

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

**CITY COUNCIL MEETING**

**MINUTES**

**MAY 29, 2012**  
**(Approved 6-12-12)**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 29, 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, Sandi Keeler and Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk. Others present at the meeting were: Gene Garcia, Clearwater Police Department; Mary Schauf, Clearwater Fire Department; and Donald Schauf, EVS Director.

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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 May 8, 2012**

Liza Donabauer, City Clerk noted that there were two corrections on the 2012 Mayor Appointment list. Bob Purvine, Dump Coordinator no longer works for the City. The other correction is T.J. Ohlemeier should be listed as a part time Police Officer.

**MOTION:** Council Member David FitzGerald made a motion to approve the minutes, with corrections, of the 5-08-12 City Council Meeting. The motion was seconded by Council Member Lyle Berntsen and passed unanimously.

**2. Consent Agenda**

**MOTION:** On a motion by Council Member Lyle Berntsen, second by Council Member Jim Whitney, all Council Members voted to approve the Consent Agenda:

- 1) Authorization to pay invoice from Mies Construction, Inc (\$248,225.78) for Sanitary Sewer, Paving, Storm Water and Waterline Improvements at Indian Lakes Addition.
- 2) Authorization to pay invoice from PEC (\$5,634.17) for Storm Water Drainage Improvements at Indian Lakes Addition.
- 3) Authorization to pay invoice from PEC (\$9,914.21) for Paving Improvements at Indian Lakes Addition.

- 4) Authorization to pay invoice from PEC (\$5,201.36) for Water Line Improvements at Indian Lakes Addition.
- 5) Authorization to pay invoice from PEC (\$6,381.39) for Sanitary Sewer Improvements at Indian Lakes Addition.

**3. Mayor’s Recommendations**

Mayor Mike York made the following recommendations:

- 1) Appointment of Tanner G. Rink, Clearwater EMS.
- 2) Appointment of Blake D. Elliott Jr, Clearwater Police Department Reserve Officer.
- 3) Resignation of Gary Enos, Clearwater EMS & Fire Department, Paramedic and Fire Fighter.

The above appointments of Rink and Elliot, and resignation of Enos, were accepted with Council consensus.

Kent Brown, City Administrator, stated that Police Chief Gene Garcia informed him at this morning’s staff meeting that a full-time police officer will be resigning soon.

Liza Donabauer, City Clerk, requested to add agenda item “2013 Budget Requests” to the bottom of the agenda.

**4. Public Forum**

Paul Rhoades, Times Sentinel, stated that the Progress Edition would be published on 6-14-12.

**5. Refinance Proposals on City’s Outstanding Debt**

City Administrator Kent Brown stated that the City Council directed staff to send out a proposal request for refinancing. Three parties submitted proposals to secure the job to secure a refinancing loan for the City. George K. Baum, Piper Jaffray and Central States Capital Markets submitted their proposals. Brown presented the following results:

Bonds/Loan	George K. Baum			Piper Jaffray			Central States Capital Markets		
	Savings	PV Savings	PV%	Savings	PV Savings	PV%	Savings	PV Savings	PV%
Series 2000							9,201		5.936
Series 2003	88,659	81,315	13.12	111,175		15.76	90,828		13.658
Series 2005	26,616	25,260	4.98	45,516		8.44	29,129		4.775
Series 2006	36,044	35,654	7.68	47,982		10.33	39,910		7.903
KDHE Loan (Sewer)	21,317	28,986	3.04	65,978		5.82	38,714		4.224
Total	172,636	171,215	6.73	270,651		9.63	207,782		7.286

George K. Baum proposes an issuance cost of \$43,715, Piper Jaffray proposes \$40,945, and Central States Capital Markets proposes \$48,456 issuance cost. City Administrator Kent Brown noted that George K. Baum did not provide a rating assumption. Baum felt it would be better not to have a rating assumption. Administrator Brown stated that he spoke with the City's bond attorney Kevin Bowen, Gilmore & Bell, regarding the three proposals. There is a difference of \$10,000 in issuance costs between Piper Jaffray and George K. Baum, which goes directly to the underwriter.

City Administrator Kent Brown stated that the sewer loan would not count toward the City's statutory general obligation debt limit, which is 30% of the City's valuation. The wastewater portion of the loan is treated like the Public Building Commission debt.

City Administrator Kent Brown stated that the Council has to determine whether they want to include the KDHE sewer loan with the other loans. The resolution authorizes the selected firm to go out and secure the contract to sell our debt. Council Member David FitzGerald asked what would happen if the City Council were to back out of the proposed contract once it is presented. Administrator Brown stated that the City would know its rating and could then go out and attempt to seek another proposal. Administrator Brown stated that the City Council could back out if they do not see a substantial savings in the returned proposal. Administrator Brown recommended that the Council include a clause for a certain savings or bond rating.

Council consensus was to move forward with selecting Piper Jaffray.

**MOTION:** Council Member David FitzGerald made a motion to adopt Resolution 15-2012 as presented and award the contract to Piper Jaffray. Council Member Laura Papish seconded the motion. The motion carried unanimously.

Resolution No. 15-2012

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012, OF THE CITY OF CLEARWATER, KANSAS.

Kent Brown stated that the proposed ordinance is related to the recently approved Charter Ordinance #18

**MOTION:** Council Member Lyle Berntsen made a motion to approve Ordinance 949 as written. Council Member Sandi Keeler seconded and the motion passed unanimously.

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

**6. Control Agreement in lieu of Letter of Credit – Improvements for Indian Lakes**

Kent Brown, City Administrator, presented Ed Mikesell’s (Duckhorn Properties) control agreement and the city attorney’s email response of the proposed agreement. City Attorney Janet Amerine was unable to attend tonight’s Council meeting. Administrator Brown explained that staff has been trying to work with Mikesell to obtain a letter of credit. Council Member Jim Whitney asked if any other cities do a control agreement. Brown stated that Andover uses a control agreement. Administrator Brown stated that the Council has already negotiated the letter of credit amount with the developer. The Council conceded to dropping the 65% requirement down to 35%.

City Administrator Kent Brown asked for the Council's direction. Brown noted that a letter of credit would cost more than the proposed control agreement. The letter of credit is like an insurance policy. Council Member Laura Papish stated that she is willing to compromise with the developer. Council Member Whitney stated that he would like the developer to answer the City Attorney's concerns regarding a threshold amount in the account. The City has been stung once and Council Member Jim Whitney does not want the City to be stung again by another developer. Council Member Laura Papish stated that she agrees with Council Member Jim Whitney. Council Member Laura Papish would like the developer to answer City Attorney Amerine's concerns.

**7. Proposal for Salary Scale of Returning Lifeguards and Pool Manager**

Kent Brown presented the pool manager’s salary scale as follows:

	Current	Proposed
New Lifeguards/Basket Room	\$7.25	\$7.25
2 <sup>nd</sup> Year Returning Lifeguards	\$7.25	\$7.50
3 <sup>rd</sup> Year or more Returning Lifeguards	\$7.25	\$7.75
WSI Lifeguards (teach lessons) 2 <sup>nd</sup> Year	\$7.35	\$8.00
3 <sup>rd</sup> Year	\$7.45	
Pool Manager (last raise in 2007)	\$5,500	6,000/season

Council Member David FitzGerald asked if there is night swim. City Administrator Kent Brown stated that there is a family swim from 7 p.m. to 9 p.m. on Fridays. During the week, the pool is open for lap swim and adult aerobics at 7 p.m. Council Member David FitzGerald asked if the pool manager is responsible for being at the pool during evening hours. Administrator Brown stated that the pool manager is responsible for the pool anytime it is open. Council Member Papish asked if the pool hours have increased or decreased since 2007. Administrator Brown stated that the hours have decreased by approximately 80 hours. The pool manager's current hourly wage equates to approximately \$9.06 for approximately 600 hours of work.

Council Member FitzGerald asked what kind of concessions the pool offers. Administrator Brown noted that since Casey's and The Sno Zone opened, concession sales have decreased approximately \$1,000.

Council Member Lyle Berntsen stated that he is in favor of granting a raise to the pool manager. The City is lucky to have had Chuck Reitberger for as long as it has. Administrator Kent Brown stated that when Reitberger is not at the pool, he is on call. Reitberger tells the lifeguards that he is “two minutes away”. Council Member David FitzGerald asked if the City pays Reitberger mileage for the trips he takes to purchase supplies. Administrator Brown stated that in the last couple of years, the pool manager has been encouraged to use the City car as often as possible.

Council Member Lyle Berntsen stated that it is his opinion that the proposed wage increases seem reasonable.

The Council briefly discussed how to improve concession sales. It was noted that Clearwater has one swim meet.

Mayor Mike York stated that he thinks the increases seem reasonable as well.

**MOTION:** Council Member Lyle Berntsen made a motion to authorize the proposed wage scale as presented. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

**8. Sedgwick County Department on Aging RSVP Volunteer Transportation Program Agreement**

City Clerk Liza Donabauer stated that there is a program with the RSVP Volunteer program with the Department on Aging. This program reimburses the Senior Center \$7.00/round trip per person. Currently, the Senior Center has approximately 10 volunteers who drive the seniors to doctor’s appointments, hairdressers, shopping, or other various activities. The program is open to seniors that are 55 and older and are unable to drive, or do not want to drive, into Wichita.

The renewal contract for the RSVP Volunteer Transportation Program is between Sedgwick County and the City of Clearwater. The contract period is 7-01-12 to 6-30-13.

**MOTION:** Council Member David FitzGerald made a motion to authorize the City Clerk to sign and renew the RSVP Volunteer Transportation Program Agreement with Sedgwick County. Council Member Laura Papish seconded the motion. The motion carried unanimously.

**9. Consideration of Municipal Code on City Website**

City Administrator Kent Brown stated that the public has pushed this request. Administrator Brown stated that the City has two options. The first option is to scan and post the City's codebook as a PDF file. The user would have to scroll through the hundreds of pages to find what they are looking for. Administrator Brown has obtained two quotes on a searchable code feature. The second option and least expensive option is from MuniCode, the City's current service provider in its paper municipal booklets. MuniCode would be a link on the City's website. The user would be able to search for a topic and their topic of interest would be highlighted throughout the codebook and within chapters. Council

Member Jim Whitney and Council Member Laura Papish asked if the \$550 yearly fee is renewable in one year or at the beginning of the fiscal year. Administrator Brown stated that the yearly renewal fee would renew at the beginning of each year.

**MOTION:** Council Member Lyle Berntsen made a motion to authorize entering into agreement with MuniCode Code Corporation (MCC) to input and maintain the City's code on the internet for \$550 a year. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

## **10. 2013 Budget Requests**

Liza Donabauer, City Clerk, presented the budget wish list for items within her department. Highlights include: purchase and install Cash Receipts software program to save time for front office and back office staff, upgrading the City's bi-annual newsletter to a glossy print, replacement of the computer server, ADA improvements to City Hall's front door, hiring an intern to assist in keeping the City's website up-to-date, upgrading the City Council's recording and projection system, upgrade the electronic sign hard/software, and installing security cameras within City Hall.

Donald Schauf, EMS Director, presented his budget items for 2013. Schauf discussed how he would like to be able to offer a training salary for an EMS Training Officer position for CEMS for a total of \$480/year.

Schauf proposes budgeting for a Styker PowerPro XT cot, which includes a hydraulic system. Schauf stated that the Clearwater EMS has volunteers of all ages. His research indicates that 50% of EMS workers complain of back-pain due to lifting equipment and patients. Schauf invited the Council and staff to a Styker demo at the EMS building on 6-14-12 at 7:00 p.m. Council Member Sandi Keeler asked if these are the same type of cots that Sedgwick County EMS uses. Schauf stated yes. Council Member Laura Papish asked if these cots hold up well. Schauf stated yes. City Administrator Kent Brown asked if the County has had to replace batteries since they have owned the cots. Schauf explained that the electronic cot runs on a 24-volt battery. The County has them on a routine change-out.

City Administrator Kent Brown presented Public Works Director Ernie Misak's 2013 budget requests. The Public Works Director proposes to replace the JD2155 tractor, purchase one or two weed eaters, and replace batting cage nets, two fire hydrants and water main valves. Director Misak also proposes to do sewer relining. Misak would also like to consider rental or purchase of a tree spade. Misak proposes a couple of upgrades to the swimming pool filter media system and the hot water tank in the basket room.

City Administrator Kent Brown presented the 2013 budget requests for the park, pool, and Recycling Center. Administrator Brown proposes new batting cage nets, directional signs, and a sidewalk between the Lions Club Shelter and the Historical Museum at the City Park. Brown proposes replacing the Tiger Shark that is used at the aquatic center and obtaining an ADA chair at the second entrance to the pool. Brown asked the Council to consider whether the Recycling Center needs to remain open. Brown proposed multiple street improvements and extending the water line in the Business Park. Brown also proposed some gutter work at Ross and Tracy and the 100 block of E. Ross Avenue.

**11. Committee Reports**

The 5-15-12 Planning Commission Meeting minutes were distributed in the Council Packets for Council review. The following committees are scheduled to meet and are open to the public to attend:

Planning Commission: Meeting scheduled for 6-05-12

Park Commission: Meeting scheduled for 6-18-12

**12. Claims & Warrants**

City Clerk Liza Donabauer presented the claims and warrants as of 5-25-12 for \$64,688.14. Donabauer noted that there are two claims in the Council packets that are not in the Claims listing. The pool manager submitted a reimbursement request today for the purchase of a grill, hose, and hose repair kit for \$146.46. A credit card statement came in from Emprise Bank after the last Council Meeting. To avoid late fees, the credit card statement was paid online. The total of the claim was \$52.08 for patrol rifle cases. Donabauer requested that the Council consider approval of these two claims when authorizing payment of the claims and warrants

**MOTION:** After discussion, Council Member Lyle Berntsen moved to authorize payment of the claims and warrants for \$64,688.14 including the two additional claims from the pool manager and Emprise Bank Visa. The motion was seconded by Council Member David FitzGerald and passed unanimously.

**13. Old Business**

City Administrator Kent Brown stated that he did not receive the letter from Sedgwick County Code of Enforcement regarding the Cole's Cuts building.

Council Member Jim Whitney stated that he was contacted by a resident on N. Lee regarding excess debris on the property. Council Member Laura Papish asked if a "No Dumping" sign has been placed on the property. Whitney stated that he did not see a sign. Mayor Mike York stated that the property owner has to realize that he is illegally storing junk in City limits. City Administrator Kent Brown stated that the Council could proceed with the nuisance process. The Council will have to quantify the allowable amount for storing salvage and junk. Council Member Sandi Keeler stated that the City Council has to stop talking about the property; Council has to do something.

City Administrator Kent Brown stated that the rubber mulch was delivered on 5-24-12.

Council Member Sandi Keeler asked if Administrator Kent Brown found out whether the Manor and Village are on the Tax Roll. Brown stated no.

City Administrator Kent Brown stated that the hearing for 118 S. Byers would occur in June. The hearing notice was taped to the home owner's front door. The

resident does not pick up his mail. Administrator Brown stated that he noticed that the notice was removed from the front door on the next day.

City Administrator Kent Brown stated that no other cities have used the sealant product. Other counties have used it. There is a warranty for the product.

#### **14. Department Head Reports**

Donald Schauf, EMS Director, stated that by next meeting he should have his teaching certification.

Gene Garcia, Police Chief, stated that Police Officer Darrell Haynes will provide his written notice for his resignation. Haynes will be the chief of police for Kechi. Garcia asked whether the Council would be in favor to start a search for Haynes replacement. Garcia stated that by the next Council Meeting, he will present a draft ordinance regarding enforcement action on excess vehicles on a homeowner's property.

#### **15. Staff Reports**

City Clerk Liza Donabauer stated she has yet to see the survey results regarding what the public would like to see on the City's new website.

City Administrator Kent Brown asked the Council to consider whether they want to have a fireworks show this year and whom they would want as the vendor. Council Member Jim Whitney noted that he has seen the City's previous provider in the newspaper for being delinquent on paying his State sales tax. Whitney stated that he is in favor of continuing the fireworks. Council consensus was to have a show. Administrator Brown commented that he would look for another proposal if available from another fireworks provider.

PP&J is done with their curb and gutter work. The wall on the east side of the bank will be given a proposal. PP&J broke a sprinkler head at First and Ross that they will come back to repair.

Indian Lakes is complete.

City Administrator Kent Brown stated that the newly designated handicap spot would be painted. Public Works will also do the striping in front of SKT's new remodeled building.

The Mayor gave his approval for PP&J to do some asphalt work on North Lee and East Ross.

#### **16. 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 stated that he had a gentlemen speak to him about the signs in Clearwater. FitzGerald asked if some of the signs could be freshened up. FitzGerald cited a few of the signs that he thought were extremely faded. FitzGerald stated

that it is his opinion that the City should send a letter to the sign owners to either refresh or remove their signs. Council Members Lyle Berntsen and Jim Whitney stated that they would suggest a timeline for the refreshing of or removal of the signs. The faded signs are a nuisance.

There was a discussion regarding water barrels.

FitzGerald stated that he has been in City Clerk's office and thought that her desk and table is outdated and not comfortable. FitzGerald asked that staff present a proposal for a new configuration for Liza's desk.

Mayor Mike York stated that he had nothing to report.

**17. 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 Sandi Keeler and passed unanimously.

The Meeting adjourned at 9:11 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 May 29, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of June, 2012.

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Liza Donabauer, City Clerk