

**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**

**CITY COUNCIL MEETING**

**MINUTES**

**MARCH 12, 2013**

**(Approved 3-26-13)**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 12, 2013, 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, Lyle Berntsen, and Sandi Keeler, Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Darrell Haynes, Police Officer; Janet Amerine, City Attorney. Others present at the meeting were: Mary and Marvin Schauf, Clearwater Fire Department; and Burt Ussery, Chris Griffin, Shana Matzen, Paul G. Clark, citizens; and Rebecca Cruilther, Alyssa Taylor, Courtney Allen, students.

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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 February 26, 2013**

**MOTION:** Council Member David FitzGerald made a motion to approve the minutes of the 2-26-13 City Council Meeting. The motion was seconded by Council Member Lyle Berntsen and passed unanimously.

**2. Consent Agenda**

**MOTION:** On a motion by Jim Whitney, second by David FitzGerald, all voted to approve the Consent Agenda:

1. Authorization to pay invoice from PEC (\$8,600.00) for Sanitary Sewer Improvements at Indian Lakes Addition, 2<sup>nd</sup> Addition, Phase 1.
2. Authorization to pay invoice from PEC (\$10,300.00) for Water Line Improvements at Indian Lakes Addition, 2<sup>nd</sup> Addition, Phase 1.
3. Authorization to pay invoice from PEC (\$1,266.79) for Sanitary Sewer CA Improvements at Indian Lakes Addition, 2<sup>nd</sup> Addition, Phase 1.
4. Authorization to pay invoice from PEC (\$1,221.39) for Water Line Improvements at Indian Lakes Addition, 2<sup>nd</sup> Addition, Phase 1.

3. **Mayor's Recommendations**

Mayor York did not have any recommendations.

4. **Public Forum**

No members of the public addressed the Council.

5. **Ordinance Authorizing and Providing for the Sale and Issuance of General Obligation Bonds, Series 2013 (Business/Industrial Park)**

Kevin Cowan, Gilmore & Bell, stated that his firm sent information to potential bidders regarding the sale of the general obligation bonds. The City received three bids today. He instructed the Council that their first formal action tonight would be to accept the bidder with the lowest net interest cost. The City received a bid from Central States Capital Markets. They bid interest rates for a 15-year bond with a first payment in 2014: to be paid through 2028. The total interest cost is \$92,839.14, which is the same as their net interest cost. The City also received two other bids from Cooper Malone McClain and Commerce Bank. The average interest rate is 2.334% from Central States, with the others trailing at 2.85% and 3.221%.

**MOTION:** Council Member Lyle Berntsen made a motion to accept the bid from Central States Capital Markets with an average interest rate of 2.334%. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

Kevin Cowan presented a draft ordinance outlining the final bidder information with the principal cost of the general obligation bonds at \$440,000 for the business/industrial park. This would retire the temporary note. The security on this bond is paid by assessments.

**MOTION:** Council Member Jim Whitney made a motion to adopt Ordinance 967 as written. Council Member Laura Papish seconded, and the motion carried.

**ROLL CALL VOTE:** Berntsen yea, Papish yea, Keeler yea, Whitney yea, FitzGerald yea. Five Yea. Motion carried.

6. **Resolution Providing Terms and Details of Bonds and for Related actions (Business/Industrial Park)**

Kevin Cowan, Gilmore & Bell, presented a draft resolution that handles all the important pieces of the bond and maturity schedule. Cowan highlighted a few articles within the resolution which speak to early maturity provisions and the closing schedule. He noted that in seven years, the City could pay the bonds off early or refinance. The temporary

note matures on April 1, 2013. He stated that the bond market is closed on Good Friday (3-29-13) and has cleared an alternate closing date with Central States Capital Markets on Monday 4-01-13. He stated that it would be his recommendation for the Council to shift the closing date to 4-01-13. The final draft of the resolution would reflect the change.

**MOTION:** Council Member David FitzGerald made a motion to adopt Resolution 10-2013 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 10-2013

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2013, OF THE CITY OF CLEARWATER, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 967 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

Kevin Cowan noted that the resolution was adopted at 6:50 p.m. The interest rates are reflected in the annual debt service, which vary from \$35,000-40,000 each year.

7. **Request from Rockin'Ruckus to Use City Sidewalks/Streets for Farmer's Market**

Shana Matzen, Rockin' Ruckus, stated that she would like to host a Clearwater Outdoor Market on the third Saturday of every month; beginning in April and ending in October. Vendors would set up their tables from 7:00 a.m. to 2:00 p.m. on the sidewalk in front of her business going east. She received permission from Farm Bureau and Shear Envy. She invited organizations to set up free informational booths. She asked the Council if she would be able to block off the parking spaces in front of her building for the protection of shoppers. The cost for a table/booth is \$25/Saturday, or \$100 for the entire year. Vendors will bring their own tables; however, for an additional charge she would be able to provide 10x10 tents. Council Member David FitzGerald stated that he likes the idea of the farmers market located downtown instead of the city park. Matzen stated that she has spoke with Mize's grocery store. They are in support of this event. Mayor Mike York asked if this activity would require a large size trash container. Matzen stated that she would check into having a trash container on site. She clarified that the vendor fee is to pay for advertising. She has advertised on Channel 2 and would like to expand the advertising out to Cheney and Conway Springs. Council Member Laura Papish asked if Matzen is visualizing using the u-shaped part of building (Venture 4 Building) as part of the vendor sale. Matzen stated that she has not asked for permission yet from the building owner. Matzen is on the board for the Chamber of Commerce. This outdoor market would help to promote local businesses. The Council provided consensus to allow Matzen to utilize the

city sidewalks and Lee Street between Pizza Hut and Farm Bureau on the dates requested in 2013.

**8. Ordinance Increasing Rates for Sewer Utility and Increasing Connection Fee to the Sanitary Sewer System**

At the last meeting, Council asked City Attorney Janet Amerine and City Administrator Kent Brown to find out more information about the multi-unit housing units that are in the city. They found that there are two meters on the assisted living complex on north 4<sup>th</sup>. There are two buildings to the west of the main assisted living building which are named the Harbor House. One 4 plex is for independent living and are separate from the main assisted living building. The other 4-plex is a group home setting for Alzheimer’s patients. There are a total of eight units. Staff recommends charging the independent units the same as a residential property at \$21.80. The group home would be charged like the care home and assisted living (main complex) with a base rate of \$78.21. Mayor Mike York stated that he would agree with staff recommendation. The Alzheimer’s unit is affiliated with the large care home. The meters were set prior to the current independent living situation. Amerine added a new category into the language of the ordinance to describe the independent living residential units.

Staff made a recommendation to change the base rate in category 6, Educational, to \$2.27 per person. Staff also recommended changing category 8, Subsidized high-density residential complexes, to reflect the same base rate as a residential property at \$21.80 per unit.

Per Council direction, the ordinance changes the connection fees to \$500 inside the city limits and \$1,000 for connections outside of the city limits.

**MOTION:** Council Member Jim Whitney made a motion to approve Ordinance 968 as written. Council Member David FitzGerald seconded and the motion.

**ROLL CALL VOTE:** Berntsen yea, Papish yea, Keeler yea, Whitney yea, FitzGerald yea. Five Yea. Motion carried.

**9. Ordinance Increasing Base Rates for Water Utility and Providing for Utility Improvement Fee and Other Installation Fees**

City Attorney Janet Amerine stated at the last Council meeting, the Council looked at a sample ordinance from Park City. The Council directed staff to delineate the cost of all associated new water service installation fees, which would include a utility improvement fee of \$500 plus the following additional fees:

Meter	Cost
Meter installation	No Charge
Meter Box, lid, cover and frame	Cost
Meter Box installation	No Charge

Tap Main	\$100.00 plus parts
Trenched service tubing (\$25.00 min) Cost	
Bored service tubing (\$25.00 min) Cost	
Street repair if needed	Cost

City Administrator Kent Brown clarified that these costs would be charged for all new connections. Typically, these fees are associated with new construction.

City Attorney Janet Amerine stated that Section 2 was changed to reflect the Council's directive to increase the base rate by one dollar. The minimum charges for water in the city shall be twelve dollars and forty-four cents per month for the first two thousand gallons used and fifteen dollars and fifty-six cents for those customers' connections outside the city limits for the first two thousand gallons of water.

**MOTION:** Council Member David FitzGerald made a motion to approve Ordinance 969 as written. Council Member Jim Whitney seconded and the motion.

**ROLL CALL VOTE:** Berntsen yea, Papish yea, Keeler yea, Whitney yea, FitzGerald yea. Five Yea. Motion carried.

**10. Resolution RE: Structure at 200 S. Second Avenue**

City Administrator Kent Brown stated that the roof on the structure at 200 S. Second Avenue is dilapidated. The roof was partially removed and has sat with no improvement. Brown stated that he heard from the neighbor of the property owner, who has spoken with the property owner regarding the letter that was sent from the city.

The resolution sets a hearing for 4-23-13. Council action would occur after the hearing.

**MOTION:** Council Member Lyle Berntsen made a motion to adopt Resolution 11-2013 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 11-2013

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS, AT WHICH THE OWNER, HIS OR HER AGENT, LIEN HOLDERS OF RECORD, OCCUPANTS AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID CITY AND DESCRIBED HEREIN MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

**11. Fall Festival Request Sponsorship**

City Clerk Liza Donabauer stated that previous Councils have approved a bronze level of sponsorship in light of the city providing other services (i.e. bleachers, park clean-up, street closures, etc.).

**MOTION:** Council Member Jim Whitney made a motion to authorize payment of \$150 for bronze level sponsorship for the 2013 Fall Festival. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

**12. Department Head Reports**

Officer Darrell Haynes provided the following update:

- Police Chief Gene Garcia and SRO Lee Harp are attending active shooter training in Salina, Kansas. Haynes attended the training last year. It is a simulation and training. It teaches an officer what to do in a critical situation. This type of training is paid for by emergency management.
- Clearwater and Wichita are hosting a bicycle skills clinic on 4-24-13 at Elementary East. It will provide safety instructions to students that wish to participate.
- Students Against Drunk Driving (SADD) will be conducting a mock car accident on 4-23-13 as part of the pre-prom festivities.
- Officer Rebekah Schauf is a certified officer for child seat installation and inspection. She is attending a transportation conference in Wichita.
- The Sedgwick County office will have a commissioning of officers this month. Clearwater City Police Officers will be included.

Public Works Director Ernie Misak provided the following update:

- There was a water leak at Garvey on an 8-inch line. There was a split in the line that occurred directly under a concrete driveway. Public Works had to tunnel back 5-feet to access the leak.
- He would like the Council to consider his request to hire summer temporary help. He has received one employee application. He stated that his staff would need help in as early as mid-April since mowing season will begin.
- His staff serviced all of the pickups, mowers, and equipment.
- Westar was at the city park changing out a meter. The meter runs the lights in the shelter house and at well house 2. Westar installed a demand meter. Misak cautioned that because of the new meter, the energy costs might increase. The rate will be based on peak demand. The demand on the well is during peak time. The well pumps 20,000 gallons a day when it is running.

Council Member David FitzGerald stated that he received a call from a citizen who was quite pleased that her pothole was fixed in the alley behind her house. She is no longer concerned that someone will run into her garage.

Council Member Jim Whitney asked if a section on Nancy could be replaced. Public Works Director Ernie Misak stated that Nancy is not on the street project list for 2013. However, his department could cut out the section and fill it. City Administrator Kent Brown asked if APAC should include it in their upcoming street project. Misak stated that he would use hot mix to make the repair. Misak stated that he has several opportunities to bring in hot mix to fix other holes and wide cracks on city streets. He will put this on his list.

Mayor Mike York inquired on pouring concrete in the 5'x10' area on Nancy Avenue. Public Works Director Ernie Misak stated that the garbage trucks caused the damage as they were exiting their alley route. Since 2-01-13, Waste Connections has changed their routes and will no longer be using the alleyways. His staff can repair the damage.

Council Member David FitzGerald inquired on Misak's request for temporary summer help. City Attorney Janet Amerine recommended the Mayor to ask for the Council's consent to grant Misak's request to hire for part-time help. City Administrator Kent Brown told the Council that the temporary summer employee only works when there is work available. It is not a guaranteed 40-hour week. The council gave consensus.

Council Member Jim Whitney asked if the Recreation Director is a department head. City Administrator Kent Brown said yes. Whitney asked that she attend a Council Meeting at least once a month to provide a Department Head Report. Currently, the Council receives second hand information regarding the Recreation Commission. He would like to hear it first hand from the Department Head.

### **13. 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 4-02-13

Park Commission: Meeting scheduled for 3-18-13

### **14. Claims & Warrants**

City Clerk Liza Donabauer presented the claims and warrants as of 3-12-13 for \$95,514.72. Council Member Laura Papish inquired on the invoice that is paid to L. Stearns for \$600.00. The amount is higher than what is paid to the other lifeguards. City Administrator Kent Brown stated that Stearns drives the lifeguards to their training and testing. The training and testing can take two weekends. Papish noted that the amount seems high and she would like an alternative to be examined in the future

**MOTION:** After discussion, Council Member Sandi Keeler moved to authorize payment of the claims and warrants for \$95,514.72. The motion was seconded by Council Member Lyle Berntsen and passed unanimously.

**15. Old Business**

City Administrator Kent Brown stated that a water conservation plan would be presented at the 3-23-13 City Council Meeting to address the old business item regarding water restrictions.

Council Member David FitzGerald stated that he drove the alleyways in town and has found that there are a lot of materials in the alley. He specifically cited an alley on the east side of Lee. He stated that it would be difficult for the public works department to drag a grader down through the alley as the materials encroach the alleyway. FitzGerald asked if there is an ordinance that references alleyway encroachment. City Attorney Janet Amerine stated no, however the City could ticket a property owner for obstructing the alleyway. The Council discussed the upcoming Spring Cleanup weekend. They discussed advertising the event on the City's website, Twitter, and Facebook page. They also suggested that the high-school students who are conducting their service hours could assist citizens in cleaning up alleyways. City Administrator Kent Brown stated that a city staff member or school staff member would have to assist the students to ensure that things are taken properly. The alley easements are 20-feet wide. City Attorney Janet Amerine suggested that staff could post a "Did you know...?" article on the City website and Facebook regarding the alley easements. Public Works Director Ernie Misak suggested delivering a postcard to those living on alleyways. The postcard would alert the property owner that they have trash in the alleyway and would have an opportunity during Spring Cleanup to get it cleaned up. He suggested that for a \$5 donation, the government class could help clean up the citizen's alleyway. City Administrator Kent Brown stated that staff could create a postcard. The Council discussed that a ticket would be issued after the Spring Cleanup event if the property owner did not clean up the alleyway. Spring Cleanup is 4-19-13 and 4-20-13.

Council Member Jim Whitney asked if anybody has done any research on an ordinance regarding pets at the Fall Festival. Whitney asked former Fall Festival president Paul Clark if he received complaints regarding dogs at the Fall Festival. Whitney noted that he received four complaints. Paul Clark stated that he did not receive any complaints. City Administrator Kent Brown stated that he only found one ordinance pertaining to pets at a public event. He will present the example at the next Council Meeting. Whitney stated that Council would look at the example and determine at that point if they should proceed.

Council Member Jim Whitney thanked Marvin Schauf, Fire Chief, and his crew for their assistance in the ISO testing. Because of their work, the rates on fire insurance should decrease. City Administrator Kent Brown noted that he included copies of the reports in this week's Council Agenda packets.

City Administrator Kent Brown stated that staff has not heard from the County regarding the boring test results on 135<sup>th</sup>.

**16. Staff Reports**

City Clerk Liza Donabauer stated that the Chamber of Commerce no longer has a home for its computer. The previous president Brenda Hastings used to work at Home

Bank and Trust which is where the computer was stored. Hastings is no longer the president or works at Home Bank. The Chamber would like to ask permission from the City Council to move the computer into the front office space, which is currently used by the Cemetery District one day a week. The computer would be password protected and accessible only during business hours. If an internet connection is required, Lonnie Stieben at SKT stated that he could possibly assist in that. Council Member Laura Papish stated that it is her vision to see a marriage of the Clearwater Foundation and Chamber of Commerce. She would like to see these two organizations housed in within the City Hall. Council gave their consensus to authorize housing the Chamber computer in the front office at City Hall.

Clerk Donabauer reminded the Council that her and the Deputy City Clerk would be at the CCMFOA Spring Conference for the remainder of the week.

Attorney Amerine stated that she has nothing to report.

### **Crosswalk Stoplight**

City Administrator Kent Brown stated that he neglected to put the crosswalk light discussion on the agenda. The county said that they will fix the light but they would prefer to take it down. Council directed staff to ask the county to fix the stoplight. County responded and said they would fix it this time; but they would then turn it over to the city. It would become the city's responsibility. Council Member Whitney stated that he would just as soon take it down. The city would have to ask SKT to bring their bucket truck out each time the light needed to be repaired. Brown and Public Works Director Misak described alternatives to the lights that could include: pedestrian level signage, solar blinking lights, and signage that states "Stop for pedestrian in crosswalk". FitzGerald asked if the County would be willing to remove the crosswalk light and add additional signage. Brown stated that he could find the answer to this.

City Administrator Brown stated that he received a call regarding FEMA reimbursement for the recent winter storms. The City had minimal expenses. There is a minimum of \$1,000 of expenses to qualify and the City did not qualify.

Brown asked Council about an agreement with the Cemetery Board. The cemetery secretary is resigning. City staff provides backup assistance and there is an understood agreement. The cemetery district consists of the City of Clearwater, Ohio and Ninnescah townships. There are four cemeteries involved throughout the district. City Attorney Amerine stated that she is the attorney for the cemetery district and can draft an agreement. The Council came to a consensus to have the City Attorney draft an agreement.

Brown stated that he has nothing new regarding the Sports Complex proposal. City Council and staff discussed the possibilities regarding the Sports Complex proposal and the other entities that could be involved including USD264 and the Recreation Commission.

Brown stated that there is a Rec Board meeting regarding the future of the golf course tomorrow night at 7:00. Council Member Jim Whitney and Mayor York will attend. Council Member Laura Papish stated that she would attend without being a part of the City

Council.

Mayor called for executive session.

**17. Executive Session - Personnel matters of non-elected Personnel**

**MOTION:** At 8:19 p.m., Council Member Lyle Berntsen made a motion to enter into executive session for Personnel matters of non-elected Personnel for fifteen minutes. The Council invited City Administrator Kent Brown into the meeting. The motion was seconded by Council Member Laura Papish and passed unanimously.

At 8:34 p.m., Council returned to regular session with no action taken.

**18. Council Reports**

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

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

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

Council Member Jim Whitney stated that he had nothing to report.

Council Member David FitzGerald requested that the sound system in the Council Chambers be expedited. He has heard complaints that audience members cannot hear guests at the podium.

Council Member David FitzGerald noted that future council members attended today's carry-in luncheon at the Senior/Community Center. He stated that City Administrator Kent Brown represented the city well and everybody was happy with Brown's information regarding the upcoming election.

FitzGerald asked if staff could invite Jeff Fawcett, Waste Connections, down to an upcoming Council Meeting to provide an update regarding the service change and take comments/complaints regarding blowing trash. FitzGerald stated that he has seen trash trucks in other communities that are better equipped in preventing the Kansas wind from blowing trash out of the truck during the automated process. He has received many complaints regarding blowing trash. Mayor Mike York stated that he followed a trash truck for part of their normal Thursday route. York stated that he did not see any blowing trash.

**19. 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 Sandi Keeler and passed unanimously.

The Meeting adjourned at 8:45 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 March 12, 2013 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of March, 2013.

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Liza Donabauer, City Clerk