinance 960 as written. Council Member Jim Whitney seconded and the motion.

ROLL CALL VOTE: Berntsen yea, Papish yea, Keeler yea, Whitney yea. Four Yea.
Motion carried.

Papish informed Haivala that the Council will do everything it can to ensure that the screening is attractive. Brown stated that the Council negotiated with Casey’s and the current screening is different from what was originally proposed. Rob Hartman stated that a concrete wall runs \$40 a lineal foot. A wood fence is approximately \$14-15 per lineal foot.

10. Ordinance Changing Zoning Classification From R-2 to C-2 for Portions within the Indian Lakes Addition

City Administrator Kent Brown stated that this affects a tiny piece of property located east along the east edge of lot four and street right of way in the current plat of Indian Lakes Drive.

The Planning Commission reviewed the request and recommended approval.

MOTION: Council Member Jim Whitney made a motion to approve Ordinance 961 as written. Council Member Sandi Keeler seconded and the motion.

ROLL CALL VOTE: Berntsen yea, Papish yea, Keeler yea, Whitney yea. Four Yea.
Motion carried.

11. Ordinance Changing Zoning Classification From C-2 to R-2 for Portions of the Indian Lakes Addition

City Administrator Kent Brown explained that this is concerning the property in lot 5

of the current plat. The initial plan was for medical office along Indian Lakes Drive. In the proposed replat of the property, the street would no longer connect with Ross Avenue. Consequently, this property would be replatted into a reserve for drainage purposes and the remainder would be divided into residential lots. This property would go from C-2 to R-2 zoning.

Planning Commission reviewed the request and recommended approval.

MOTION: Council Member Sandi Keeler made a motion to approve Ordinance 962 as written. Council Member Jim Whitney seconded and the motion.

ROLL CALL VOTE: Berntsen yea, Papish yea, Keeler yea, Whitney yea. Four Yea.
Motion carried.

10. Department Head Reports

EMS Director Donald Shauf stated that the ambulance has been repaired. However, there is a malfunction in the door lock, which will be replaced. The repairs look great and it does not look like it was damaged.

Ernie Misak, Public Works Director, stated that the swimming pool has been inspected by Paddock. They found issues at the zero entry where and under the stainless steel at the swimming pool. A thick concrete patch was poured at the discharge at the zero entry. Pressure tests were performed today and the pressure held. Paddock thinks that they should consider alternate methods of chlorinating the pool. However, the engineer that designed the pool did not feel that it was necessary. It would do away with all of the discharges into the zero entry that were designed into the pool. There was no way to winterize the zero entry. He stated that he is not sure if there is anything that can be done with the stainless steel without significant repairs; however, the water in the stainless steel area runs back into the pool so that it is not a fundamental operational issue at this time.

His staff sprayed the goat head stickers at the baseball diamond. Whitney stated that the stickers come in with the red keel soil, which is used at the batting cage and diamonds. He proposed spraying pendulum twice a year on the soil. Whitney stated that if Misak cannot get the chemical, he would suggest hiring Ryan to spray the fields.

Misak stated that the new school zone sign has been installed.

Papish stated that some of the fire hydrants have faded. Police Chief Garcia stated that repainting the fire hydrants is on the list of community service projects and several have been completed already.

Chief Gene Garcia stated that the Fall Festival went really well. There were 19 cases; all of which were minor. Last Thursday, he met with the Mikesell Treehouse group that is headed by Jordan Freed and Ryan Shackelford. They outlined the security measures for the event and he does not anticipate any problems with the event.

Whitney asked if the D.A.R.E. Hummer is in service. Garcia stated that there was a glitch with the wrap. It was supposed to be ready for the parade. There were some revisions and the hope is to have the vehicle ready for the Downtown Halloween event. Keeler asked

if there was a donor for the wrap. Garcia stated that the donors have paid for everything. Whitney asked whether some sort of recognition could be given to the donors. Clerk Liza Donabauer stated that Council Member David FitzGerald requested a Council Meeting in November be used to recognize the donors.

11. 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

12. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 10-05-12 for \$32,159.24. Since that deadline, additional claims were received in the amount of \$11,293.10. Papish questioned the cost of a saw blade for over \$200. Misak stated that it is a 14" diamond cut blade. Brown distributed two additional claims for Riley Auto Parts for parts for the back-hoe and an invoice from Lowes. Sandi Keeler requested that the name be changed on the Lowe's account.

MOTION: After discussion, Council Member Laura Papish moved to authorize payment of the claims and warrants for \$43,452.34. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

13. Old Business

City Clerk Donabauer provided an update on the citizen requesting permission to take firewood from the Brush Dump. Donabauer contacted the City's insurance agent. She stated that Linda Ricketts, Renn & Company, did not recommend allowing the citizen to cut firewood on the City's property. She recommended that the City not allow citizens to bring power equipment, such as chainsaws, into the brush dump. Not allowing power equipment and saws onto the property would greatly minimize the City's liability for injury.

Council Member Jim Whitney stated that the grass on softball diamond #2 is completed. The lip was removed and some sprinkler heads were raised or replaced. He reseeded the entire area at the center of the baseball diamond and softball diamond #2. The grass seed was \$192 and he asked for reimbursement for that. The man-hours were donated. Whitney stated that he would like Public Works to build a drag. He would like to teach Beki Zook, Recreation Director, and her crew how to drag the field at 30 degrees.

Whitney asked if the potholes at the 100 and 200 block of Tracy have been reported to the County. Misak stated that after he returns from vacation, he would have his crew fix the cracks along the street, mill them out, and fill them. He stated that he would rather fix the cracks and potholes themselves.

14. Staff Reports

City Clerk Liza Donabauer stated that the City did receive the \$1,000 grant from WorkWellKS. The employees are eager to get the pedometers proposed as part of the employee wellness program. She forewarned the Council that the bill for the pedometers would be approximately \$400.

Clerk Donabauer explained that the Communication Committee, headed by Crystal Walter and Pamela Riggs, met on 10-08-12. The Communication Committee is an initiative resulting from the November 2011 Town Hall Meeting. Donabauer, as part of the Communication Committee, asked the Council what they had interpreted the need for the committee to be. It was agreed that the two initiatives of the Committee is to improve communications and develop a sole source for information sharing for all organizations, businesses, and events in the community. Donabauer stated that the group will consist of representatives from multiple age groups within the community. This will help determine how to best distribute information. The group is requesting if the Council would allow the group to piggyback off the City's current website, Facebook, and Twitter accounts. The Council expressed how they thought the Chamber's weekly email would be a good resource. Riggs stated that she has researched what other communication committees are doing. She has researched their missions and goals to help direct how the Clearwater Communications Committee should focus its efforts.

Attorney Amerine stated that she attended the League of Kansas Municipalities Conference for four days and will provide a report to the Council at a future date. She stated that there is a seminar on 10-18-12 from 8:30 to 4:00 p.m. regarding benefits and human resource information. The cost is \$195 and would take place in Wichita. She would recommend sending City Clerk Liza Donabauer to attend the workshop. With Council consensus, the Council authorized Donabauer to attend the seminar.

City Administrator Kent Brown stated that after much consternation, Westar will have their legal team start the process to acquire an additional 20' easement behind the post office. The easement would allow Westar to bring power into the business/industrial park. Brown announced that he would like to request two executive sessions and invite Public Works Director Ernie Misak and Police Chief Gene Garcia into one of the sessions.

City Administrator Brown asked for the Council's input on dates for this year's Christmas party. The Council decided they did not want the event on the first night of Hanukah.

15. Council Reports

Council Member Laura Papish stated that she had nothing to report.

Council Member Sandi Keeler thanked the EMS for their service at the Fall Festival.

Council Member Jim Whitney asked if Council or staff received any complaints about the amount of dogs that were at the Fall Festival. Papish clarified that there was an ugly dog contest at the Fall Festival. Whitney stated that he and others expressed concern about dog bites and defecation. The Council determined that allowing dogs at a public event

may be an enforcement issue with the Fall Festival Committee. Browns stated that staff could research how other cities handle animals at public and special events. Amerine stated that other communities have ordinances requiring owners to clean up after their animals.

Whitney stated that a citizen complained about the kids who recently toilet papered the community and did not clean it up. Brown stated that the City could put out a public service announcement prior to the game discouraging toilet papering. Garcia stated that he contacted the officer on duty that evening to stay on top of the toilet papering. He stated that he is putting together data on the cost for providing security for special events such as the Fall Festival.

Whitney asked who owned the property at the corner of Byers and Ross. He stated that the grass in the ditch is 4' tall. Brown stated that historically, the property owner takes care of it when notified.

Whitney stated that he has two pages of stuff that needs to be done out at the sports complex and would like the part-time Public Works employee brought back. He will provide the list of maintenance items to Public Works. He also asked if staff could contact AYSO about the excessive number of unused soccer goals. He stated that if AYSO is not going to use the goals, they need to be removed. Misak stated that he contacted AYSO and was given permission to recycle or get rid of the soccer goals.

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

16. Executive Session - Personnel Matters of Non-Elected Personnel

MOTION: At 9:33p.m., Council Member Jim Whitney made a motion to enter into executive session for 15 minutes and invited Public Works Director Ernie Misak and Police Chief Garcia. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

At 9:44 p.m., Council returned to regular session with no action taken.

16. Executive Session - Consultation with an attorney on matters that would be deemed privileged in attorney-client relationship

MOTION: At 9:45p.m., Council Member Sandi Keeler made a motion to enter into executive session for 10 minutes and invited EMS Director Don Schauf and City Attorney Janet Amerine. The motion was seconded by Council Member Jim Whitney and passed unanimously.

At 9:55 p.m., Council returned to regular session with no action taken.

Council Member Laura Papish announced she would be out of town on 10-23-12.

David FitzGerald will also be out of town on 10-23-12.

17. 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 10:03 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 9, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of October, 2012.

Liza Donabauer, City Clerk