

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

MARCH 13, 2012
(Approved 3-27-12)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 13, 2012, at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike York, Mayor; Jim Whitney, Lyle Berntsen, Sandi Keeler, and Laura Papish, Council Members. The following staff members were present: Liza Donabauer, City Clerk; Janet Amerine, City Attorney; City Administrator, Kent Brown was absent. Others present at the meeting were: Mary Schauf, Clearwater Fire Department; Glenda Gladfelter, HS Director; Gene Garcia, Police Chief; David FitzGerald, Citizen; Austin Wood, SKT; Margaret Ussery, Roxanne Calderon, Emily House, Clara Maus, Kristin Buck, Brittney Stever, 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 February 28, 2012

MOTION: Council Member Lyle Berntsen made a motion to approve the minutes of the 2-28-12 City Council Meeting. The motion was seconded by Council Member Laura Papish and passed unanimously.

2. Proclamation – April Fair Housing Month

Mayor York read the Proclamation celebrating 44 years of fair housing. York proclaimed April as Fair Housing Month. The proclamation will be posted on the window at City Hall during the month of April.

3. Consent Agenda

No items were considered for consent agenda.

4. **Recommendations**

Mayor Mike York recommended appointing Part-Time Officer Darrell Haynes as a Full-Time Clearwater Police Officer.

Mayor Mike York recommended appointing Justin Patrick as Clearwater EMS and Fire Department, EMT and Firefighter.

The appointments of Darrell Haynes and Justin Patrick were accepted with Council consensus.

4. **Appoint Council Member to Fill Vacancy on Council**

Mayor Mike York recommended appointing David FitzGerald to fill the vacancy on the City Council. FitzGerald will serve the rest of the term for Jim Frischenmeyer who resigned due to illness. The appointment was approved with Council Consensus.

City Clerk Liza Donabauer swore in the new Council Member, David FitzGerald.

5. **Public Forum**

No one addressed the Council at this time.

6. **Department Head Reports**

Police Chief Gene Garcia reported to the Mayor and Council:

- Garcia is working on a preliminary record check project that shows Clearwater has a low crime rate. The project will also show that Clearwater solves many of its cases. He anticipates that he will complete the project in the next few months.
- Garcia is also working on a research project to see what other cities have for vehicle and trailer policies. Garcia would like to compile his findings, which would be presented to the Council during the first part of the summer.
- Leases on two of the Police vehicles are up. Garcia would like to look at renewing the leases in June.

7. **Approve Notice of Temporary Notes Financing for Indian Lakes Addition**

City Clerk Liza Donabauer stated that the bids for the Temporary Note sale are due March 26th and would be ready for Council approval at the 3-27-12 City Council Meeting. The two-year note is \$765,000. The bid process is open to all banks. There was Council consensus to approve the Notice of Temporary Notes Financing for the Indian Lakes Addition.

City Clerk Donabauer stated that the bond attorney, Gilmore & Bell, is requesting Council to pass a Resolution for the adoption of a tax-exempt financing compliance procedure relating to the obligation bond. Per the directive from the Internal Revenue

Service, the resolution would allow the City to adopt a comprehensive set of tax compliance procedures that will govern all of the issuer's tax-exempt debts. A copy of the compliance procedures shall be placed in permanent records. The IRS is requiring these two things from all tax exempt entities.

MOTION: Council Member Lyle Berntsen made a motion to approve Resolution 7-2012 as written. The motion was seconded by Council Member Jim Whitney and passed unanimously.

Resolution No. 7-2012

A RESOLUTION PROVIDING FOR THE ADOPTION OF A TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE RELATING TO OBLIGATIONS ISSUED AND TO BE ISSUED BY THE CITY OF CLEARWATER, KANSAS.

8. **Contract Agreement with PP & J for Work on Curb and Gutter Project for Ross and Lee Avenues**

City Clerk Liza Donabauer informed the Council that the contract for the Lee & Ross Avenue curb and gutter improvement project was accepted by the Owner for the amount of \$32,779.00. There is an unknown start date on the project. A change order is anticipated for the handicap ramp and a couple of driveways. The change order will come before the Council at a later date.

MOTION: Council Member Jim Whitney made a motion to authorize Mayor Mike York to sign the contract with PP & J for work on the curb and gutter project at Ross Avenue and Lee Avenue. Council Member Lyle Berntsen seconded the motion. The motion carried unanimously.

9. **Agreement for Monitoring Services with SKT; Security System at the Historical Museum**

Glenda Gladfelter, Historical Museum Director, presented the agreement from SKT for the Security System at the Historical Museum. She introduced Austin Wood from SKT and stated he is here to answer questions about the project and the agreement. The contract with SKT is for three years at \$29.95/month with the first three months free. Austin stated SKT will use a lot of the old equipment. SKT will install a new DVR which is a key component to the surveillance system. The DVR is on a hard drive for a computer.

MOTION: Council Member Laura Papish made a motion to accept the agreement between the City and the Historical Society and SKT Security. Council Member Sandi Keeler seconded the motion. The motion carried

unanimously.

10. Commission Agreement with J.P. Weigand & Sons, Inc. Realtors

City Attorney Janet Amerine stated that she reviewed the agreement from J.P. Weigand & Sons, Inc. Realtors. The agreement states that Weigand shall receive 10% of the gross sales price in cash, at the time a sale or exchange transaction closes. The listing term is twenty-four months and can be canceled with a 30-day written notice. Council Member Jim Whitney stated that the special assessments should be available to a potential lot buyer.

This item was tabled until the next Council meeting on 3-27-12 for additional information.

11. Committee Reports

The 3-06-12 Planning Commission minutes and the 2-20-12 Park Advisory Board Meeting Minutes were included in the Council Packets. No comments were made.

12. Claims and Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 3-15-12 for \$73,425.10 with an amended claims listing from multiple vendors for \$6,050.14.

MOTION: Council Member Jim Whitney made a motion to approve the claims and warrants as presented. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

13. Old Business

Mayor Mike York stated to the Council that the last item on the Old Business listing could be removed since the Council appointed David FitzGerald to the City Council. There was some discussion about a building permit at 818 E. Ross.

14. Staff Reports

City Clerk Liza Donabauer stated to the Council that City Administrator Kent Brown would like to request that the Agenda Item for Department Head Reports be moved to the end of the Council meeting. This would allow for visitors on the Agenda to be heard in a timely manner. There was Council consensus to go ahead with this new procedure.

City Clerk Liza Donabauer reported to the Council that a local photographer, Shelby Johnson of Creative Visions, has offered to email some pictures that can be used on the new City website. Johnson has requested that in exchange for her photos, she would like a link

to her business website posted on the City Website to properly give photo credit. There was consensus from the Council to allow the link to be posted in exchange for the pictures. Donabauer would also welcome pictures from the public for potential posting on the new City website. The photos can be of events and scenes of the Clearwater community. The photos can be emailed to donli@clearwaterks.org

City Clerk Donabauer and Deputy City Clerk Reitberger will be out of the office from March 13-16, 2012. They are attending the City Clerks and Municipal Finance Officers Association of Kansas (CCMFOA) Spring Conference. Receptionist Sharon Tuxhorn will be working full time to cover the absences. Donabauer and City Administrator Kent Brown will take turns attending the Work-Well Training at the South Central Kansas Education Service Center on March 15th and 16th.

City Clerk Donabauer informed the Council that a Girl Scout troop came to City Hall and requested that the graffiti be cleaned off the slides at the City Park. The Girls Scouts offered to help clean if needed. The troop also picked up trash in the City Park and requested to plant a tree in City Park. The request for planting a tree will go to the April Meeting of the Park Advisory Board.

City Clerk Donabauer also reported for City Administrator Kent Brown that the Indian Lakes water, sewer, and storm water pipes have been installed. The builder has started to dig basements and poured footings today. There will be a month delay until the dirt and street contractors begin their work. Donabauer also reported for Administrator Brown that the inspector from the engineering firm has been on sight every time Brown has checked on the project.

15. Council Reports

Council Member Lyle Berntsen had nothing to report.

Council Member Laura Papish has received several complaints about the railroad crossing on 4th Street. Mayor Mike York stated that he knows someone who works for the railroad. York will talk with him and inquire on the procedure to get the crossing fixed. Council Member Papish inquired on the seal cracking. Papish noted that the sealant does not go very deep into the cracks in the road. Council Member Jim Whitney explained that the sealant does not penetrate all the way to the bottom of the crack. It is a designed to extend the life of the street for a few years. Papish noted that the sign at the old Duckwalls building is missing.

Council Member Sandi Keeler had nothing to report.

Council Member Jim Whitney had three people contact him stating they are pleased that the City is fixing dilapidated homes and properties. Whitney would like to add 118 S. Byers to the list since the shed and roof have holes. Whitney had several complaints about the mulch under the playground equipment at the City Park. Whitney would like City Staff to check with the school on pricing and vendor information for the rubber mulch used at school playground. Whitney would also like staff to contact the County regarding the 4th Street for the start date on that project.

Council Member David FitzGerald thanked Mayor Mike York and the Council Members for appointing him back to the Council.

Mayor Mike York had nothing to report.

MOTION: Council Member Lyle Berntsen moved to approve a closed executive session with City Attorney Amerine for 15 minutes for attorney client privileges. The motion was seconded by Council Member Laura Papish and passed unanimously.

The Council entered into executive session at 7:28 p.m. At 7:43 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 Lyle Berntsen moved for adjournment. The motion was seconded by Council Member David FitzGerald and passed unanimously.

The meeting adjourned at 7:45 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 13, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 27th day of March, 2012.

Liza Donabauer, City Clerk