

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

**CITY COUNCIL MEETING**

**MINUTES**

**May 8, 2012  
(Approved 5-29-12)**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 8, 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 (late arrival), Mayor; Jim Whitney, David FitzGerald, Lyle Berntsen, and Sandi Keeler, Council Members. Council Member Laura Papish 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: Marvin & Mary Schauf, Clearwater Fire Department; Ernie Misak, Public Works Director; Tim Norton, Sedgwick County Commissioner; and Chuck Reitberger, Pool Manager.

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Council President Lyle Berntsen called the meeting to order at 6:30 p.m. Berntsen 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 April 24, 2012**

**MOTION:** Council Member FitzGerald made a motion to approve the minutes with amendments of the 4-24-12 City Council Meeting. The motion was seconded by Council Member Sandi Keeler 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. Authorize payment to PEC for Storm Water Drain improvements Administration and Inspection Services at Indian Lakes-Phase I (\$1,187.32.)
2. Authorize payment to PEC for Sanitary Sewer Improvements Administration and Inspection Services at Indian Lakes-Phase I (\$6,150.03.)

3. Authorize payment to PEC for Water Distribution System Improvements Administration and Inspection Services at Indian Lakes-Phase I (\$5,054.91.)
4. Authorize payment to PEC for Paving Improvements Administration and Inspection Services at Indian Lakes-Phase I (\$5,419.81.)

3. **Public Forum**

No members of the public addressed the Council.

City Administrator Kent Brown asked to add an agenda item to discuss a Grant Agreement to receive funds for the Richmond School House.

4. **Commissioner Tim Norton to Provide Quarterly County Update and Answer Questions from the General Public and Council**

Sedgwick County Commissioner Tim Norton stated that he tries to provide quarterly county updates to City Councils in his district. Norton stated that Sedgwick County has started their budget process. A County financial planning meeting has taken place and the budget deliberations will begin shortly. The County has a \$410 million budget. The Sedgwick County Department Heads are meeting with the County Commissioners approximately three times a week prior to giving the budget to the County Manager. The current legislation session in Topeka is holding up the County's budget process. Norton provided the following update:

- The County is following the M&E Bill (Machinery & Equipment) and Restoration of the LAVTR (Local Ad Valorem Transportation Reduction Fund). There is a bill to restore \$40-\$50 million of the LAVTR fund. The caveat is that if a city takes it, they will have to reduce their mill levy the same amount it takes in LAVTR.
- Norton stated that the County and MAPC is working on the Quad Cities Plan (Mulvane, Haysville, Derby and South Wichita). This is to discuss what is going on in the south side of Wichita. He is currently working on the Meridian Corridor Study which uses federal and KDOT money to expand main traffic corridors.
- Norton is working on the South Fork Development. Norton helped codify it when he first came on as commissioner. The County will vote on whether the TIF District will go through on Wednesday, 5-09-12. The south side is in need of infrastructure attention.
- Norton participated in the third Clearwater Focus on the Future Town Hall Meeting. Norton thanked the Mayor for his hospitality. Norton stated that he is not here in Clearwater to overstep his reach; he is attempting to bring his connections and networking to Clearwater to help Clearwater. Norton also gave two scholarships to Clearwater students Kent Wells and Bonnie Marsh via Meatballs with the Mayor Luncheon as a way to give back to the schools in his District. Norton has given 42 scholarships away and enjoys following the students via Facebook on their successes.

Council Member David FitzGerald asked Norton about the corner of Tracy and Ross Avenue. Norton will follow up on that question and will determine what the County's responsibility is to that corner. FitzGerald thanked Norton for him looking into the matter.

Council Member David FitzGerald asked if the decision regarding the City's zoning of influence has moved. Norton stated that this discussion is ongoing. Another meeting will be scheduled which will include cities, buildings, etc. to examine the pros and cons of decreasing a city's zoning influence.

Council Member Lyle Berntsen asked if the County has any influence at the railroad crossing on Fourth Avenue. City Administrator Brown stated that the crossing is rough. Norton asked that Brown email him a description of the crossing. Norton stated that he would attempt to put some pressure on the appropriate party. The crossing is located near the Co-op.

Council Member Jim Whitney thanked Norton for being a part of the City and its Town Hall Meetings. Norton stated that he is attainable by phone and email.

Mayor Mike York arrived at 6:59 p.m.

## 5. Mayor's Recommendations

Mayor Mike York made the following recommendations:

1. Appoint Chadd Posch as Clearwater Public Works Maintenance Worker.
2. Appoint Gary Morehead for a four (4) term on the Clearwater Historical Society & Museum Board.
3. Appoint Clarice Sparr for a four (4) term on the Clearwater Historical Society & Museum Board.

The above appointments were accepted with Council consensus.

## 6. Appointments

City Mayor Mike York made the following 2012-2013 appointments:

### **MAYOR'S APPOINTMENTS FOR 2012 - 2013**

#### **Administrative:**

Kent A. Brown, City Administrator  
City Ordinance No. 466 and Section 2.10 of Codified Code and K.S.A. 15-204

Liza M. Donabauer, City Clerk  
K.S.A. 15-204

Carol Reitberger, Deputy City Clerk  
K.S.A. 15-204

Treasurer, Vacant  
City Ordinance No. 1 and Section 2.12.010 of Codified Code and  
K.S.A. 15-204

Janet Amerine, City Attorney & Firemen's Relief Association Attorney  
K.S.A. 15-204

Sharon Tuxhorn, Billing Clerk (PT)

Carl Shaffer, Community/Senior Center Director

Farol Mc Millan, Community/Senior Center Assistant

Rebekah Zook, Joint Employee Clearwater Recreation and City of Clearwater

**Police Department:**

City Ordinance No. 471 and Sections 2.16.010 through 2.16.030 of Codified Code and  
K.S.A. 15-204

Gene Garcia, Police Chief

Jason Gearhardt, Lieutenant  
Clint Luckner, Police Officer/Investigator  
Lee Harp, Police Officer  
Rebekah Schauf, Police Officer  
Darrel Haynes, Police Officer  
Roy Riggs, Police Officer (PT)  
Sean Zernickow Police Officer (PT)  
T.J. Ohlemeier, Police Officer (PT)

Beverly Jo Johnson, Police Records/Court Clerk  
K.S.A. 15-204

Becky L. Hurtig, Municipal Judge  
City Ordinance 383 or Section 1.20.010 of Codified Code and  
K.S.A. 12-1109

Larry Linn, City Prosecuting Attorney

Pat Lambert, Animal Control Officer  
City Ordinance 6 or Section 7.08.020 of Codified Code

**Court Appointed Attorneys:**

Roger Batt                      Russell Mills                      Arlene Burrows

**Public Works Department:**

Ernie Misak, Public Works Director  
Kevin Bush, Public Works  
Cole Hollis, Public Works

Chadd Posch, Public Works  
Kenny Hughes, Dump Coordinator (PT)  
John Mishler, Dump Coordinator (PT)

**Planning Commission**

City Ordinance No. 274 and Section 2.32.020 of Codified Code and K.S.A. 12-701 To 12-715b

George Rudy                      2012 – 2015 City

**Public Building Commission**

City Ordinance No. 778 and K.S.A. 12-1757

David Papish                      2012 – 2016  
Chuck Reitberger                2012 – 2016

**Historical Society**

Sue Smith                         2011 - 2015

**Emergency Volunteer Services:**

City Ordinance No. 339 and Section 2.24.010 of Codified Code and K.S.A. 31-145 and K.S.A. 80-1501

1. Marvin Schauf, Fire Chief
2. Gary Berger, Asst. Fire Chief and Chief Fire Investigator\*
3. Kurtis Lauterbach, Asst. Fire Chief
4. Donald Schauf, Lieutenant Training\*\*\*
5. Jared Dinwiddie, Lieutenant, Training \*
6. Karen Matzen, Lieutenant, Safety\*
7. Jason Templin, Disaster Management,  
City Ordinance No. 472 and Section 2.25.010 of Codified Code
8. Mary Schauf, Dispatcher
9. Lisa Berntsen, Dispatcher

**Fire Fighters:**

Bruce Berntsen, Capt. Operation  
 Mark Reibenspies\*  
 Roger Dawson, Capt. Safety\*  
 Adam Pelz  
 Carl Fry, Capt. Operations  
 Gary Enos \*\*\*  
 Hank Pate \*  
 Gerald Ready  
 Brian Schauf  
 Todd Phillips  
 Mike Weakley  
 Gabby Simon\*\*\*  
 Darin House \*  
 Chad Sterrett \*  
 Kyle Berger  
 Kyle Matthews

Diane Thorton  
 Justin Patrick \*  
 Matt Rupe  
 Joshua Hecker \*  
 Lucas Frickey

\*EMT

Jim Kendrick \* \*\*\*EMICT

**Emergency Medical Technicians (EMT)**

1. Donald Schauf, Director MICT, TO2
2. Roger Dawson, Instructor
3. Hank Pate
4. Lisa Corr, AEMT
5. Jim Kendrick
6. Jared Dinwiddie
7. Christopher Atwater, MICT.
8. Karen Matzen, Asst. Director
9. Gabrielle Simon, MICT
10. Janet Schauf
11. Mike Snyder, MICT
12. Esther Vanley, AEMT
13. Thomas C. Bodwell, MICT
14. Joshua Hecker
15. Chad Sterret
16. Jason Templin, EMT
17. Courtney Clymer - EMT
18. Justin Patrick
19. Dr. David I. Papish DO (Medical Director)

The Council reviewed each department individually and gave consensus to approve all of the 2012-2013 appointments.

**7. Resolution Setting a Public Hearing on Unsafe Structure at 115 N. Lee Avenue**

City Administrator Kent Brown stated that this was requested by the governing body at the 4-26-12 City Council Meeting. The property owner has repeatedly stated that he will submit a variance request to the City. The City is not in possession of the variance request. City Attorney Janet Amerine stated that she would recommend adding specific language regarding the roof and walls not being safe structurally into the language of the resolution. Administrator Brown stated that the office of the County Code & Enforcement should provide a letter of justification. Council Member David FitzGerald stated that the Council has waited this long and he would be more comfortable, waiting until the County Code of Enforcement inspects the premises.

**8. Application to Sell Fireworks CHS Government Class**

City Clerk Donabauer addressed the council about an application received from Mike Justice to have a fireworks stand at 801 E. Ross as a fundraiser for the High School Government Class to go to Washington D.C. in November.

**MOTION:** Council Member David Fitzgerald made a motion to accept the application and \$5,000 application fee from Mike Justice and the CHS

Government Class to sell fireworks. The motion was seconded by Council Member Lyle Berntsen. The motion carried unanimously.

**9. Petitions for Constructing and Installing Additional Items on N. Lee Avenue**

City Administrator Kent Brown stated that three properties have submitted petitions to construct and install a driveway approach. The three properties involved in the petitions are at 146 N. Lee Avenue, 148 N. Lee Avenue, and 137 N. Lee Avenue. The property owner at 137 N. Lee Avenue is working privately with PP&J to repair and replace the sidewalk at that address. Council Member David FitzGerald asked how this project is being funded. Administrator Brown explained that this project is being funded by the City through general funds. Once the total project is complete, the costs, interest, and the administrative fee will be assessed and divided using a specific formula. Administrator Brown explained that the property owners would have the option to elect a special assessment or pay upfront with no interest.

**MOTION:** Council Member David FitzGerald made a motion to accept the petition at 146 N. Lee. Council Member Lyle Berntsen seconded the motion. The motion carried unanimously.

**MOTION:** Council Member Lyle Berntsen made a motion to accept the petition at 148 N. Lee. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

**MOTION:** Council Member Jim Whitney made a motion to accept the petition at 137 N. Lee. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

City Administrator Kent Brown explained that typically this type of resolution is published. However, in this case a publication of the resolution is not necessary. After a brief discussion the Council agreed to forego publishing the following three Resolutions.

**MOTION:** Council Member Lyle Berntsen made a motion to adopt Resolution 12-2012 as presented. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

Resolution No. 12-2012

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF CLEARWATER; MAKING CERTAIN FINDING WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE

IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (146 N. LEE AVENUE).

**MOTION:** Council Member Sandi Keeler made a motion to adopt Resolution 13-012 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 13-2012

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF CLEARWATER; MAKING CERTAIN FINDING WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (148 N. LEE AVENUE).

**MOTION:** Council Member David FitzGerald made a motion to adopt Resolution 14-2012 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 14-2012

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF CLEARWATER; MAKING CERTAIN FINDING WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (137 N. LEE AVENUE).

**10. Estimate from Circle C Paving & Construction for Surface Sealing at Various Locations**

City Administrator Kent Brown stated that Circle C Paving & Construction has provided an estimate for the surface sealing at several locations: Senior Center, Aquatic Center, Fourth Street from Kansas Street to Park Street, Fourth Street from 103<sup>rd</sup> Street to Kansas Street, and Fourth Street from 103<sup>rd</sup> to Park Street. This is a less expensive sealant alternative. This has been used at the Sedgwick County Zoo parking lot. Council Member Jim Whitney asked what the warranty is on this product. Administrator Kent Brown stated that he is not familiar with the warranty process. The longevity is anticipated for 3-5 years. Brown stated that the company is out of Goddard. The product they propose to use is \$1.25/sq. yd. Council Member Lyle Berntsen stated that he would be willing to try a new product. Brown stated that he will ask the contractor if he could provide a warranty and contact other city references. Council

Member Berntsen stated that the surface treatment can only be as good as the surface beneath it. Council Member David FitzGerald asked if the Council could authorize Kent Brown and Ernie Misak to proceed once they get their warranty information and visit other city locations that have used it. Council Member Jim Whitney stated that he would like to know how many other cities use it. The item was tabled until more information can be received.

## **11 Request from Pool Manager**

Clearwater Pool Manager Chuck Reitberger thanked the Council for their time to consider his request for the lifeguard rates. In 2010, the Council increased the rates of pool employees to minimum wage. Reitberger stated that he has a few lifeguards that have worked several years at the pool. Those returning employees only make 20 cents more than those that work in the basket room. Reitberger would like his returning and experienced help, particularly those with WSI ratings to make a higher wage. Reitberger has been the pool manager for 16 years and will be starting his 17<sup>th</sup> season. Reitberger has attempted to run a public pool in the most efficient way possible. Reitberger has worked for the last three years without an assistant manager. Reitberger said the last increase the pool manager received was in 2007. Reitberger stated that he will have the minimum number of lifeguards he has had in the 17 years he has been doing this.

Council Member David FitzGerald asked if there is a reason why those with a lot of experience make merely 10 or 20 cents more than those that have just begun. FitzGerald stated that he would think those with the WSI rating should make more. FitzGerald noted that there are many employees that make minimum wage. The additional training for the WSI is reimbursed by the City. City Administrator Kent Brown explained that there is a graduating schedule for the lifeguards. Previously there was a 50 cent difference in getting the WSI rating, however, the increase of all employees to minimum wage put a stop to the differential. David FitzGerald asked if he knew what other cities pay their lifeguards. Reitberger stated that he does not have that information. However, Reitberger has lost guards to YMCA Hyde Park because they do offer higher pay. Mayor Mike York asked Reitberger if he has struggled in the past to staff the pool. Reitberger stated no, it has not been an issue. This is the first year in recent history that Reitberger has had to hire outside of the community. This will also be the smallest his staff has ever been.

Council Member Lyle Berntsen asked for a recommendation. Reitberger recommended giving the experienced guards a 50 cent difference over the starting employees. Returning lifeguards make the same as new basket room employees. Council Member Jim Whitney stated that this is a nice job for the kids who live within the city. Council Member Sandi Keeler stated that there should be a difference between the basket room and experienced lifeguards. The lifeguards on the stands have a bigger responsibility. Council Member Jim Whitney stated that he wouldn't be opposed to Reitberger and Brown putting together a plan or pay scale for the pool employees.

City Administrator Brown excused himself from the Meeting at 8:04 p.m.

Council Member Lyle Berntsen stated that the minimum wage increase was not a

fair process to differentiate the experienced lifeguards from new incoming lifeguards and basket room employees.

**12. Fall Festival Request for Sponsorship**

City Clerk Liza Donabauer discussed with the Council about the Fall Festival committee request for sponsorship. Donabauer stated in the past the City has contributed at a bronze level plus provided fire, ambulance and police support. Public Works employees set up barricades, bleachers, picnic tables and cones for the Fall Festival.

**MOTION:** Council Member David FitzGerald made a motion to approve purchasing a bronze sponsorship for Fall Festival. The motion was seconded by Council Member Lyle Berntsen and passed unanimously (Keeler stepped away from the meeting during this motion).

**13. Follow Up from Town Hall Meeting**

City Clerk Liza Donabauer stated that the Town Hall Meeting was cut short due to torrential weather. The sub-committees were unable to meet to discuss how to proceed. Mayor Mike York stated that he thinks the City's largest asset to the industrial park is the railroad. Council Member Jim Whitney stated that the Council would have to authorize Brown to complete the site certification application. The facilitator asked if the City is willing to commit to spending the tax payer's money to get the site certified. Council Member David FitzGerald asked City Attorney Janet Amerine if this is something that could be placed on a ballot. Attorney Amerine noted that the City could determine whether they wanted to increase its sales tax. Attorney Amerine stated that at the City Attorney Conferences, there are large conversations about incentives other cities offer for their industrial park (i.e. Newton, Salina, Manhattan). Clearwater is competing against other cities that have their sales documents and presentations ready. Council Member Jim Whitney stated that it will take the City Council and its citizen's commitment to make progress. Council Member Jim Whitney stated that the City has to determine how much money it wants to invest in selling its industrial park.

City Administrator Brown returned at 8:22 p.m.

Mayor Mike York stated that he would be in favor of a sales tax increase to dedicate to the industrial park. The end result for the industrial park could be a good thing for the City. City Administrator Kent Brown asked if the Council is in favor of proceeding with the soil survey or phase 1 environmental as proposed by Dave Bossemeyer from GWEDC. We are further along in our business park than other cities.

Mayor Mike York stated that with the annual budget meeting, the Council should set aside a certain amount for investing in the industrial park. City Administrator Brown stated that the Council could invest in the property a little each year to get it certified. Mayor York stated that the City has been in a down economy since they bought the property. Mayor York further stated that he thinks the City is on the upswing during the

next few years. Council Member Jim Whitney noted that perhaps the recent sale of the south half of lot 1, block 3 will start progress out at the industrial park.

City Attorney Janet Amerine concluded that she is hearing that the Council would like to continue discussion during the budget planning session.

#### **14. 2013 Budget Requests**

City Administrator Kent Brown stated that a few departments have submitted their budget requests: Court, Fire Department, and Police. Administrator Brown noted that the Council is to take the information at this time for consideration during the future budget discussion.

City Administrator Kent Brown stated to the Council that the Clearwater Court had an increase in their budget request due to contract labor, jail costs and a data storage software system.

Fire Chief Marvin Schauf stated that he is requesting extra funds to do the cut-over to the new radio system in 2013. The top three priorities will be to equip Engine 711, Tender 71, and Squad 71. City Administrator Kent Brown stated that the majority of the equipment updates will have to be done in 2013. Some may be accomplished this budget year. Mayor Mike York commented that the Council would not have much choice but to accept these radio costs.

City Administrator Brown quickly summarized the Police Chief's budget request. Administrator Brown noted that the Police are requesting a sizable increase from the 2012 budget in the equipment line item. The request for the increase in the 2013 budget is to accommodate the replacement of 14-year old side arms, repair of a modem in Unit 3, and lease for 2012 vehicles. Council Member David FitzGerald asked if the school could assist in providing financial assistance for the D.A.R.E. Program. FitzGerald also noted that the 5<sup>th</sup> grade D.A.R.E. Graduation was fantastic. Administrator Brown stated that the \$500 from liquor tax is used for D.A.R.E programs. This is a requirement by state statute to dedicate a portion of money for alcohol education.

City Administrator Kent Brown stated that staff is preparing a Capital Improvement Plan (CIP) schedule for the next three years. Staff is also including costs within each department regarding the City's ADA plan.

#### **15. Committee Reports**

The recent Park Board Meeting Minutes were distributed in the Council Packets. The 5-01-12 Planning Commission Meeting was canceled and rescheduled for 5-15-12.

The following committees are scheduled to meet and are open to the public to attend:

Planning Commission: Meeting scheduled for 5-15-12

Park Commission: Meeting scheduled for 5-21-12

#### **16. Claims & Warrants**

City Clerk Liza Donabauer presented the claims and warrants as of 5-04-12 for \$70,053.88. Since Friday, additional claims were received by the front office in the amount of \$18,174.46. Donabauer asked that the Council consider approving the additional claims.

**MOTION:** After discussion, Council Member Jim Whitney moved to authorize payment of the claims and warrants for \$70,053.88 as presented, and the additional \$18,174.46. The motion was seconded by Council Member David FitzGerald and passed unanimously.

#### **17. Old Business**

Council Member David FitzGerald asked for an estimate for the sidewalk at the Historical Society. City Administrator Kent Brown said that he received a quote for \$8,200 for 400 lineal feet, 6' wide sidewalk, for a total of 2400 sq. feet. City Administrator Kent Brown stated that the Dump truck is ready to be picked up.

#### **18. Department Head Reports**

Marvin Schauf, Fire Chief, stated that the fire department has a new fire siren at the station. At the last fall festival, Air Products wanted to help with donations. Air Products contacted Schauf again a couple of months ago. Schauf wrote them a letter telling them how much what was needed for a new fire hose. Air Products sent a check and a hose was ordered. Mayor Mike York noted that the City's fire siren is outstanding.

Ernie Misak, Public Works Director, stated that they have been working on the pool this week to get it ready to be filled next week. Misak won't know if there are any leaks until it is filled. Misak also reported:

- Still having problems with BODs at the sewer ponds. The consultant at Kansas Rural Water does not have any idea on why the BODs are at the level. A water sample will be collected and brought to Hutchinson tomorrow.
- Misak will pick up the tiger shark at Sterling for the Aquatic Center.
- Chisholm Ridge and Indian Lakes have silt fences around the entire exterior. The contractors were entering the Indian Lakes property through a vacant Chisholm Ridge property. KDHE received a complaint from someone in Chisholm Ridge regarding soil erosion.
- Decker Electric's survey costs at the baseball field on the scoreboard were brought down due to Misak's call and discussion about the invoice. Decker reduced their freight charge on the bulbs.
- New employee Chadd Posche will start next week. However, Misak may need to ask for another part-time employee in his department in order to get caught up.
- The steel edger has stopped working. It is over 10 years old. Misak is pricing a new edger.
- Misak noted that he would like to hire an additional seasonal employee to help

get his department caught up. He did receive one application from Nathan Brown. With consensus, the Council authorized Misak to hire Nathan Brown as a part-time seasonal Public Works worker.

- Misak noted that he should purchase a new weed eater each year instead of attempting to make repairs. Council Member Jim Whitney noted that the commercial Dole Mar is a good brand, sold by Steve Peterson in Maize.
- Cole Hollis and Chadd Posche will be in Emporia for Waste Water Treatment class on 5-9 and 5-10-12.
- Misak stated that he found a broken blade from the windmill on Kansas and 4<sup>th</sup>. The blade was found 10 feet away from the windmill. Misak stated that it makes him nervous that a child could be hurt by a blade. Misak would propose welding the windmill and creating it as a weather vane. It spins with the wind but the blades do not turn. The windmills will last longer. Council Member David FitzGerald asked if Misak has notified the owner that the windmills are falling apart. The group fundraised and selected the vendor because of their durability. These windmills have been placed on golf courses. Misak replied that they have reordered parts from the vendor to make repairs. The Council gave consensus to weld the windmills shut.

## **19. Council Reports**

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

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

Council Member Jim Whitney asked if the Village and the Manor were on the City's tax roll. City Administrator Kent Brown stated that he hasn't looked on the county website recently to determine whether they are categorized as a non-profit organization.

Council Member David FitzGerald stated that he understands there is water leaking from the roof at the old Public Works Shop. Public Works Director Ernie Misak stated that he is not aware of this. FitzGerald noted that he thinks Clearwater missed the boat on being nominated on Channel 12 to be voted as the most unique town with its windmills and museum.

Council Member David FitzGerald asked City Administrator Kent Brown when the \$2 per customer will cease for the monthly EMS fee. Administrator Brown stated that the fee is perpetual. It will always pay for the replacement of an ambulance. Administrator Brown noted that the last ambulance payment will be made in 2012 and then start paying for the next ambulance.

## **20. Staff Reports**

City Clerk Liza Donabauer stated that she will be working on the grant application for the WorkWell KS initiative. Staff has met with employees twice during its monthly safety meetings to get their input regarding the initiative and potential grant proceeds.

Attorney Amerine stated that she had nothing to report.

City Administrator Kent Brown stated that he added an agenda item to the

agenda. The Historical Society has asked that the City Attorney and Council review the Heritage Trust Fund Grand Project Agreement. The conduit of the grant funding is through the City. City Attorney Amerine stated that there are a lot of hoops to jump through, however the Agreement is approved to form. On page 10, the title work must be acquired. The grant is for the roof and the windows of the school house. The Historical Society has to hire a consultant for \$4,076.

**MOTION:** Council Member Lyle Berntsen authorized the mayor to sign the Heritage Trust Fund Grant Project Agreement. Council Member Jim Whitney asked if the City is free from financial obligation. City Attorney Janet Amerine noted that the proof of title would have to be paid by the City which would be approximately \$100. City Administrator Brown clarified that the City pays for utilities and security monitoring. Council Member Lyle Berntsen stated that he would like the Historical Society to understand that all financial obligations on this project would come solely from the Historical Society. Council Member David FitzGerald seconded the motion. The motion passed unanimously.

Kent Brown, City Administrator, stated that he attended an economic development meeting today regarding the industrial park. This was a result of the Town Hall Meeting.

**21. 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 9:59 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 8, 2012 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 29th day of May, 2012.

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Liza Donabauer, City Clerk