

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

**CITY COUNCIL MEETING**

**MINUTES**

**FEBRUARY 26, 2013**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, February 26, 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, 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: Mary Schauf, Clearwater Fire Department; Marvin Schauf, Fire Chief; Donald Schauf, EVS Director; Gene Garcia, Police Chief, Burt Ussery, Dr. Karl May, Bob Jacobs, Esther Vanley, Andy Jacobs, Paul Clark, Chris Griffin; citizens.

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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 February 12, 2013**

**MOTION:** Council Member Lyle Berntsen made a motion to approve the minutes of the 2-12-13 City Council Meeting. The motion was seconded by Council Member Jim Whitney and passed unanimously.

**2. Consent Agenda**

City Clerk Liza requested to remove item #2 on the Consent Agenda for discussion later in the Council Meeting.

1. Authorize Payment of Application of Payment #1 to Mies Construction, Inc. for Sanitary Sewer & Waterline Improvements at Indian Lakes 2<sup>nd</sup> Phase 1 (\$102,807.46).
2. Authorize Mayor to Sign Engagement Letter with George, Bowerman & Noel, P.A. to Conduct the 2012 Audit (\$10,250 plus out-of-pocket expenses).

**MOTION:** Council Member David FitzGerald made a motion to authorize Payment of Application of Payment #1 to Mies Construction, Inc. for Sanitary Sewer & Waterline Improvements at Indian Lakes 2<sup>nd</sup> Phase 1

(\$102,807.46). Council Member Jim Whitney seconded the motion. The motion carried unanimously.

3. **Mayor's Recommendations**

Mayor Mike York did not have any recommendations.

4. **Public Forum**

Burt Ussery introduced himself as a write-in candidate for the City Council.

5. **Public Hearing for the Proposed Assessment for the Business/Industrial Park Infrastructure**

Kevin Cowan, Gilmore & Bell, stated that the Council approved the establishment of the public hearing date, and proposed assessment roll at the 2-12-13 Council Meeting. The City continues to be a major property owner at the Business/Industrial Park. Cowan explained that tonight's process is a statutory process.

Mayor Mike York opened the public hearing at 6:39 p.m.

Andy Jacobs, SafetyTec, stated that he does not have any questions about the assessment amount. However, he does have a question about the tax abatement process as agreed upon in the purchase agreement with the City. Jacobs asked if the assessments would take place immediately and how it would work with the agreed upon two-year tax abatement. Mayor York stated that at the end of the two-year period, the assessments would be reimbursed by the City. City Administrator Kent Brown stated that section #12 within the real estate purchase agreement states that the tax abatement would be for a period of 24 months, prorated from date of purchase.

Cowan stated that the assessments would begin in December 2012. City Attorney Janet Amerine explained that Jacobs would pay the assessments and the City would reimburse Jacobs after the end of the two-year period. Jacobs is to bring in his invoice and it would go before the City Council for payment. Cowan stated that the assessment runs with the property. Therefore, the arrangement to reimburse the assessment is the proper way to mechanically conduct this.

Mayor York closed the hearing at 6:45 p.m.

6. **Resolutions and Ordinance to Authorize Business/Industrial Assessment Documents**

Kevin Cowan stated that there are three things the Council must do tonight. A resolution must be passed. The water portion of the assessment is fairly small. The original resolution on the project was 2-2009. The water improvements include the engineering and design work for the entire development with a fire hydrant. The total cost was \$15,000. Since the 2-2009 resolution, a change was made to the properties that were to be assessed. The resolution called for 11 properties. In the amended and restated petition, the description

of the project and improvements and estimated costs were changed. The benefit district changed to 20 lots. The amending resolution is to clean up the language of the old resolution.

**MOTION:** Council Member David FitzGerald made a motion to accept the petition as written. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

**MOTION:** Council Member David FitzGerald made a motion to adopt Resolution 8-2013 as presented. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

Resolution No. 8-2013

A RESOLUTION AMENDING AND SUPPLEMENTING RESOLUTION NO. 2-2009 OF THE CITY OF CLEARWATER, KANSAS; WHICH DETERMINED THE ADVISABILITY OF THE MAKING OF A CERTAIN INTERNAL IMPROVEMENT IN THE CITY (SEWER IMPROVEMENTS/BUSINESS PARK).

Kevin Cowan, Gilmore & Bell, stated that the assessment ordinance would approve the assessments. A notice would be sent to the property owner allowing him to pay the 15-year assessment ahead of time to avoid the interest payment.

**MOTION:** Council Member David FitzGerald made a motion to adopt Ordinance 966 to levy special assessments on certain improvements at the Business Park. Council Member Lyle Berntsen seconded and the motion.

**ROLL CALL VOTE:** Berntsen yea, Keeler yea, Whitney yea, FitzGerald yea. Four Yea. Motion carried.

Kevin Cowan, Gilmore & Bell, stated that the Council would also need to adopt a resolution to call for the sale of general obligation bonds for the Business/Industrial Park prior to the temporary notes coming due on 4-01-13. There will be a bond sale in March and the City will close on those bonds to pay for the temporary notes. Cowan prepared a short resolution to retire the old notes in order to permanently finance the various sections. A notice will be published and the notice of the bond sale will be mailed. At the 3-12-13 Council Meeting, Cowan will present the bids. Tonight's resolution will authorize the bid and the bond notice.

**MOTION:** Council Member Lyle Berntsen made a motion to adopt Resolution 9-2013 authorizing the offering for the sale of general obligation bonds, series 2013, as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 9-2013

## A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2013, OF THE CITY OF CLEARWATER, KANSAS.

On a separate issue, City Administrator Kent Brown stated that the bidder on the temporary notes was not announced at the last council meeting. The bidder for the temporary notes was Home Bank & Trust. Kevin Cowen, Gilmore & Bell, announced that the details of the bank's proposal were very good. The temporary notes for Indian Lakes 2<sup>nd</sup> Addition will have a one-year maturity date in 2014 at 1.25%. The bank has done very well for the City. The city will save several thousands of dollars by working with a local bank. It is more costly to sell the bonds publicly. Administrator Brown stated that the temporary notes will pay Mies Construction for their work.

**7. Award Bid for New Ambulance**

Donald Schauf, EMS Director, stated that he receives quotes from American Response Vehicles and Osage. Osage is the current ambulance carrier for Clearwater. Schauf stated that he spent time with both sales reps to explain what EMS would like on a custom build ambulance. The quotes are similar with a few exceptions on the standard features they carry. Schauf stated that he has luck with Osage because their rep is local. Osage has a build date of 170-210 days from the time we sign paperwork. Osage offers a quote of \$139,830. American Response has a build date of 120-150 days. American Response offers a quote of \$145,861.

Council Member Jim Whitney asked why Schauf was considering going to back to gasoline vehicles again. Donald Schauf stated that the Ford series quit putting diesel in their E-series. Council Member Jim Whitney expressed concern in the lack of good mileage in the gasoline engines. Whitney asked if Sedgwick County EMS went back to gasoline engines. Schauf stated yes. Mayor Mike York asked how many miles the Clearwater ambulances put on each year. Schauf stated 8-10,000 miles per year.

American Response Vehicles is the sales rep for the (AEV) American Emergency Vehicles. American Response Vehicles brought an X-Series model down to the EMS building. Their ambulances have better insulation, ventilation systems, and sound barrier material. Their cabinets are aluminum and the body has extra supports. They have also crash tested their ambulances in two different positions. He recommended that the Council view the seven-minute crash video on [www.aev.com](http://www.aev.com). They put 6-point seat belt systems into their vehicles. Sedgwick County has started purchasing their ambulances from American Response. They can get a replacement vehicle to the City of Clearwater within 24 hours if necessary. American Response Vehicles offers wood cabinets which would drop the price by \$5,000. In this quote, they offer allowing two City representatives to come do a final inspection and tour. Eliminating this option could save money on the final price. American Response Vehicle offers a modular body 20-year warranty. They also offer a seven-year, 70,000 mile, warranty on the paint and graphics.

After speaking with both sale reps, Schauf would recommend American Response Vehicles. Their safety features impressed and Schauf wants his volunteers to be safe. AEV does not have to modify its ambulance to accommodate the loading cots. Osage would have to make accommodations in their vehicles. Council Member Jim Whitney asked if the quote includes the powerless cots. Director Schauf stated that the power load is part of the \$2 EMS budget and the cots are a budgeted item. Schauf stated that he would contact the power load company and have the cots shipped directly to AEV to install.

EMS Director Donald Schauf stated that he would recommend the 2013 AEV Traumahawk Type III X-Series. City Administrator Kent Brown stated that the \$2 fee on the citizen's monthly utility bill allows the city to pay for a new ambulance every 5-6 years. For the 1996 McCoy Miller, Director Schauf will ask about a trade-in option, or will sell it online if a trade-in is not possible.

EMS Director Donald Schauf presented an extended service plan from Olathe Lincoln. The ambulance comes with a standard three-year, 36,000 mile extended warranty. Schauf stated that he would recommend the 60 month/200,000 miles/8,000 engine hours/\$200 deductible plan for \$3,695. The volunteers leave the ambulance idling 2-2 ½ hours per call.

**MOTION:** Council Member Jim Whitney made a motion to accept the bid from AEV for the 2013 AEV Traumahawk Type III 168x96x72 X Series LTD. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

The warranty becomes valid once the City receives the ambulance. The warranty would be a separate invoice since it is covered by a different company

**MOTION:** Council Member Jim Whitney made a motion to authorize the EMS Director to enter into a contract with Olathe Lincoln for \$3,695 for 60 months/200,000 miles/8,000 engine hours/\$200 deductible. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

City Administrator Kent Brown stated there would additional action at a future meeting regarding the lease agreement for the ambulance.

## **8. Ordinance for Sewer Rate Increase**

City Attorney Janet Amerine stated that she prepared a draft ordinance, which reflects an adjusted base based per the discussion at the 2-12-13 Council Meeting. Attorney Amerine explained that the customer pays a base rate that is adjusted each year. The amending ordinance would add a dollar to the actual adjusted amount and set a new base.

Council Member David FitzGerald noted that the carwash and restaurants have

different rates than other categories. City Administrator Kent Brown stated they have a different base rate because of the amount of water or type of problems generated. The rate reflects a base rate and then staff adds the annual 1% increase accordingly.

Council Member David FitzGerald noted that Items 1 and 2 under Section 1 of the Ordinance (residential and business) have the same base rate. City Administrator Kent Brown stated that Tri-County Electric is categorized under the business/commercial category. Tri-County is minimal in its use of water and sewer. If a business requires additional maintenance in the sewer system, they are grouped in other categories. Council Member Jim Whitney stated that amending the ordinance cleans up the base rates and the adjusted based rate amounts.

City Administrator Kent Brown stated that the school district is a complicated formula. The base rate is based on each student, teacher, administrative and service person. If the rate was increased by \$1.00/student then it would generate \$1300 extra revenue per month. The current base rate increases two pennies each year which generates approximately \$26 of extra revenue per month. Administrator Brown stated that he does not like the formula that is currently being used, but has not come across a better formula. There is a \$50 per month charge to the schools during the summer months for the empty buildings. The school has to report their occupancy by September 20<sup>th</sup> to the State of Kansas and that number is then given to the City to prepare their sewer rate for the rest of the school year.

Mayor Mike York stated that the Care Home/Nursing Home rate seems reasonable to him in comparison to other businesses. City Attorney Janet Amerine stated that she applied a dollar increase to the care and nursing home category. Council Members Whitney and Keeler stated that a set fee is better than a fee per person because care home enrollment fluctuates throughout the year.

City Attorney Janet Amerine notes that with a car wash, foreign objects and chemicals can go down the drain after cars are washed. This can create problems for the city sewer.

Council Member David FitzGerald stated that he would like to see an increase in the base rate at the care home and the village. City Administrator Kent Brown stated that the sewer ordinance was created before the assisted living care facility was built in the city. The assisted living facility was established in 1999. Council Member Jim Whitney stated that the rate should be based on occupancy. Council Member Jim Whitney and Council Member Sandi Keeler stated that the care facility is the second highest consumer of the sewer system. The school is the largest.

There was much discussion regarding the nursing home, assisted living, and the Harbor House concerning the sewer rates not being high enough for these facilities. City Council directed staff to find out the number of residents at each facility and the number of meters at each facility. The information would be brought back to the next City Council meeting.

City Administrator Kent Brown proposed two rates that would reflect care facilities with over 50 and under 50 occupants. City Attorney Janet Amerine stated that she would be in favor of the under 50 and over 50 occupancy.

Council Members looked at item #6 under Section 1 of the Ordinance regarding the schools. City Administrator Kent Brown stated the school bill is adjusted in September instead of March to reflect the enrollment number. The school district has several buildings and receives a different bill for each building. The school pays a substantial amount but also uses a substantial amount of water.

Mimosa Arms is included in item #8 under Section 1 of the sewer ordinance. Currently, the city charges \$11.77, which would increase to \$11.89 per unit. They have 30 units at Mimosa Arms. Raising the base rate by a dollar will have a significant impact. Mimosa management brought concerns to the Council during a previous discussion to increase rates. As a result, the Council dropped the rate again. Council Member Jim Whitney stated residents of Mimosa Arms use just as much sewer as other homeowners. Council Member Jim Whitney further stated that he thinks each unit should be considered just like any residential home. City Attorney Janet Amerine stated that she would recommend a dollar increase.

Council Member David FitzGerald stated that he would like City Administrator Kent Brown look at this and bring back a proposal. Long term, Mayor Mike York stated that the sewer and water system has to get in a better financial state. City Attorney Janet Amerine stated that she is concerned that the city may no longer be able to release water into the river. It will require a project and the funds to back it. Mayor Mike York stated that financially, the City is against a wall.

Council Members and Mayor gave direction to city staff to look at items 6, 7, and 8 under Section 1 of the sewer ordinance and let Council know occupancy and meter information so that Council can make an informed decision at the 3-12-13 Council Meeting.

City Administrator Kent Brown distributed a chart to show what other cities are charging for sewer tap rates. Administrator Brown stated that Kechi and Andover have experienced a higher growth rate than Clearwater. Clearwater currently charges a \$300 tap fee. The fee is charged to new homes that are built in the city. The contractor/plumber does the work and the city inspects the connection. Administrator Brown stated that increasing the rate to \$500 would not be a big difference. During a good year, 10-12 new homes are built in Clearwater. New homes increase the tax base. Raising the sewer tap rate could decrease growth. Mayor Mike York stated that raising the tap fee to \$500 would keep the city in the middle of what other cities are charging. City Attorney Janet Amerine clarified that \$300 is charged to those inside the city limit and \$800 to those outside the city limit. Council Member Lyle Berntsen stated that he would be in favor of an increase of \$500/\$1,000. The inspection is not labor intensive; the cost is to cover them tapping into our system. Council Member Jim Whitney stated that he is in favor of a \$500 tap fee.

City Administrator Kent Brown stated that he would recommend a planned equity fee for the connection if the city has to move to a mechanical plant. Currently, there is just one customer outside of the city limit because the Council typically requires an annexation.

## **9. Review Annual Changes in Monthly Water Rates**

City Administrator Kent Brown distributed a chart that showed the ranking of cities

and their annual water rate (per 5,000 gallons). Out of 61 communities across the state, Clearwater is ranked 17<sup>th</sup>. 20 of the 61 communities were in the Sedgwick County area. A dollar increase would not change the ranking of the City among other communities.

City Administrator Kent Brown asked for staff direction. The dollar increase would be on the base amount. City Council Member Jim Whitney stated that a dollar only increases the total revenue \$900 per month or over \$10,000 a year in additional revenue. Administrator Brown stated that a Clearwater water system study recommended more systems in town to improve connectivity. Water is provided 24 hours day/365 days. Chlorine and fluoride is added. One well had to be shut down in town and is to be used for emergencies only. There is always a concern that the nitrate levels may get to a level that would require negotiations with KDHE for a water treatment plant.

Council Member Lyle Berntsen stated that a dollar increase is necessary for this year. Council Members Keeler and Berntsen proposed a one-dollar increase this year and one-dollar increase next year. The rate would be increased on the bill after the passing of ordinance. Mayor Mike York and Council Member Jim Whitney both said they would be in favor of a \$1 increase this year and \$1 increase next year.

Kent Brown distributed an ordinance from Park City that outlines its water tap rates. In Park City, the consumer pays connection charges and for the cost of the meter. Language in the code allows for the increasing costs in meters. The material cost for the meter is about the same cost of the tap rate. The ordinance would include material costs and the tapping fee. City Administrator Kent Brown distributed a chart to the Council on area tap charges. Administrator Brown explained that the communities that are experiencing growth can charge more. Administrator Brown stated that the rising cost of the meter would be worded so that the ordinance would not have to be amended each time. The cost would be passed on to the consumer. The current price of \$800/meter does not cover the cost of boring under a street. Council Member Lyle Berntsen stated that he liked Park City's ordinance. City Administrator Kent Brown stated that the fee is collected when the building permit is purchased and city staff would outline the costs to the customer when they picked up the building permit.

Council Member Jim Whitney and Council Member Lyle Berntsen agreed with a flat fee of \$500 for a "Utility Improvement Fee" or tap fee. Council Member David FitzGerald stated that he is in agreement with that charge.

**10. Follow-Up on Sports Complex Discussion from 2-12-13 Council Meeting**

City Attorney Janet Amerine stated that she would like to have an executive session on this agenda item.

Mayor Mike York suggested moving this agenda item to the bottom of the agenda.

**11. Request for Mud Volleyball Tournament in City Park**

City Administrator Kent Brown stated that a group of students has asked for permission to use the City Park for a Mud Volleyball Tourney in the afternoon of 4-20-13.

The Park Advisory Board stated that they are in favor of the request if a teacher sponsor will be involved. The event will involve student teams only. There will be no adult teams. This is a fundraising event for the High School Student Council.

**12. Department Head Reports**

Gene Garcia, Police Chief, stated that his department appreciates acquiring the Humvee. The patrol vehicles got stuck due to the weather and the Humvee responded to 18 important calls. There was one minor accident because of the weather.

Donald Schauf, EMS Director, stated that with the second round of the storm, a couple of volunteers stayed up until 2:00 a.m. to try to keep the sidewalks and the door in front of the automatic door clear at the EVS building. The volunteers also got the Chief's Vehicle ready just in case they had to load a patient in it. Schauf stated that he has a concern regarding snow removal at the station. Schauf stated that he would like the station to be first priority during snow removal efforts. His concern is that if they cannot get the fire and ambulance out, the department is no good to the citizens of Clearwater. Schauf would like to ask that snow routes at the station, including all front and back ramps, and the parking lot on the east side, be a top priority. Schauf understands that the homeowners are responsible for their own homes so he and his volunteers keep their homes clear.

Fire Chief Marvin Schauf stated that Ken Chambers, Ninnescah Township, stated that if the ambulance or fire department needed to get down any county road, he would be able to assist with the use of township equipment.

**13. Committee Reports**

No meeting minutes were distributed in the Council Packets. The following committees are scheduled to meet and are open to the public to attend:

Planning Commission: Meeting scheduled for 3-05-13

Park Advisory Board: Meeting scheduled for 3-18-13

**14. Claims & Warrants**

City Clerk Liza Donabauer presented the claims and warrants as of 2-22-13 for \$10,273.64. Since the packet deadline, additional claims were received in the amount of \$549.66. A listing of the additional claims was distributed to the Council Members for their review. Donabauer requested that the Council authorize payment of all claims in the amount of \$10,823.30.

**MOTION:** After discussion, Council Member Sandi Keeler moved to authorize payment of the claims and warrants for \$10,823.30. The motion was seconded by Council Member Jim Whitney and passed unanimously.

**15. Old Business**

City Administrator Kent Brown sent a nuisance letter to the property owner at 200 S. Second Avenue. The deadline for action has surpassed. No contact has come from the homeowner. City Staff will have something for the Council to look at next meeting to take action.

City Attorney Janet Amerine stated that she has not heard from the homeowner in Chisholm Ridge regarding the damaged storm inlet. Police Chief Gene Garcia will speak with the homeowner and remind him of the letter.

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

**MOTION:** At 9:10 p.m., Council Member Lyle Berntsen made a motion to enter into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship for 15 minutes. The Mayor invited City Administrator Kent Brown into the executive session. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

At 9:25 p.m., Council returned to regular session with no action taken.

**MOTION:** At 9:25 p.m., Council Member Lyle Berntsen made a motion to enter into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship for 5 minutes. The Mayor invited City Administrator Kent Brown into the executive session. The motion was seconded by Council Member Sandi Keeler and passed unanimously.

At 9:30 p.m., Council returned to regular session with no action taken.

**17. Staff Reports**

City Clerk Liza Donabauer stated that staff received a letter today from Peterson, Peterson, & Goss, L.C. offering to provide a bid proposal for audit services. Council Member Berntsen stated that it does not hurt to check prices for next year's audit. George, Bowerman & Noel, P.A will conduct the 2012 audit on 3-18-13.

**MOTION:** Council Member Sandi Keeler made a motion to conduct the 2012 audit with George, Bowerman & Noel, P.A in March and then seek a quote from Peterson, Peterson, & Goss, L.C. Peter. Council member Lyle Berntsen seconded the motion. Motion carried.

Attorney Amerine stated that she had nothing to report.

### **Crosswalk Stoplight**

City Administrator Kent Brown stated that the crosswalk stop light does not work. The stop light is antiquated. The initial fix would cost \$6,000. The county contacted the city about removing the stop light. City staff put a poll out on the city's Facebook page to gather feedback about removing or repairing the crosswalk light. Staff noted that thirty responses were in favor to take down the light and one response was for keeping the lighted crosswalk. A few Facebook users commented that they would like a light at the intersection of 4<sup>th</sup> and Ross. City Administrator Kent Brown counted 23-24 kids that crossed at the lighted crosswalk intersection after a school day. Council Member David FitzGerald stated that a lot of kids from the south end of town use the crossing to get to the pool and park. Brown stated that citizens could use the 4<sup>th</sup> and Ross intersection. Yet, the protected crossing is at the current location. The County suggested placing signs as an alternative to the crosswalk lights. Council Member David FitzGerald asked if the county would pay for a replacement crosswalk light if elementary east were to open again. Council Member Berntsen asked how long a \$6,000 fix would last. Council Member FitzGerald stated that there are many kids that cross over to the Methodist Church for the after school latchkey program. Mayor Mike York stated that he would be in favor of removing the light, but would want to add pedestrian crossing signs. Council Member Jim Whitney stated that he would like to tell the county that the city would like to keep the lighted crosswalk if they pay for it. Council Member Lyle Berntsen and Council Member Sandi Keeler asked Staff to request that the county repair the light.

## **18. Council Reports**

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

Council Member Sandi Keeler stated that she agrees with Donald Schauf, EMS Director, about making the emergency building a priority in snow removal efforts. Keeler also stated that she has a concern about the waterway near her home. Water was backing up towards her home. Keeler would like to ask Public Works to note the natural waterways to determine where to grade snow.

Council Member Jim Whitney stated that he agrees the EVS building should be cleared first. Whitney stated that Public Works need to go back to putting snow in the center of the street and away from the edge of the streets. Whitney stated that he received eleven calls today in complaint of the way the snow was plowed. The trash carts and mail were affected.

Council Member David FitzGerald stated that his neighbors could not get to their mailboxes. Council Member David FitzGerald asked if the City applied for FEMA money to assist in snow removal. City Administrator Brown stated no. FitzGerald noted that the Wellness Center does not have the snow cleared in front of their building. City Attorney Janet Amerine stated that the City does not have an ordinance that would allow the City to charge a business for snow removal. Council Member David FitzGerald stated that it is slip

hazard.

**19. Executive Session - Personnel matters of non-elected personnel**

**MOTION:** At 9:54 p.m., Council Member David FitzGerald made a motion to enter into executive session for Personnel matters of non-elected personnel for 10 minutes. The motion was seconded by Council Member Lyle Berntsen and passed unanimously.

At 10:12 p.m., Council returned to regular session with no action taken.

**20. 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 10:13 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 February 26, 2013 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of March, 2013.

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Liza Donabauer, City Clerk