

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

CITY COUNCIL MEETING

MINUTES

JANUARY 22, 2013

(Approved 2-12-13)

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 22, 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: Jim Whitney, David FitzGerald, Lyle Berntsen (Council President), and Sandi Keeler, Laura Papish, Council Members. Mayor Mike York 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 Schauf, Clearwater Fire Department; and Sue Koenig, Clearwater Public Library Director; Scott Lucas, Library Board President; Andy Jacobs, Fall Festival President; Juliann Jacobs, Clearwater Public Library Treasurer; Chris Griffin, Dr. Karl May, citizens.

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 January 8, 2013

MOTION: Council Member Laura Papish made a motion to approve the minutes of the 1-08-13 City Council Meeting. The motion was seconded by Council Member David FitzGerald and passed unanimously.

2. Consent Agenda

MOTION: On a motion by Council Member Sandi Keeler, second by Council Member Jim Whitney, all voted to approve the Consent Agenda:

1. Authorize Payment to Regional Economic Area Partnership (REAP) for 2013 Membership and Water Resources Committee Assessment (\$849.00).

3. Mayor's Recommendations

Mayor Mike York was not present at tonight's meeting.

4. Public Forum

Andy Jacobs introduced himself as the President of the Fall Festival Committee. Jacobs stated that this year's event would be held on September 26-28, 2013. Jacobs announced that the Committee signed an agreement with Lewellen Amusements again. Jacobs asked the City Council what their thoughts were regarding bringing the carnival back into the City Park area. Jacobs clarified that hosting the carnival on the grounds of the City Park would free the use of Ross Avenue. Council Member David Fitzgerald asked if there have been any complaints about the location of the carnival. Council Member Jim Whitney stated that the carnival was moved to the street because the trucks and machinery were tearing up the ballpark. Jacobs asked if the Council would be open to holding the carnival in the City Park, weather permitting. The back-up plan, due to weather conditions, would be to move the carnival to Ross Avenue. Jacobs inquired on whether the committee is required to pull permits for the event. City Administrator Brown stated that there are no required licenses or permits through the City. However, the Committee will need to come before the Council once their plans are finalized with their final requests (parade route, bleachers, use of City equipment, etc).

5. Library Board President to Introduce New Library Director, Sue Koenig

Scott Lucas, Library Board President, introduced himself and the Library Board Treasurer Juliann Jacobs. Lucas stated that the Library Board is excited to introduce Sue Koenig as the new Library Board Director. Lucas would like to request that the Mayor appoint Rachael Bell as a seventh Library Board Member at the next City Council Meeting. Lucas stated that Koenig came from the Newton Public Library. Koenig stated that she has enjoyed her time here in the community. Koenig stated that the doors are always open to new ideas. Koenig's desire is to create relevant program ideas and update the Library's collection.

6. Ordinance Amending Ordinance No. 826 Clarifying Regulation of Parking

City Administrator Kent Brown stated that at the 1-08-13 Meeting, City Council directed staff to clarify the pre-existing ordinance regarding the regulation of parking in front yards. City Attorney Janet Amerine drafted an ordinance that amends Ordinance #826, Section 1, which states that the regulation of parking in front yards is restricted to residential zones.

MOTION: Council Member David FitzGerald made a motion to approve Ordinance 965 as written. Council Member Sandy Keeler seconded and the motion.

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

7. **Utility Easements in Indian Lakes 2nd Addition from Duckhorn Properties and David and Melanie Beck**

City Administrator Kent Brown stated that staff has received utility easements from Duckhorn Properties and David and Melanie Beck. PEC forwarded the signed petitions and has requested that the City Council accept the petitions.

MOTION: Council Member Jim Whitney made a motion to accept the utility easements from Duckhorn Properties and David and Melanie Beck. Council Member Laura Papish seconded the motion. The motion carried unanimously.

8. **Resolution Authorizing Sale of Temporary Notes for Water and Sewer Line Project Along Ross Avenue**

City Administrator Kent Brown stated that there are three resolutions regarding this project. The City Council has received and accepted the petitions regarding this project. The resolutions require Council action and will put the project into action. The resolutions pertain to the water and sewer improvements along Ross Avenue.

MOTION: Council Member David FitzGerald made a motion to adopt Resolution 1-2013 as presented. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

Resolution No. 1-2013

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF CLEARWATER; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (WATER SYSTEM/INDIAN LAKES 2ND ADDITION).

City Administrator Kent Brown presented the second resolution for Council's consideration.

MOTION: Council Member Laura Papish made a motion to adopt Resolution 2-2013 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 2-2013

A RESOLUTION DETERMINING THE ADVISABILITY OF THE MAKING OF

CERTAIN INTERNAL IMPROVEMENTS IN THE CITY OF CLEARWATER; MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AND AUTHORIZING AND PROVIDING FOR THE MAKING OF THE IMPROVEMENTS IN ACCORDANCE WITH SUCH FINDINGS (SEWER SYSTEM/INDIAN LAKES 2ND ADDITION).

City Administrator Kent Brown presented the final resolution for the night regarding this project, which authorizes the sale of the general obligation temporary notes.

MOTION: Council Member David FitzGerald made a motion to adopt Resolution 3-2013 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 3-2013

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2013-1, OF THE CITY OF CLEARWATER, KANSAS.

9. Bid Results for the Indian Lakes 2nd Addition Phase 1 Sanitary Sewer and Waterline Improvements

City Administrator Brown reviewed how per Council direction, the Council authorized the engineering contracts for the Phase 1 Sanitary Sewer and Waterline Improvements to go out for bid. The bids were received on 1-16-13. There were five bidders with the low bidder being Mies Construction, Inc. Their bid was for \$108,219.08, which is under the engineer's estimate of \$145,820.00. The engineer recommends awarding the project to Mies Construction.

MOTION: Council Member Jim Whitney made a motion to accept the bid of \$108,219.08 from Mies Construction for the construction of the sanitary sewer and waterline improvements. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

10. Resolution RE: Structure at 210 S. Gorin

City Administrator Brown stated that City Attorney Amerine drafted a resolution based on Council direction at their 1-08-13 Meeting. Brown stated that he had further discussion with the property owner at 210 S. Gorin. Brown informed the property owner that the Council has decided to go ahead with the process to demolish the structure. The Council conducted a hearing, and this is the action that they have decided to take. Brown stated that another person called and inquired on purchasing the property. Brown provided the property owner's contact information to the person. He also informed the individual that

they would need to present their intentions to the Council if they were to purchase the property. He notified the person that the Council is moving forward with their actions.

City Administrator Kent Brown spoke with Steven Bridwell, who is not the owner of record. Steven Bridwell is technically in control of the properties that Shane Bridwell owns. Both Bridwell parties been advised of the Council’s decision. City Attorney Amerine stated that the resolution reviews the legal process, the publication, the hearing, and the Council’s determination that the structure is unsafe and must be torn down. The resolution must be published once in the City’s newspaper. Once published, a copy of the resolution and a letter prepared by City Attorney Janet Amerine will be mailed to the Bridwells. There is a statute that designates a reasonable amount of time must be given to commence demolition. Although the statute does not define a specific timeline, City Attorney Amerine stated that 30 days would be sufficient time in this case. If demolition has not started by 3-01-13, the City can go in on 3-02-13 to start tearing down the structure. If the demolition is started by 3-01-13, then the City has to wait until 4-01-13 to tear down if the demolition is not completed.

MOTION: Council Member Jim Whitney made a motion to adopt Resolution 4-2013 as presented. Council Member Sandi Keeler seconded the motion. The motion carried unanimously.

Resolution No. 4-2013

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT LOTS 48-50-52, GORIN AVENUE, TRACY/BYERS ADDITION, IN THE CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS, COMMONLY KNOWN AND REFERRED TO AS 210 SOUTH GORIN AVENUE, CLEARWATER, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

11. Salary Resolution for 2013

City Administrator Brown stated that the salary resolution was drafted per Council direction from their 1-08-13 Meeting.

MOTION: Council Member David FitzGerald made a motion to adopt Resolution 5-2013 as presented. Council Member Jim Whitney seconded the motion. The motion carried unanimously.

Resolution No. 5-2013

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS THAT THE 2013 ANNUAL SALARY FOR EACH CITY EMPLOYEE LISTED HEREIN WILL BE AS FOLLOWS:

12. Proposal from itKansas for New Server for Police and City Hall

City Administrator Brown stated that City Hall and Police have been having problems with their servers over the last few months. Staff received a proposal from itKansas for a server that provides two virtual servers: one for the Police Department and one for City Hall. itKansas issued a quote of \$3,726 for a server; the software package is \$2,070 and the work to migrate all information on one server is \$4,875. The freight charge will be \$198.83 for a total cost of \$10,869.83.

itKansas currently provides the City's network support. City Administrator Brown stated that he feels secure with this company and its network support. itKansas has provided an option that is called Managed Server Support Services that is \$420.00 a month. This service plan would negate the server installation, set-up charges and the software charges. The City is approximately four software editions behind at this point. City Administrator Kent Brown would also recommend signing up for the Managed Security Service at \$45/month. He stated that the City does not have an IT person; therefore, itKansas would provide protection via this service. If both services are elected, the City could save \$30/month. Council Member David FitzGerald asked how long the City would have to pay \$435/month. Administrator Brown stated that it is for the length of the agreement. Brown explained that the fee automatically includes an update in three years when the server software becomes outdated.

Council Member Laura Papish asked if itKansas works with other cities. City Administrator Brown stated yes. Haysville uses itKansas. The City started with itKansas approximately four years ago. Council Member Laura Papish asked if Brown has been happy with their service. Administrator Brown stated that he has been satisfied for the most part. The company is based out of Wichita. Administrator Brown stated that the new server is a budgeted item in both the police and administration budgets.

City Administrator Brown would prefer the monthly fee because it includes the updates and upgrades. Council Member Laura Papish asked what the warranty would be on the new server. Brown stated that it has a three-year warranty. Council Member Lyle Berntsen stated that he would agree with the monthly charges. Council Member Laura Papish stated that she agreed.

MOTION: Council Member Laura Papish made a motion to authorize staff to proceed with acquiring the server for \$3,726 and security and server software support services from itKansas at \$435/month. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

13. Designation of Voting Delegate at Annual Business Meeting, Kansas Rural Water Association

City Administrator Brown stated that the City is part of the Kansas Rural Water Association (KRWA). KRWA has their business meeting at their conference in March. Normally, public works employees attend the conference. Public Works Director Ernie

Misak will attend. The Council came to a consensus to designate Ernie Misak or his designee to be the voting delegates at the KRWA conference.

14. Resolution Encouraging Action by the Kansas Congressional Delegation to Keep Tax-Free Municipal Bonds

City Administrator Brown stated that there is discussion at the congressional delegation, to take away tax-free municipal bonds. This would mean that it would cost the City additional money to purchase bonds to borrow money on capital projects. The resolution is a formal action by the City Council, which takes the place of emailing, mailing, or telephoning Congressman Pompeo.

MOTION: Council Member Jim Whitney made a motion to adopt Resolution 6-2013 as presented. Council Member David FitzGerald seconded the motion. The motion carried unanimously.

Resolution No. 6-2013

A RESOLUTION BY THE GOVERNING BODY OF THE CITY OF
CLEARWATER, KANSAS ENCOURAGING ACTION BY THE KANSAS
CONGRESSIONAL DELEGATION.

15. Set Joint Meeting with Recreation Board and School Board

City Administrator Brown stated that the Recreation Board and School Board have decided to schedule a joint meeting with the City Council on Wednesday, 2-06-13.

Council Member David FitzGerald asked if an agenda would be available prior to the meeting date. FitzGerald would like to see an agenda before the meeting. Council Member Laura Papish suggested adding a discussion to the agenda regarding the baseball field. City Administrator Kent Brown stated that he was aware the meeting agenda would include a discussion about redoing the football field and track and how the project would work between the Rec and School Boards. The agenda would also include a discussion on the baseball field and field maintenance of the fields. Council Member David FitzGerald asked if the City was going to put money into the football field. Administrator Brown stated no. Council Member Jim Whitney asked if the Rec Commission was going to discuss the pool operation. Administrator Brown stated that the use of the baseball/softball field in the sports complex is the only mutual topic between the three boards. Council Member Laura Papish stated that it would be good for everyone to be at the meeting so everybody is on the same page.

16. Department Head Reports

Marvin Schauf, Clearwater Fire Chief, stated that he received all of the radios for the

narrow branding. Schauf stated that he has not done anything with the mobile units for the Fire Department vehicles. However, he did get a recommendation from Garden Plain who prefer EF Johnson radios over the Motorola brand.

Police Chief Gene Garcia stated that they are having computer issues. Garcia stated that he would urge people to lock their vehicles. There has been an increase in car burglaries. They have been putting warning stickers on cars that do not have current registration or a license plate. Police Officer Luckner attended institute to learn about field training. Police Chief Garcia attended disaster management training today.

Police Chief Garcia passed along a warning to the Council that there is a fellow from SE Kansas that has been impersonating a police officer and passing forged checks. He also announced that the school resource officer started the second half of the DARE programs.

17. Committee Reports

No meeting minutes were distributed in the Council Packets. The 1-01-13 Planning Commission Meeting was cancelled. The 1-21-13 Parks Park Advisory Meeting was also cancelled. The following committees are scheduled to meet and are open to the public to attend:

Planning Commission: Meeting scheduled for 2-05-13

Park Advisory Board: Meeting scheduled for 2-18-13

18. Claims & Warrants

City Clerk Liza Donabauer presented the claims and warrants as of 1-18-13 for \$11,307.04. Since the deadline, additional claims were received from Bank of America, State Health Insurance, and Tee Time Café for \$20,290.20. She requested the Council to consider authorizing payment of all claims and warrants for a total of \$31,597.24.

MOTION: After discussion, Council Member Laura Papish moved to authorize payment of the claims and warrants for \$31,597.24. The motion was seconded by Council Member David FitzGerald and passed unanimously.

19. Old Business

Council asked staff to send an email to Waste Connections to remind them that they have not notified customers regarding the automated service beginning 2-07-13. The new change will cause customers who have alley trash pickup to pull their trash onto the streets and curbs in front of their homes.

Council Member David FitzGerald stated that he would like the alleys to be maintained after 2-07-13 to repair the damage caused by trash trucks.

Council Member David FitzGerald inquired on the street signs and asked that a replacement and cost schedule be determined.

20. Staff Reports

City Clerk Liza Donabauer stated the Rec Commission is hosting a free digital photography class at the Library on Monday, 1-28-13.

City Attorney Janet Amerine stated that she had nothing to report.

City Administrator Kent Brown provided the following update:

- A letter was sent to the resident on Red River Drive regarding the inlet basin.
- Brown received contact from a neighbor regarding the garage on South Second.
- The property on South First had its trash picked up.
- The water rights information was sent to the two interested parties that spoke during the public forum at the 1-08-13 Council meeting.
- The Insurance Service Office (ISO) gives 75 days notice once the report has been filed and completed. The report was filed at the end of 2012. The ISO office will then provide notification to everybody regarding the changes that will take effect regarding the ISO certification process that took place in 2012.

21. Council Reports

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

Council Member Laura Papish stated that the door on the city maintenance building needs to be painted. It is rusty looking.

Council Member Laura Papish that Park City has experienced amazing growth. She asked whether Park City offers incentives to new businesses and citizens. City Administrator Kent Brown stated that he has a copy of one of their policies. Park City does have a more aggressive strategy.

Council Member Laura Papish stated that the newspaper is talking about spring water restrictions in Wichita. She asked whether the Council needs to start thinking about water restrictions for the summer of 2013. Sedgwick County was officially declared a drought disaster. Council Member Lyle Berntsen stated that this should be discussed on a future agenda. Brown stated that it will be important to get those that have yard wells to follow the same rules as those that do not have wells. Council Member Laura Papish stated that they are a part of the same water system. Administrator Brown stated that a disagreement could occur with citizens who have purchased their own well. Council Member Jim Whitney stated that Public Works needs to start monitoring the water levels in the wells at least two times a month.

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

Council Member Jim Whitney stated that he had nothing to report.

Council Member David FitzGerald stated that he discussed his concerns during the Old Business agenda item.

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

MOTION: At 7:42 p.m., Council Member David FitzGerald 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 25 minutes. The motion was seconded by Council Member Jim Whitney and passed unanimously.

At 8:07 p.m., Council returned to regular session with no action taken.

23. Adjournment

MOTION: Being no further discussion to come before the Council, Council Member Sandi Keeler moved for adjournment. The motion was seconded by Council Member David FitzGerald and passed unanimously.

The Meeting adjourned at 8:09 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 January 22, 2013 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of February 2013.

Liza Donabauer, City Clerk