

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

DECEMBER 11, 2012

(Approved 1-08-13)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, December 11, 2012, at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike York, Mayor; Jim Whitney, David FitzGerald, Lyle Berntsen, and Sandi Keeler, Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Pastor Chris Griffith, Patrick Braman, citizens; Maddie Petersen, Hayden Forsythe, Trynt Dunnegan, Tatiana Cleaver, Rebecca Gultner, Dustin Vaughn, Brooke Winter, Jackie Trevuzio, Terah Neblett, Alyssa Blakely, Joey Waddell, Riley Budd, Greg Frost, Dakota Vaughn, Dalton Chambers, Brett Case, Cole Slates and Ian Woods, 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 November 27, 2012

MOTION: Council Member Laura Papish made a motion to approve the minutes of the 11-27-12 City Council Meeting. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

City Clerk Liza Donabauer requested to add an additional alcoholic beverage license to item 2 under consent agenda. The C-Bar turned in their application and license fee today.

2. Consent Agenda

MOTION: On a motion by Council Member Lyle Berntsen, second by Council Member Laura Papish, all voted to approve the Consent Agenda:

1. Approve renewal of Cereal Malt Beverage Licenses for 2013 for: Pizza Hut, Casey's General Store, and Mize Food Store, Inc.

2. Approve renewal of Alcoholic Beverage Licenses for 2013 for Clearwater Liquor Store, and the C-Bar.

3. **Mayor's Recommendations**

Mayor Mike York did not have any recommendations.

4. **Public Forum**

No members of the public addressed the Council.

5. **Public Hearing for Amending 2012 Budget**

Mayor Mike York opened the public hearing at 6:35 p.m. for the hearing on amending the 2012 budget.

City Administrator Kent Brown stated that the amendment is to clean up some of the items in the budget, which was passed in August 2011. During the budget process, the Council is trying to estimate what is going to happen during the following calendar year. The amendment includes two transfers, which affect the Library Employee Benefit fund and the Employee Benefit fund.

6. **Follow-up on Unsafe or Dangerous Structures at 115 N. Lee Avenue and 118 S. Byers**

City Administrator Kent Brown stated that the Council has been working with the property owners at 115 N. Lee Avenue and 118 S. Byers. The address at 115 N. Lee has completed the necessary exterior work. City Administrator Brown stated that he would recommend waiving the time extension on any further work that needs to be accomplished.

Pastor Chris Griffith stated that he received a report regarding the foundation of the home at 118 S. Byers. It took him a while to get a quote on the repair of the basement. The contractor has worked with Richard Hartwell, structural engineer, and understands what Hartwell requires as a fix for the foundation. A quote to repair the basement has come in at \$3,775. Griffith stated that the homeowner is requesting time to save the necessary funds for the repair work. The quote includes not only the work to repair the foundation under the home, but around the perimeter of the home as well. Water is finding its way under the house. The contractor will build up the property around the house. Pastor Griffith stated that a gentleman from HD Mills has now started clearing out the carport. Griffith has received a quote for approximately \$1,500 to reside and roof the carport with corrugated metal. Griffith stated that he and the homeowner think the quote is high and they will try to do the work ourselves. Mayor Mike York asked how much of an extension the homeowner is requesting. Pastor Griffith stated that the homeowner would like until early March. Griffith stated that the work would begin prior to March if the homeowner were to save enough money before that time. Patrick Braman, homeowner, stated that he would have a

difficult time saving enough money to get the carport and the foundation done at the same time. Council Member David FitzGerald stated that he does not mind the extension. However, he would like to see some improvement and cleanup on the carport. The siding is falling off.

Council Member Laura Papish would like to grant an extension until the end of April 2013 in case of weather. Council Member Sandi Keeler stated that she is also in favor of an April deadline. Mayor Mike York stated that he would be in favor of this but would like periodic updates. With Council Consensus, they provided an extension to the homeowner at 118 S. Byers, with periodic updates, until the second Council Meeting in April 2013.

City Attorney Janet Amerine noted that for the record, the property at 115 S. Lee has been resolved. The property at 118 S. Byers has an extension until the second meeting in April 2013.

7. **Ordinance Annexing Land to the City of Clearwater: 8301 S. 135th St. W, and 13500 West 87th St. S**

City Administrator Kent Brown stated that the governing body sent a request to the Board of Commissioners to annex two properties located at 8301 S. 135th St. W. and 13500 West 87th St. S. The County Commissioners considered the request at the end of November, and approved the resolution. This is an island annexation.

MOTION: Council Member David FitzGerald made a motion to approve Ordinance 963 as written. Council Member Lyle Berntsen seconded and the motion.

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

City Administrator Kent Brown presented an ordinance to change the zoning on the annexed properties

MOTION: Council Member David FitzGerald made a motion to approve Ordinance 964 as written. Council Member Sandi Keeler seconded and the motion.

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

5. **Public Hearing for Amending 2012 Budget**

The Mayor closed the public hearing at 6:52 p.m.

MOTION: Council Member Sandi Keeler made a motion to approve amending the

2012 budget as written. Council Member Laura Papish seconded the motion. The motion carried unanimously.

8. Follow-Up of Intergovernmental Agreement with Sedgwick County-4th Avenue Street Project

City Administrator Kent Brown stated that he was able to acquire more information regarding Kansas Gas. Kansas Gas is in the right-of-way (ROW) and they would pay the relocation costs if moving the gas line becomes necessary. Janet Amerine, City Attorney, stated that the franchise agreement from Kansas Gas is silent on the relocation of the gas line in situations such as this. Amerine stated that the City ordinance would dictate these types of situations. However, the City does not have an ordinance that speaks to these types of situations. She referred City Administrator Kent Brown to the League of Kansas Municipalities (LKM) for recommended ordinance language regarding the use of all ROW property. She explained that in a sample ordinance from LKM, it says that if there is a public project, anybody using the ROW will have to move the utilities at their expense. Amerine noted that drafting an ordinance regarding the use of ROWs might be something the City may want to consider for the future.

Kent Brown stated that the City Council had expressed reluctance on some parts of the City/County project. In answer to one of the Council's concerns, the City would have control over the cost of the project at the Tracy and Ross intersection. Fifty percent of the drainage construction cost would be paid by the City for a maximum cost of \$50,000. To redo Fourth Avenue from the railroad tracks to Ross Avenue, the City's portion would be a \$200,000 maximum. That portion of the project mainly addresses the storm water to keep the water on the east side of Fourth Avenue. Brown explained that this is a project that is scheduled to be completed over a year from now. However, 90% of the City's costs would be paid up front. The remaining 10% would be taken care of after the project is completed. The 90% would be based on actual bid amount.

Council Member Laura Papish asked who would do the engineering on the storm water project at the intersection of 4th & Ross. City Administrator Kent Brown stated Harlan Foraker. Papish asked if the drainage issues would be fixed at all four corners at Tracy and Ross (to include the portion of the intersection near Tru2U). Brown stated that it is his understanding that all four corners would be redone. The County will pay the engineering costs.

City Council Member David FitzGerald stated that the City Council has been talking about the drainage along Fourth Avenue for the last 10 years. Council Member Jim Whitney asked how the City would come up with the money to pay for the projects. Papish asked if a bond could be carried on this. Council Member Lyle Berntsen stated bonding causes the City to take on more long-term financing. FitzGerald stated that this is the cheapest way for the City to get the project accomplished because the County is footing part of the bill. Whitney stated that there is no guarantee that the water will not go over the road on Fourth Avenue. Whitney stated that this is something that will need to be examined during the budget process. Papish asked if there is anything in the road fund. City

Administrator Kent Brown stated that the street fund has decreased over the last few years and would not be able to cover it outright. Brown estimated that a bond would cost approximately \$30,000/year. Brown stated that there would really be no other opportunity for the City to do this type of project on its own. Brown stated that the County would want a commitment from the City prior to the next budget process.

MOTION: Council Member David FitzGerald made a motion to approve the project along Fourth and Ross Avenues and at the intersection of Ross and Tracy. Council Member Jim Whitney stated that the City Council keeps increasing its debt load. He stated that he also recognizes that this project will not get done any cheaper than what is outlined in the intergovernmental agreement. Mayor Mike York stated that he agrees with what Whitney is saying. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

City Administrator Kent Brown stated that the County and Harlan Foraker will come before the Council for their input regarding the intersection at Tracy & Ross. Public Works Director Ernie Misak asked if the intersection could be fixed prior to 2014 since it is separate from the Ross and Fourth Avenue project. Brown stated that both projects would be let as one project. York asked if a steel plate could be placed at the hole at the northwest corner (Tru2U) as a temporary fix. Misak stated yes. Whitney stated that York should inform Tru2U that the County is consulting with an engineer about the intersection. They as property owners could place a temporary fix until the County is able to complete the work. The Council gave consensus for Public Works to create a temporary fix on a hole that is 8” x 8” at the northwest corner of the driveway at Tru2U. FitzGerald asked for Public Works to look at a hole on the south corner of the same intersection.

9. Park Board Recommendation on Wayfaring Sign

City Administrator Kent Brown stated that the Park Board had suggestions for directional signage to direct visitors to popular sites around town. He asked for the Council’s feedback. Kate KinKaid Brinkerhoff has provided a quote of \$130 to create a 3’x4’ sign with decals. Council Member David FitzGerald stated that he likes this sign. The decision is to place the sign by the Historical Museum or Aquatic Center entrances. Police Chief Garcia stated that Mullenville has an obvious, unobtrusive, and simple sign that gave directions to the tornado shelter. Mayor Mike York stated he has seen these types of signs in small cities and finds them to be very useful. He stated the sign would be better placed at the Aquatic Center entrance. Whitney cautioned about visibility issues. Whitney asked who would be responsible for the signs to replace or repair. Brown stated that the sign would be the property of the City. York stated that decals last approximately five years. Berntsen stated that he would suggest adding the mortuary to the sign. Papish stated she would recommend adding the health offices (dental, doctor, chiropractor) to the sign.

MOTION: Council Member David FitzGerald made a motion to approve the directional 3'x4' sign to be placed at 4th and Ross Avenue. Council Member Laura Papish seconded the motion. The motion carried unanimously.

10. Review Brush Dump Fees for 2013

City Administrator Kent Brown stated that staff would soon be selling brush dump passes for 2013 and asked if prices should be increased. Revenues from annual passes and daily visits have dropped approximately \$2,000 since the initial year. A resident can purchase an annual brush pass for \$20 or pay \$5 per trip to dump their grass clippings and brush. Commercial passes are available for \$100/year. Mayor York stated that when the Council adopted a fee to utilize the brush dump, the \$20 fee was fine. He stated that he has kept track of how many times he has dumped out at the brush dump and feels the \$20 fee for an annual pass is very inexpensive. He stated that he would feel comfortable raising the residential annual pass to \$30 or \$35 and single visit fee to \$10 or \$15. FitzGerald stated that he would feel comfortable raising the residential annual pass to \$25 and raise the price of the commercial pass. He stated that the commercial pass is too low. Council Member Jim Whitney suggested that by raising the fees, the revenues might decrease again. Whitney suggested it might cause people to dump clippings out in the country.

FitzGerald suggested raising residential annual passes to \$25 and individual trips to \$10. Council Members Laura Papish and Sandi Keeler agreed with FitzGerald. Whitney stated that if the prices are raised, citizens are going to expect more access. Misak stated that it is not fair for a commercial tree remover to be allowed to dump on the residential homeowner's \$20/annual pass. Whitney stated that the Council was hoping to try to recoup the labor costs of offering a brush dump service. Misak noted that brush dump expenditures don't include the expense of public works employees monitoring the burning of brush.

Brown noted that city staff can open the dump during the off hours.

After discussion, Council determined they would rather leave the brush dump annual passes and trip fees as is for 2013.

11. Write-Off Uncollectible Utility Bills

City Clerk Liza Donabauer stated that there are four reasons for a utility bill to become uncollectible: bankruptcy, death, no social security number provided for collection purposes, and the Kansas Set-Off Program was unable to collect from a citizen for five years. The total for the uncollectible utility bills that will be written off will be \$332.36.

MOTION: Council Member Lyle Berntsen made a motion to authorize writing off the uncollectible utility accounts in the amount of \$332.36. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

12. Department Head Reports

Police Chief Gene Garcia provided the following updates:

- The Christmas Begins in Clearwater event took place on 12-01-12. Rebekah Schauf of the Clearwater Police Department hosted a Child Safety Seat inspection on the same day. She obtained new car seats through a grant from the State. Citizens took advantage of the program. Schauf found several car seats that were broken or past their expiration date, which were replaced by the car seats from the grant.
- Jo Johnson and Rebekah Schauf have completed their first CPTED evaluation.
- The Police Department continues with its alley review. The Police have found pallets in backyards and more brush piles along the alleyways.
- Whitney asked if the Humvee was completed and available for showings. Garcia stated that the Humvee has been on display several times. The Humvee displays the donor's names on it. Whitney asked if the police department is in process of getting a plaque or something done. Whitney asked if Garcia has contacted The Times Sentinel regarding an article about the Humvee and its donors.

City Administrator Kent Brown stated that a potential resident has requested whether he is allowed to park four trailers and a 500-pound propane tank in the backyard of a property he may be moving into within City limits. The potential resident would like to remove the two sheds that are currently in the rear of the property. The trailers are not motor vehicles. He stated that there needs to be clarification regarding vehicles versus trailers in the backyard. One ordinance covers inoperable motor vehicles. The City has been successful regarding the ordinance for parked vehicles. However, this is a new request. City Council Member David FitzGerald stated that he has concerns about the maintenance of grass and weeds around the parked trailers. Police Chief Gene Garcia stated that he would like to suggest that the resident park the trailers on a dustless surface (gravel). He would also recommend not allowing the propane tank within the City limits. City Attorney Janet Amerine stated that another concern to consider would be the junk that tends to sit on the trailers. Once parked, a trailer can become another trash receptacle. Garcia stated that his officers spend eight hours each week on trailer enforcement. Whitney stated that he agrees with the ban on propane tanks for safety and environmental concerns. City Council Member Lyle Berntsen stated that it is difficult to define the number of trailers one can have on a property. Garcia asked the Council if they are okay with him recommending the resident place the trailers on a dustless surface and installing a privacy fence. The Council agreed with consensus.

Public Works Director Ernie Misak demonstrated two sample replacement street signs. One sign had engineer grade reflective letters on a 6" plate and cost \$100 for materials. The other sign has engineered grade letters that are high intensity prismatic reflective with new decals. The cost to construct the sign would be \$127.90 (wood, mounting, and letters). Misak stated that he received a quote from a sign company for \$92. He noted that the letters are required to be at least 6" tall. Misak proposed not using "Ave"

on the signs to save cost. He thinks there are at least 80 street signs in the main area of the city. He estimated that it would cost \$7,500 to replace every sign at \$92 each. The City has the option to reduce the speed limit within the City to avoid having to increase the size of the street signs.

Council Member Jim Whitney asked if there is a timeframe on the replacement of the street signs. Public Works Director Misak stated the deadline is 2018. He stated that the cost could be reduced to \$85/sign if he were to order 25 signs at a time. City Council Member Laura Papish asked how many speed limit signs are in town. Misak stated that an ordinance would have to be passed to change the speed limit. However, there are several old street signs that need to be replaced anyway. FitzGerald stated that there are many street signs around town that are rusted and bent. FitzGerald stated that the signs could be replaced over the next five years.

Misak stated that in his budget request for 2012, he requested to purchase a GPS instrument to identify and pinpoint manholes, valves, etc. with specific satellite measurements. His department would be able to graph and identify the future use and location of the valves, manholes and fire hydrants. Misak stated the City primarily relies on veteran Public Works employee Kevin Bush and his 30 years experience. Within a few years, there is a good chance that he and Bush will retire. Long term, this would enable future Public Works employees to find important landmarks. The GPS locates within 40". The GPS unit downloads into Excel and can upload to Google Earth, which would be beneficial out in the country. Misak stated that he read in City Attorney Amerine's report how the City could utilize interns to help map these locations out. The company he is interested in is out of Kansas City. Misak stated that in his research, 80% of the GPS equipment is a Trimble and feels this is one of the better products out there. He explained the difference among the potential series of equipment.

Misak reported that Harlan Foraker, City Engineer, states that this program is compatible with AutoCad. However, the additional software to sync with Foraker is an additional \$1,500. There is \$1,500 worth of training included on the software. There is also online training. He stated that he, Chadd Posch, and Cole Hollis would be included in training. He would recommend purchasing the 3000 unit without the over the phone training. Council Member David Fitzgerald stated that he is surprised Misak does not want to have the on-site training. A citizen from the audience asked if there are other communities that use this same equipment and would allow a ride-a-long for some "free" training. Misak stated he knows the City of Levenworth is using this same equipment. FitzGerald asked if this GPS unit could find a water line. Misak stated no. He asked the Council to allow him to purchase the equipment and delay a part of the billing into 2013 so that it could be paid out of the sewer fund. Council Member Jim Whitney asked if the cost would be approximately \$6,300. Misak stated yes. Misak stated that he was informed that if he would collaborate with another community for off-site training, the cost would be less. Consensus was given to authorize Misak to purchase the GPS unit.

Whitney noted that the potholes on Tracy became speed bumps. Whitney asked Misak to mill the bumps if the potholes have not sunk within a few weeks. Misak asked the

Council to wait until the summer season to determine if the filled potholes will sink. He insisted that the filled potholes would settle when the warmer temperatures come back. The County may take part of the top off when they clear snow with their plows.

Council Member David FitzGerald stated that sand and keel was placed on Wood. FitzGerald inquired about adding a quarter inch of rock to the road. Misak stated that rock is very expensive. Whitney stated that the rock would kick out.

FitzGerald stated that he has received a couple of complaints from South Lee (tree roots buckling the street). Whitney and Misak stated that the road would have to be milled in order to properly fix this road.

13. Committee Reports

No meeting minutes were distributed in the Council Packets. The Planning Commission will meet on 12-13-12 for a public hearing on a zoning variance request from Dollar General. The 12-17-12 Parks Advisory Board Meeting was also canceled.

14. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 12-07-12 for \$42,718.69. Since the Friday deadline, staff has received an additional \$11,529.11 in claims. A memo outlining the additional claims was distributed to the Council Members prior to tonight's Meeting. Donabauer requested that the Council authorize payment of all claims for a total of \$54,247.80. Council Member Laura Papish referred to a claim and its high cost of toilet paper and paper towels. Public Works Director Ernie Misak explained that the total bill was for \$1,100 and the paper products are for every department. The supply will last for approximately six months. He explained that on this billing cycle, he charged the police and court departments, which have not been charged in the past.

MOTION: After discussion, Council Member Jim Whitney moved to authorize payment of the claims and warrants for \$54,247.80. The motion was seconded by Council Member David FitzGerald and passed unanimously.

15. Old Business

Council Member Laura Papish asked if the item regarding toilet paper complaints could be removed from the Old Business list. Council Member Jim Whitney stated yes because the residents are moving out of town. The residents were upset about the toilet papering during Homecoming events for the past two years. Police Chief Garcia stated that the topic would be addressed before the next Homecoming.

Whitney asked if Fire Chief Marvin Schauf received the written report on the ISO testing. He asked staff to follow-up. This information needs to get out in order to save

residents money on their insurance premiums. He explained that insurance companies use the class rating of the local fire department as part of the formula in determining the insurance coverage and premiums. The rural area around Clearwater had a rating of a 7 or 8, but now may be down to a 3 or 4 with the inter-county assistance.

Berntsen asked about the status of the Chisholm Ridge resident that was driving over the center of the storm drain. City Attorney Janet Amerine explained that the resident has caused damage to city property. Council Member Jim Whitney asked Amerine if the City could repair it and send a bill to the resident. Amerine stated yes. Whitney asked Brown to send a notice and a bill to repair the storm drain.

16. Staff Reports

City Clerk Liza Donabauer stated that the new Cash Receipts software program was installed last week. The new billing clerk also started last week.

City Attorney Janet Amerine gave a report on her attendance at the LKM Attorney's Conference. She also attended sessions regarding Kansas Municipal Utilities, customer service, GIS data, and how to market the Clearwater community.

City Administrator Kent Brown stated that he has received two applications for the Senior Center Director position and has received several phone calls of interest. He asked how the Council would like conduct the interviews. He suggested that the Senior Center Planning Committee conduct the interviews and make a recommendation to the Council. Council Member Lyle Berntsen suggested Brown and Donabauer be included in the interview process. Amerine asked if Brown anticipated holding a special Council meeting before the end of December or waiting until the next Council Meeting in January. Brown stated that they are looking to conduct interviews within the next week and a half.

Brown asked if the Council wants to meet after a Council meeting in January to review performance evaluations. The Council gave consensus to review the evaluations on a light meeting agenda night.

Brown reminded the City Council that elections would be coming up in January 2013. The filing deadline is January 1. Sandi Keeler, Lyle Berntsen and David FitzGerald's positions are up for re-election.

17. Council Reports

Council Member Lyle Berntsen asked if the Clearwater High School was notified about the Green Schools Program through Waste Connections. Citizen would be able to donate points from their RecycleBank accounts to the school. City Administrator Kent Brown stated that he informed the school.

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 stated that while attending a meeting in the Clearwater Public Library, he noticed that the water cooler was really loud and does not cool

the water. He would like the Library Board to know about the inefficient water cooler.

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

MOTION: At 9:58 p.m., Council Member Lyle Berntsen made a motion to enter into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship for 10 minutes. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

At 10:08 p.m., Council returned to regular session with no action taken.

19. 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 10:10 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 December 11, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 8th day of January 2013.

Liza Donabauer, City Clerk