

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

**CITY COUNCIL MEETING**

**MINUTES**

**APRIL 11, 2013**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Thursday, April 11, 2013, at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike York, Mayor; Jim Whitney, David FitzGerald, Lyle Berntsen, and Sandi Keeler, Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Marvin & Mary Schauf, Clearwater Fire Department; Donald Schauf, EVS Director; Beki Zook, Recreation Director; Ernie Misak, Public Works Director; Gene Garcia, Police Chief; Lee Harp, School Resource Officer; Lonnie Stieben, SKT; Kay Sands, Farm Bureau; Andrew Gutierrez, Keystone Automotive; Vance & Lynn True, True2U Automotive; Steve & Noreen Stonehocker, Steve Babb, Yvonne Coon, Kathy Merchant, Kate Kinkaid Brinkerhoff, Peggy Brockman, Barbara Hufford, citizens; Lauren Akin, Chase Kirby, Brandon Cotter, Trynt Dunnegan, Cody Terrell, Dustin Brobst, Tre Flinn, Logan Davis, BayLee Fowler, Jonnie Critchlow, Alex Townsley, Adison Townsley; 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 March 26, 2013**

**MOTION:** Council Member David FitzGerald made a motion to approve the minutes of the 3-26-13 City Council Meeting. The motion was seconded by Council Member Laura Papish and passed unanimously.

**2. Recognize David FitzGerald, Sandi Keeler and Lyle Berntsen for their Service to the City of Clearwater**

On behalf of the city staff, citizens, employees, and volunteers, Mayor Mike York thanked the outgoing council members David FitzGerald, Sandi Keeler, and Lyle Berntsen for their service.. City Administrator Kent Brown gave each of the Council Members a plaque in appreciation of their service.

**3. Oath of Office for New Council Members**

City Clerk Liza Donabauer administered the Oath of Office to Paul Clark as Council Member. Council Member Clark took his place on the dais.

City Clerk Liza Donabauer administered the Oath of Office to Burt Ussery as Council Member. Council Member Ussery took his place on the dais.

City Clerk Liza Donabauer administered the Oath of Office to Chris Griffin as Council Member. Council Member Griffin took his place on the dais.

**4. DARE Vehicle Donor Recognition**

Police Chief Gene Garcia and DARE Officer Lee Harp gave an introduction of the DARE program in Clearwater. They stated that other communities have utilized vehicles to promote the DARE program within their community. Chief Garcia described how they acquired the Humvee at no cost through a federal program. Garcia stated that the vehicle has been used to apprehend a felon in a storm, assist those that were stuck during the recent winter weather, and promote the DARE program within the schools. Officer Lee Harp described how they acquired a 1975 hard top Humvee. The Humvee was originally painted camouflage. Harp stated that he talked to businesses, groups, and individuals about the vehicle. Harp stated that the purpose of tonight's recognition is to publicly acknowledge those that made a cash donation and/or provided labor to make the DARE vehicle what it is today including the following businesses and individuals:

- Clearwater Family Practice
- Charles Engineering
- 1st Christian Church
- Emprise Bank
- Trader Motor
- Home Bank
- Mr. and Mrs. Eric Walter
- Mr. and Mrs. Roy Riggs
- Carl Shaffer
- Kate Brinkerhoff
- Steve & Noreen Stonehocker
- Keystone Automotive
- SKT
- Mr. and Mrs. Trevor Stieben
- Tru2U Automotive

The Humvee has graphics, new paint, and a light bar along the top of the vehicle. Lee Harp asked the Mayor to take a 5-minute recess for a reception to celebrate those that supported this project. Police Chief Gene Garcia invited everybody to the 5-01-13 DARE graduation. The DARE vehicle will make a huge impression on kids.

**5. Consent Agenda**

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

- 1) Authorization to pay invoice from PEC (\$7,945.87) for Inspection of Sanitary Sewer Improvements at Indian Lakes Addition, 2<sup>nd</sup> Addition, Phase 1.
- 2) Authorization to pay invoice from PEC (\$5895.26) for Inspection of Water Line Improvements at Indian Lakes Addition, 2<sup>nd</sup> Addition, Phase 1.
- 3) Authorization to pay invoice from PEC (\$546.29) for Water Line CA at Indian Lakes Addition, 2<sup>nd</sup> Addition, Phase 1.

Council member Ussery asked if these were the final payments. City Administrator Kent Brown stated no.

**6. Mayor's Recommendations**

Mayor Mike York did not have any recommendations.

**7. Public Forum**

Former Council Member David FitzGerald thanked the Council and staff. FitzGerald stated that he has several items on Old Business. FitzGerald would like to keep those items on the Old Business list as a reminder of projects that have yet to be completed. He asked new Council Member Paul Clark to take over the responsibility of making sure his Old Business items are completed.

Lonnie Stieben stated that he is involved as a minor investor/minority owner for the Clearwater golf course. The investors had asked for a meeting with the Rec Commission and City Council. The meeting should have been held after the new council election. It was his understanding that the old council did not feel right in making a decision on behalf of the new council. Stieben stated that he feels that a discussion needs to happen regarding the economic impact of a golf course within the community. He would like to address the economic impact on local businesses. The Clearwater golf course generated revenue of \$140,000 last year and \$165,000 in its hayday. This does not include restaurant sales. The Clearwater high school golf team uses the course and the Chamber uses the golf course for its annual golf course, which funds its entire year of finances. Stieben asked if the Council would continue forward with a discussion and study because the course cannot operate without some subsidy from the rec commission and/or the city. The DARE program has individuals to support its program to some extent. He asked the Council to consider that if the city cannot fund the golf course to consider becoming a silent owner and help get a management team to keep the course as a community asset.

Council Member Burt Ussery stated that he spent some time looking at the financial information that was provided at the joint meeting. Ussery thinks there is merit to the city

trying to help keep the golf course. If it is lost, it will not come back. Ussery would be willing to share the time he spent in researching this topic with anybody else who would be interested. There is merit to opening this topic for a comprehensive review. Council Member Laura Papish stated that she too is in favor of this.

City Attorney Janet Amerine stated that no decisions can be made during a public forum. It can be discussed later in the meeting.

## **8. Election of Council President**

**MOTION:** Council Member Jim Whitney made a motion to nominate Council Member Laura Papish as Council President. The motion was seconded by Council Member Burt Ussery and it passed unanimously.

## **9. Waste Connections to Answer Questions regarding Current Service**

Jeff Fawcett, Waste Connections, stated that he would answer questions from the Council. Mayor Mike York stated that the most pressing and current situations is the problem with the senior citizens that are physically unable to get the trash containers to the curb to be picked up. Fawcett stated that he has a list of five persons that need assistance due to age or disabilities. Jeff Fawcett stated that if the cart is placed at the front of the house or garage then the driver could get out of the truck to make it work.

Council Member Paul Clark asked about using bungee cords to keep lids down. He noted that if the wind is blowing hard, trash is blowing around. Fawcett stated that the cart can be moved or turned to circumvent the wind. He cautioned that if a customer turns their cart backwards (to avoid being blown open by the wind) then the automated arm will knock the cart over. If customers use a bungee cord, then the driver has to get out and remove the bungee before using the automated arm. This is not as efficient. He explained that the automated service is to cut down on workers compensation injuries. He stated that drivers have to get in and out of a truck 400-600 times a day, which is hard on knees and backs.

Jeff Fawcett stated that some cities require their citizens to bag their trash to prevent it from blowing around.

Mayor Mike York stated that the information pamphlet from Waste Connections states that the trash and recycle cans are to be at least three feet apart. Fawcett replied yes because the arm of the truck needs to expand and open, otherwise the driver has to get out of the truck which again is not efficient.

Council Member Burt Ussery asked what the process is for picking up excess trash if a customer sets out bags alongside their cart. Fawcett stated if the bags are not too heavy, the driver will get out and pick them up.

Citizen Barbara Hufford asked if the driver would come to the side of her house and get her cart. Fawcett advised citizens to contact city hall to make arrangements for Waste Connections to pick it up their trash cart.

City Administrator Kent Brown stated that complaints have been received with the new automated system trash that sometimes trash is blown out of carts. Does the driver stop

and pick up the trash if it blows out during the pickup. Fawcett replied that if the driver sees it occurring; he has been instructed to pick up all debris. Brown also requested that it be emphasized to the drivers of both the trash and recycle trucks to stop by city hall at the end of their day to check for problems and or customer misses.

#### **10. Review Aquatic Center Gate Fees and Hours of Operation**

City Clerk Liza Donabauer and Recreation Director Beki Zook presented their proposal for increased hours and pricing with the goal of increasing membership and daily gate admission. They propose to make the availability of purchasing memberships and punch cards accessible at City Hall and at the Aquatic Center. The existing requirement to show tax documents in order to purchase family pool passes will disappear. Zook proposed increasing pool party availability to weekdays and increasing the number of night swims.

Council Member Burt Ussery stated that he is concerned about the proposed price increase. Council Member Laura Papish stated she does not think the \$5 increase will make much of a difference. City Clerk Liza Donabauer noted that Clearwater's pricing for daily admission, pool parties, family passes, and punch cards is competitive with surrounding cities. Council Member Jim Whitney asked what Beki Zook was going to do to promote the new pricing and activities. Zook shared some of her ideas to increase the marketing efforts of the pool.

Kay Sands, Clearwater Chamber President, asked if there could be a way to coordinate the emptying of the pool during the Chamber Ducky Dash. Public Works Director Ernie Misak stated that the cost of the chemicals to keep the pool open is very expensive. It is cheaper to have the fire department use its water for the Ducky Dash.

Laura Papish and Jim Whitney stated they liked the changes. In consensus, the Council agreed with the changes in pricing, hours, and promotional activities.

#### **11. Quote for Video & Audio for Council Chambers**

City Administrator Kent Brown stated that when Wade Cooper, Sound Products, came in to fix the microphone at the podium, he suggested moving to digital. In order to record the audio, there needs to be a video source to go with it.

Council Member Laura Papish stated that communication is key within this community. Often, there are not a lot of audience members attending the Council Meeting. However, people do watch Wellington council meetings. The City might look in to seeing if Channel 2 or Channel 7 would run the video from Clearwater Council Meetings.

City Administrator Kent Brown stated that Council received quotes in previous years for video and it was \$7,000 to \$10,000 to do so. Sound Products now quotes \$894.00; however, it is for one static camera to have a video feed that matches the audio input. Brown stated this is not the same type of package that was previously proposed.

Council Member Burt Ussery asked how the new audio/video would change how things are currently being done. City Staff listens to the tape and types the minutes from a tape cassette player. The new system would digitally record the meetings and could be

saved as a digital file on the computer. The file could be heard on the computer. Council Member Chris Griffin stated that he likes the idea of working smarter not harder. He is in favor of the video and audio installation.

**MOTION:** Council Member Jim Whitney made a motion to authorize purchasing the video and audio as quoted from Sound Products for \$894.00. Council Member Burt Ussery seconded the motion. The motion carried unanimously.

## **12. Budget Calendar**

Liza Donabauer, City Clerk, presented the 2014 budget calendar for the upcoming eight months. Shortly following the City Council election, the department heads will present their budget requests. This will be a good time to schedule a tour for new and existing Council members to help determine the goals and objectives for the following year's budget. The budget calendar is laid out in such a way to meet publishing requirements and the State's budget deadline of 8-25-13. City Clerk Donabauer asked the Council Members to select a date for the tour.

City Administrator Kent Brown explained that a short strategic planning session typically precedes the budget process. City Clerk Liza Donabauer stated that a council tour would facilitate a tour of the assets and generate discussions with the Department Heads.

Council Member Jim Whitney stated that in the past the Council has met at 5:00 p.m. prior to meeting for the Council Session. The budget work session could take place after a short council meeting. Council Member Jim Whitney stated that the tour can take an hour to hour and a half of time.

Council Member Burt Ussery stated that he would like a tour earlier than later so he could get an understanding of the items before the budget discussions.

With consensus, the council selected a 5-14-13 tour at 5:00 p.m.

City Administrator Kent Brown stated that the work session would occur after the department heads present their budget requests. The 6-11-13 Council Meeting could have a short agenda which would include authorization to pay bills. Then the Council would move into a work session.

## **13. Senior Center Advisory Board Requests Chamber Membership for Director**

City Administrator Kent Brown stated that he was approached by a member of the Senior Center Advisory Board. The Senior Center has not been included as a voting member of the Chamber of Commerce. The Senior Center Advisory Board is requesting the City to pay the dues for the Senior Center Director Pamela Riggs. Staff agrees with the recommendation. Riggs is an active participant of the Chamber.

Council Consensus was to allow the City to pay the \$75.00 dues.

**14. Recreation Commission's Revised Agreement Regarding Recreation Director**

City Attorney Janet Amerine stated that the recreation director is a shared position. This was set up a number of years ago because it was previously not an active full time position. To create a full time position in the original agreement, the position was paid half by the City and half by the Rec Commission. The city paid all of the employee benefits and provided the office space. The Recreation Commission came to the last Council meeting with a proposal that they would kick in more money. The Recreation Commission would increase the base salary of the rec director and pick up the difference. She clarified that the position would no longer be split half and half. The Rec Commission is going to put in an additional \$10,000/year.

Council Member Burt Ussery stated that the old agreement did not contain any salary figures. City Attorney Janet Amerine read the words of the old agreement. The Council is amending the section regarding salary. An amount was not stated in the original agreement. Council Member Laura Papish clarified that the increase would increase the city's benefits. The Recreation Commission would like it retroactive from 1-01-2013 and is an increase of \$10,000. That margin would always stay the same. City Attorney Amerine prepared it as directed by the Recreation Commission. The reason it was handled this way was that it would take an amendment to the original agreement due to the change in the splitting of the salary. The City would remain in control of the hirings and firings based on the recommendations from the recreation commission. The amendment was already signed by the recreation commission.

**MOTION:** Council Member Laura Papish moved to accept the revised agreement. Council Member Jim Whitney seconded the motion. Motion carried.

**15. Department Head Reports**

Marvin Schauf, Fire Chief, stated that the ignition system went out on Engine 2. The repair was done free of charge by Britt's Repair.

Donald Schauf, EMS Director, stated that the shop order for the build of the new ambulance came and Schauf reviewed it. Schauf found a few minor things he wanted changed such as the wiring for the radios and the location of a button for the air horn.

Council Member Ussery asked how often the ambulance is called out. Schauf replied that there is an average of 300-340 calls a year, which is almost a call a day. Currently there are 16 volunteers. Each call takes approximately 2 hours to complete. Up to four people answer a call. There are three paramedics out of the 16 volunteers. Most calls require one paramedic. Usually one of the three paramedics is on the call. The protocols have changed in the last two years on the requirements on who needs to respond on each type of call.

Ernie Misak, Public Works Director, stated that the public works department takes care of water, sewer, streets, narrow/wide crack repairs, trim trees, parks, building

maintenance, alleyways. Public Works does not always see everything. Public Works has been fortunate in the past to have council members that have alerted them if needed. Misak would prefer that the Council to let him or Kent Brown know if they see anything that they need fixed. Misak stated that he has one employee that will go out on family medical leave on 4-23-13, and his temporary seasonal staff member would start on 4-22-13.

Council Member Jim Whitney reported that the corner of 3<sup>rd</sup> and Kansas is full of mud again. Whitney also asked about connecting the generator to another well. Misak stated that the wells were measured this week. The static level and pumping level were timed to see how long it would take to fill. Well #8 recharged in less than 10 seconds, well #6 recharged in less than five minutes and well #7 recharged in less than 20 seconds.

Public Works Director Ernie Misak stated there was an issue with the power at the water tower. It caused damage inside the well house on the electrical panel. There is a bill in the Council packet's for \$890 to repair the panel. Misak stated that Westar changed out all three transformers in the City Park line that connects to the well house. There was too much voltage and it burned up the breakers.

Gene Garcia, Police Chief, stated that his department has taken the last couple of weeks to deal with some vehicle issues. Most of those have been resolved. There is a KETCH house west of town and one of the individuals out there has created a problem. Chief Garcia stated that he is not sure if the individual has been removed. Garcia explained that KETCH homes are county/state funded housing for disabled individuals. The house is not in our jurisdiction, however, the city police have to help if the County is not able to get to the house in a timely manner.

Chief Garcia announced that a school incident training session will occur at Elementary East. Officer Rebekah Schauf attended training this week with KDOT for seatbelt and child safety seat enforcement. Chief Garcia announced a bicycle rodeo on April 24<sup>th</sup> with Sedgwick County Emergency Services and the Fire Department.

Chief Garcia stated that the tree house has been installed. He and Public Works Director Ernie Misak met with Austin Wood with SKT. The current video monitoring has to be expanded to protect the newest asset at the city park. Since the video monitoring was installed, vandalism has greatly reduced.

Police Chief Garcia would like to send Lt. Jason Gearhardt to the National Officer Memorial in Washington D.C. City Administrator Kent Brown and Chief Garcia think it is important for Clearwater to be there to show honor to those that have fallen in the line of duty. The City of Clearwater has one officer, Officer Hammers in 1934, who fell in the line of duty. Lt. Gearhardt was chosen because he has been with the Police Department the longest and he has excellent evaluations. Gearhardt would be a great representative of the Clearwater community. Council consensus was to allow Garcia to send Gearhardt to the National officer Memorial.

Recreation Director, Beki Zook, stated that baseball practices have started. The high school has had only one game because of the weather. Now that baseball has started, Zook can work with City Staff to get things ready for the opening of the Aquatic Center.

Mayor Mike York asked what the oldest age group is that can play in the summer baseball and softball programs. Zook stated that she has a 11-12 year old softball team and

a 13-15 age baseball group. Council asked Zook to explain the priority system regarding the use of the fields. Zook stated that first priority is given to the schools with the rest of the organizations in the following order: 2<sup>nd</sup> is rec commission events, 3<sup>rd</sup> is for city of Clearwater activities, 4<sup>th</sup> is nonprofit organizations: churches, chambers, 5<sup>th</sup> is for Clearwater individuals and then 6<sup>th</sup> priority is for non-Clearwater individuals. If a coach lives in Clearwater and coaches a team that plays in another league they may still practice here if nobody is there. The field does not have to be reserved; however, it is a first come first serve basis outside of the priority qualifications. This plan has worked well for two years. If someone is from out of town, they are lowest on the priority and pay an hourly fee if they want to reserve and guarantee to use the field. If a group from a higher priority comes to use the field and the out of town group has not paid, then the out of town group would have to come off the field. The use of the fields is based on an honor system. The Rec's website show the timeslots that are reserved for teams.

## **16. Committee Reports**

The 3-05-13 and 4-02-13 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 5-07-13

Park Commission: Meeting scheduled for 4-15-13

## **17. Claims & Warrants**

City Clerk Liza Donabauer presented the claims and warrants as of 4-11-13 for \$49,060.06.

**MOTION:** After discussion, Council Member Laura Papish moved to authorize payment of the claims and warrants for \$49,060.06. The motion was seconded by Council Member Jim Whitney and passed unanimously.

## **18. Old Business**

Several items were discussed on the Old Business listing in the Council's notebooks. Mayor Mike York asked about the results for the boring on 135<sup>th</sup>. City Administrator Kent Brown stated that he would make a copy of the report available for the next council agenda packet. The report is 15 pages and the documentation is quite lengthy. Council Member Jim Whitney stated that he wants so see the short report. Terracon will present the results of the boring at the next meeting. They are excited about the results.

**19. Staff Reports**

City Clerk Liza Donabauer stated that she would get the pricing info on the LKM Governing Body Institute and Mayor's Conference.

City Attorney Janet Amerine stated that she would provide legal training and an outline regarding the procedures of the City Council, power to govern, who enforces, as well as a list of books and resources. Attorney Amerine would like to schedule a special meeting with the new Council Members before the next Council meeting. The Council decided to meet at 2:00 p.m. on 4-23-13 for an hour and a half prior to that evening's Council meeting. City Clerk Liza Donabauer will need to create a Special Meeting Agenda which will include an outline and be distributed to Council Members.

City Administrator Kent Brown stated that Spring Clean-up will be on 4-19-13 and 4-20-13. High School Government students will volunteer on Saturday. The clean-up will be from 8 to 5 p.m. on Friday and Saturday from 8 a.m. to 2 p.m. The brush dump will be open for free on Saturday.

The rock was added to the road on Commercial Street. The owner is satisfied. However, even more rock will be put down and extended to the fire hydrant at the east end.

There is a proposal from a company regarding ADA improvements to city assets. The City will be spending a \$7,000- \$8,000 for two additional ADA improvements that will have to be purchased for the pool. The zero entry is no longer acceptable. The City will need to add a lift and a set of stairs. The City will also have to install a long ramp into the baby pool.

**20. Council Reports**

Council Member Chris Griffin stated that he is thrilled to be here and will work hard on behalf of the community.

Council Member Paul Clark stated that he has nothing to report.

Council Member Jim Whitney asked if APEC has given a date on when they will start. Kent Brown thanked him for the reminder. Public Works Director Ernie Misak stated that the sealing contractor will begin sealing streets at the end of April.

Council Member Burt Ussery asked what the next step is on the school board meeting. After some discussion, City Attorney Janet Amerine stated that the School Board has 90 days to respond. City Staff will check with the school officials in a few weeks regarding the proposal.

Public Works Director Ernie Misak stated that he would like the council to consider hiring Pat Seiler to work one hour a day to pick up trash. It added value for the community and gave her value when she did community service and she took great pride in her work. Five hours a week could come out of the seasonal work budget. The dress code would have to be addressed as well as proper training. Council Member Burt Ussery stated that in the process of hiring a new employee, an employee has to meet certain standards otherwise the City is open to liability.

Council Member Laura Papish stated that she would like to open the discussion on

the golf course. Griffin stated that it pains him that any business would be closed in town. He would be interested in a study. Clark stated that he needs more information. Ussery stated that the investors are meeting on Saturday and a decision could be made that negates this process. He proposed putting together a team that could conduct some additional investigation regarding the bottom line of the business, the synergies of it. Ussery stated he would like to see some financial numbers based on logical forecasting whether this could be a profit for the city. York stated that one of the main items that would be of interest to me is how much the golf course would need in extra revenue to keep it going to survive as a golf course. That way, the council would have a better idea on what the possibilities would be how this amount of money could be divided up. Ussery stated that the plan could be laid out based on current assets and current costs with pricing activities. The city could present a business plan based on what the city wants to offer. He stated that he thinks they could put something together within two weeks to present to the Council.

Amerine recommended the Mayor appoint an exploratory committee to pursue this if he would choose to do so. Lonnie Steiben stated that he would be willing to come back before the Council as an agenda item. Mayor York asked about the upcoming investor meeting. Lonnie Steiben stated that he is comfortable with tonight's discussion and bringing it to the investment group. York asked if everybody is willing to look at Lonnie's success/failures of the business and the impact on the community. After discussion, York stated that he would get together with Ussery regarding this. Lonnie will drop off his report with Liza to distribute

## 21. **Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Laura Papish moved for adjournment. The motion was seconded by Council Member Jim Whitney and passed unanimously.

The Meeting adjourned at 9:46 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 April 11, 2013 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of April, 2013.  
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Liza Donabauer, City Clerk