

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

SEPTEMBER 25, 2012

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, September 25, 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; David FitzGerald, Lyle Berntsen, and Sandi Keeler, Laura Papish, Council Members. Council Member Jim Whitney 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; Marvin Schauf, Clearwater Fire Department; Peggy Brockman, Sonya Booth, Barbara Hufford; Ole Sew and Sews; Donald Schauf, EVS Director; Bradlee Perry, Tyla Petersen, David Gerlach, and T.J. Wiebe, 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 September 11, 2012

MOTION: Council Member David FitzGerald made a motion to approve the minutes of the 9-11-12 City Council Meeting with corrections. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

2. Consent Agenda

There were no consent agenda items for consideration.

City Clerk Liza Donabauer requested to add two items to the agenda. The first item to be added is under the Mayor's recommendation to appoint Jeffrey Westeman as a Clearwater Police Officer-Reserve. The second agenda item to be added is an Alcoholic Beverage License for C-Bar for Consumption on Site.

3. Mayor's Recommendations

Mayor Mike York made the following recommendations:

Appoint Jeffrey L. Westeman as a Clearwater Police Officer-Reserve.

The above appointment of Jeffrey L. Westeman was accepted with Council consensus.

4. Public Forum

No members of the public addressed the Council.

5. Ordinance providing for an Additional Fee for the Sale of Water at the Bulk Rate

City Attorney Janet Amerine stated that Public Works Director Ernie Misak had discussed bulk water rates for the City of Clearwater at the last meeting. Misak suggested that there should be a set-up fee to put a meter at the fire hydrant. City Attorney Janet Amerine explained that in her research, she saw that this fee varies a lot in other cities. However, as requested by Council, Amerine put \$25 as the additional fee in the draft of the Ordinance.

MOTION: Council Member David FitzGerald made a motion to approve Ordinance #957 as written. Council Member Lyle Berntsen seconded and the motion passed.

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

6. Ordinance Amending Ordinance No. 745 Providing for an Additional Connection Fee in Certain Benefit Districts in the City of Clearwater

City Attorney Janet Amerine stated that she created this to grant authority for the City to charge those that are outside of the benefit district who are wishing to hook onto the water line. The cost would be shared. Under section 13.04.030 Water Application-Connection Fee, sections A. and B. do not change. The new portion starts at Section C which states “Properties not included in a benefit district which request connection to the water system shall pay an amount as determined to be appropriate by the Governing Body and said amount constitutes an additional connection fee. This amount shall be representative of the recent historical costs of constructing water service lines of a similar or representative type as those serving the connecting property, calculated on a square foot or frontage foot basis. The Governing Body shall set the terms of payment, including per year cost and length of annual assessment.”

The application is at the discretion of the Governing Body. It gives the City Clerk a legal basis to assess the fee. Amerine stated that she found the proposed language in the ordinance from another city in Kansas.

Council Member David FitzGerald asked if the Council had discussed this when the project was started. City Administrator Kent Brown stated that there were 44 properties in the benefit district. Each property is paying \$8,675.23 principal over 15 years. Principal and

interest on the loan total almost \$12,000 for the cost of the project per property. The length of the line that was installed is approximately two miles long. If other properties hooked on in the future, the persons already in the benefit district were told that if anyone else wanted to hook on, they would be charged. A new residence is interested in hooking onto the water line. A question was already asked whether the addition of a new residence on the line would reduce the total share of the project for the participants. The response was that it would reduce the City's portion first. The City ordinance would specify the costs that could be charged to the incoming resident. Everyone else paid the line to be installed. Council Member David FitzGerald asked if all property owners were afforded the option to hook on. City Administrator Kent Brown stated yes. The property owners have paid approximately five years of the 15-year assessment. City Administrator Kent Brown stated that he would like to add the words "previously defined" to the first sentence in the C.i paragraph. City Attorney Janet Amerine stated that the City's water department could only charge fees that have a legal basis. This ordinance accomplishes that. If the Council would annex a property, and the bond attorney calculates the amount that the new property owner should be charged, then the ordinance, once approved, would allow the Clerk to charge a fee.

MOTION: Council Member Sandi Keeler made a motion to approve Ordinance 958 and include the change as directed. Council Member Laura Papish seconded and the motion passed.

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

7. Alcoholic Beverage License for Clearwater Liquor LLC for Sale of Package Liquor

City Clerk Liza Donabauer noted that there is a new owner of Clearwater Liquor. The new owners, Ronnie & Catherine Neises, have submitted an application for an Alcoholic Beverage License as an Off-Premises Retailer. The license states that the retailer may not sell liquor by the drink. The retailer has obtained their State License. It was noted that Police Chief Garcia has also reviewed the application.

MOTION: Council Member Lyle Berntsen made a motion to approve the Alcoholic Beverage License for Clearwater Liquor LLC. Council Member Laura Papish seconded the motion. The motion carried unanimously.

8. Department Head Reports

Police Chief Gene Garcia stated that there were two events this past weekend. The boy scouts had a camp in the City Park. A fundraiser was held at the C-Bar and it occurred without incident. Mayor Mike York stated that the Police Department handled the fundraiser very well. Chief Garcia stated that the Police Department tried to be readily

available.

EMS Director Donald Schauf just found out that the ambulance will be finished next Tuesday. The Rec Commission has loaned its Mule to the EMS for the Fall Festival.

Marvin Schauf, Fire Chief, stated that the ISO representative was down here. The testing and the paperwork went well. The City should know within 4 weeks whether the rating would be decreased to a 4. Fire Chief Schauf started up the tanker and the air brakes would not build up pressure. Schauf tried to contact Curtis to have him help fix the tanker. It kept leaking air. Schauf took it to Truck Parts to have it fixed. The bleed off valves were replaced. The rear seal was also leaking. Schauf had to buy a new gas tank on Squad 72. It had a lot of rust in it and was stopping up the filter and hose. Schauf went to Wichita Marine and got the hose, and went to Mayfield to get a new filter. The tanker had a gas leak on the portable air compressor. Schauf had the oil changed on both squads and the Tahoe. Schauf will make repairs to Engine 2 and 3 after the Fall Festival. Engine 71 needs to be taken into the Kansas Truck Center.

9. Committee Reports

No meeting minutes were distributed in the Council Packets. The 10-02-12 Planning Commission Meeting was canceled. The meeting has been rescheduled for 10-08-12 at 8:00 p.m. for a public hearing on a request for rezoning at the Indian Lakes Addition. The following committees are scheduled to meet and are open to the public to attend:

Planning Commission: Meeting scheduled for 10-08-12

Park Commission: Meeting scheduled for 10-15-12

10. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 9-21-12 for \$36,245.66. Since the Friday deadline, two additional claims were received from the Fire Department and the City's health insurance provider for an additional amount of \$18,625.27. Donabauer requested that the City Council consider authorizing payment of all of the claims for \$54,870.93.

MOTION: After discussion, Council Member Laura Papish moved to authorize payment of the claims and warrants for \$54,870.93. The motion was seconded by Council Member David FitzGerald and passed unanimously.

11. Old Business

Mayor Mike York inquired about the two vacancies on the Planning Commission. The outside candidate has to be within three miles from the city limits. Mayor Mike York stated that he has three candidates for the Planning Commission.

City Administrator Kent Brown stated that the current lessee for the concession stand building would not be returning next year.

12. Staff Reports

City Clerk Liza Donabauer stated the last Wednesday of every month is the employee safety luncheon. The luncheon has been rescheduled for the first Wednesday in October where the open enrollment insurance package will be presented.

Attorney Amerine stated that she would be attending the City Attorney Conference as part of the LKM Conference on the weekend of October 5-8, 2012.

City Administrator Kent Brown stated that there is a Department Head that would like to donate a large screen TV to the City. The Council thanked Police Chief Gene Garcia for the donation.

Council Member Laura Papish asked when the Fall Cleanup would take place. City Administrator Kent Brown announced that it is on the third weekend in October. It is open to city residents only. High School students will help with that event.

The "School Zone Ahead" sign was ordered for South 4th.

City Administrator Kent Brown stated that the water tower has been painted. It is part of the City's regular five-year contract. The contract is approximately \$28,000 in total. The contract is for the maintenance and painting of the water tower.

Don Paddock's crew will be here next week to check the pool and help look for a leak.

The Carnival will be here tomorrow morning. Ross Street will be closed from 1st to Prospect. School traffic may be hindered on Wednesday afternoon and Thursday morning and afternoon.

Administrator Brown stated that he has not received any information regarding Westar's installation of three-phase power into the business/industrial park. Terracon has moved forward regarding the Environmental Phase 1 Study at the business park.

13. Council Reports

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

Council Member Laura Papish stated that she received a call from a citizen whose neighbor's trash consistently overflows into the alley. The dogs and animals get into the trash. Papish asked if there is anything that could be done. Donabauer told Papish that three-cart trash containers cost \$19. Administrator Brown stated that the City could contact the citizen to inform the resident that they need another trash container. Papish asked if the umbrella at the pool could be painted. The red has faded to pink.

Council Member Laura Papish asked if there is any way to be included in the Wichita Eagle newspaper. She inquired about staff calling the Wichita Eagle to be included in future articles regarding crime rates, general statistics, and school enrollment.

Council Member Papish inquired on the part-time salvage operation at the residence on N. Lee. Police Chief Gene Garcia stated that the police department built a sign for him.

A complaint was served upon him that gave the resident a very short time frame to clean up his property. The resident intends to pour a concrete pad for his collector car. Chief Garcia gave additional time to a couple of property owners regarding the storage of excess vehicles.

Council Member Sandi Keeler stated that she had nothing to report.

Council Member David FitzGerald stated that he had nothing to report.

Mayor Mike York stated that Dick Croft contacted him regarding getting the City's permission to take wood from the dump and use it for personal use. He would get the wood during the times that the dump is open. City Administrator Kent Brown stated that people within and outside of the city limits can pick up mulch. Croft is not a city resident and he would be reaping a benefit. Council Member Lyle Berntsen stated that he would be in favor of it if it were not a liability. City Attorney Janet Amerine stated that staff should check with Renn & Company. Mayor Mike York asked if a waiver would be appropriate. City Attorney Janet Amerine stated that waivers generally do not hold up in court. Police Chief Gene Garcia asked if the citizen is only interested in the wood that does not need to be cut. York stated that he would tell the citizen that the City would check with its insurance company. Garcia questioned who would be liable if he were to get injured at the dump while unloading a load of brush. Council Member David FitzGerald stated that he has brought brush down there and has returned with firewood. Amerine stated that under current processes, the removal of firewood is okay. The question is whether a citizen should be allowed on the property with power equipment and tools and the potential liability to the City.

14. Executive Session - Personnel matters of non-elected personnel

MOTION: At 7:27p.m., Council Member Sandi Keeler made a motion to enter into executive session for Personnel Matters of Non-Elected Personnel for 10 minutes. The motion was seconded by Council Member David FitzGerald and passed unanimously.

At 7:37p.m., Council returned to regular session with no action taken.

15. Executive Session - Personnel matters of non-elected personnel

MOTION: At 7:37 p.m., Council Member Lyle Berntsen made a motion to enter into executive session for Personnel Matters of Non-Elected Personnel for ten minutes. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

At 7:47 p.m., Council returned to regular session with no action taken.

16. 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 David FitzGerald and passed unanimously.

The Meeting adjourned at 7:48 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 September 25, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 9th day of October, 2012.

Liza Donabauer, City Clerk