

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

**CITY COUNCIL MEETING**

**MINUTES**

**June 25, 2013**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 25, 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, Paul G. Clark, Chris Griffin, Burt Ussery, Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Barbara Salinas, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Gene Garcia, Chief of Police; Ernie Misak, Public Works Director; Beki Zook, Rec Commission Director; Mary Schauf, Clearwater Fire Department; Pamela Riggs, Senior Center Director; Damon Kraft, Tricia Nichols and Peggy Brockman, Park Advisory Board Members; Chaney Kraft, David FitzGerald, Larry Canup, Kristin and Kaitlyn Mitchell, Suzanne Johnson, Jay and Courtney Clymer; Hank and Sherry Pate, Cathleen Smothers, Carl and Kathy Fry, Tamara Fisher, Karen Matzen, Becky Schievelbein, citizens.

---

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 June 11, 2013**

**MOTION:** Council Member Laura Papish made a motion to approve the minutes of the June 11, 2013 City Council Meeting with one addition to Page 3 regarding the Chamber of Commerce and Clearwater Community Foundation. The motion was seconded by Council Member Burt Ussery and passed unanimously.

**2. Consent Agenda – No consent agenda**

**3. Mayor's Recommendations**

Mayor Mike York made the following recommendations:

David FitzGerald, Clearwater Recreation Commission Board  
Tanner Rink as Firefighter/EMT  
Shane Rink as Firefighter

Kyle Mills as Firefighter  
Esther Vanley as Firefighter/AEMT

**4. Public Forum**

David FitzGerald asked the Council to remove the tree that is in Elaine Avenue. The tree is dead, but it is located within the street at that location. If it could be removed and then the stump grinder used, the neighbors that live in that area have agreed to plant a new tree. Council Members discussed whether the tree was in the street and whether it belonged to the city or not. Mayor Mike York stated that the city would investigate. David FitzGerald stated that he would appreciate anything that the city could do regarding the tree.

David FitzGerald asked about the ditch that runs east from Byers along the south side of Wood Avenue. The trees are overgrown in the ditch at that location. David FitzGerald also asked about the buildings at 250 N. Byers and whether the property owner has been contacted. City Administrator Brown stated that the owner has been contacted and is returning to the property to address concerns.

Sherry Pate asked the Council about allegations by neighbors involving improper behavior within the police department. City Attorney Amerine stated that it is a personnel matter and the City Council cannot legally discuss personnel issues.

Cathleen Smothers stated that she appreciated that the flags lining 4<sup>th</sup> Avenue and Ross Avenue were kept up. Smothers addressed the Council regarding downtown Clearwater and the need for beautification. She has spoken with several business owners and they are willing to assist in dressing up downtown. Cathleen Smothers pointed out that there were plans developed to redo the sidewalks and add lighting to downtown. Cathleen asked the Council to make every effort to include in the budget funds for the downtown project. The primary project that the business owners would make an investment is the addition of decorative lighting. The poles themselves would cost between \$3,500 and \$4,000 per pole. The business owners would be willing to buy the poles; although, there would probably be additional work needed to get electricity to the poles. Cathleen Smother distributed copies of the previous plans that were prepared for the downtown project.

Pamela Riggs, Senior Center Director came on behalf of the Clearwater Area Chamber of Commerce. Riggs stated that Kay Sands, Chamber President, and other members of the Chamber board were unable to come. However, they asked Pamela to come to the Council meeting to make the request. The Chamber of Commerce is requesting that Pamela Riggs be allowed to work for the Chamber on a part time basis in addition to her duties as Senior/Community Center director.

City Attorney Amerine introduced Paula Phelps. Paula Phelps is the wife of Donnie Phelps. City Attorney Amerine stated that the Phelps' are one of three residents the city has been required by the state to contact regarding the application for water rights. Paula Phelps stated that the proposed agreement is acceptable except that they wanted to request that any connection or boring underneath 103<sup>rd</sup> to extend water service would be the city's responsibility. After discussion, City Attorney Amerine stated she would discuss it further

with Paula Phelps and present the information to the Council.

**5. Recommendation from Park Advisory Board on Sign for City Park**

City Administrator Brown stated that Park Advisory Board member Damon Kraft was present to review recommendation by the Park Advisory Board to install an identification sign for City Park. City Administrator Brown stated a copy of the proposed sign was in the Council's notebooks. Damon Kraft stated that the proposed sign would be placed at the sidewalk going to the windmill. Two posts would be placed on either side of the sidewalk and the proposed sign would be over the sidewalk. It was originally to be 10 foot off the ground; but, due to a request at the Park Advisory Board meeting would be raised to 10 ½ feet off the ground so people wouldn't jump and hang off the bottom of the sign. Kraft stated that the sign would be metal. Kraft continued to review the sign's construction.

Council Member Ussery asked if the request was for this year or for next year's budget. Kraft stated that the recommendation is that the sign would be the next project completed at the park. Kraft stated he understood there were limited funds and the request is for next year's budget. Council Member Papish asked about the materials for the sign and said she liked the sign presented. Council Member Ussery asked if there were other items in the park that were considered in addition to this project to be completed next. Kraft stated that there are several items that need to be addressed in City Park. In addition, he has received input from several community members regarding items that are not safe in the park. Mayor Mike York asked what the safety concerns in the park are. Kraft stated that the fall zone material is not adequate for underneath the playground equipment. The schools have put in loose material for fall zone material and the monkey tree house recently installed also has the same material; however, it is carried or pushed aside and is no longer thick or deep enough after a certain amount of time. Kraft suggested that the city investigate a pour in place fall zone material. Kraft stated that it is possible to obtain this material for certain areas through a grant program. Kraft also reviewed the shelter, the stagecoach, the swings and other equipment in the city park. After discussion, Mayor York stated Council would take it under consideration.

Kraft addressed the Council and requested that additional funds be included in next year's budget for park improvements, specifically improvements to City Park. Kraft stated that the plan for City Park has not been completed and he would like to see additional funds set aside to complete more projects. He has contacted some donors that would be willing to share in the cost of certain projects.

**6. Proposed Assessment Documents for the Ross and Lee Avenue Curb & Gutter Project**

Bond Attorney Kevin Cowan with Gilmore & Bell was not present. City Administrator Brown addressed the Council and stated that this project was completed in 2012 after receiving petitions from residents. The project was completed on their behalf and city used its own funds to pay for the project. The process was now to send proposed

assessments to the property owners on the 100 block of N. Lee Avenue and the 400 block of E. Ross Avenue. The proposed assessments included the all the construction costs for the curb and gutter and portions of sidewalk and driveway requested by residents. The city paid for the asphalt to repair and replace the portion of street next to the curb and gutter.

**MOTION:** Council Member Burt Ussery made a motion to authorize Notice of Hearing and Statement of Cost Proposed to be assessed for the Ross and Lee Avenue curb and gutter project. Council Member Laura Papish seconded the motion. The motion carried unanimously.

**7. Discussion on Sports Complex**

City Administrator Kent Brown addressed the Council asking for their direction on scheduling a second joint meeting with the school district. Brown stated that during various discussions on this topic, it has been suggested to have a joint meeting on a more informal basis. Administrator Brown stated that the school district will most likely turn down the city's proposed agreement; however, they would like to continue to discuss the sports complex before any additional proposals are made. After discussion, Council consensus was to schedule another joint meeting when the school board would be able to meet if possible during the third or fourth week of July.

**8. Present 2014 Budget – All Funds beside General Fund**

Council Member Laura Papish requested this item be moved to the last item, after Old Business.

**9. Department Head Reports**

Police Chief Gene Garcia stated there is a Tribal Dash scheduled for August 3<sup>rd</sup> with training for volunteers on July 13<sup>th</sup> to comply with hosting a beer garden. The Police Department is also hosting a Hunters Safety school scheduled for the same weekend, July 13 and 14, 2013. Police Chief Garcia also attended a crimes on seniors seminar with Senior Center Director Pamela Riggs. There is a possibility of offering this training at the Clearwater Senior Center. The Police Department continues to work on parking, trailers and junked vehicles issues.

Public Works Director, Ernie Misak fixed water leaks in alleyways on Grain Street. There is still a water leak at the Garvey elevators. Two of the Public Works Department employees are in training for water certification. Public works employees continue to trim trees over streets. Public Works Director referenced David FitzGerald's concerns regarding the tree limbs on Wood Avenue and offered some comments on dead tree, removal and mowing of drainage ditch. Ditch is not city property but it is mowed by the Public Works Department. Property is actually owned by the Railroad.

Recreation Director, Beki Zook stated that there will be a tournament next week at

the Sports Complex and it will continue over the following two weeks. The Recreation Commission budget will be finalized at their next meeting. Council Member Jim Whitney asked about the restroom facilities at City Park. Chief Garcia commented on the use of video cameras on the exterior of the facilities and its effectiveness. A citizen in the audience voiced concerns about the unsanitary conditions and asked about the procedure to hire someone to keep them clean. Public Works Director Misak stated that the restrooms are checked daily during the week by public works employees; however, individuals stop up the toilets and damage the restrooms at various times. City staff have not been able to catch the individuals that cause the problems. Council Member Whitney stated that the city built restrooms and all of them should be open on a regular basis.

Council Member Burt Ussery asked about the scoreboards that are not working at the Complex. The Boards are still not operating and this need to be addressed before next season. Councilman Burt Ussery asked about the concession stand food items at the Sports Complex. Recreation Director Zook stated that the High School Government Students operate the concessions and the Recreation Commission does not have any input on what they serve. Councilman Burt Ussery would like to see this addressed before next season to ensure the concession stand can offer more variety of menu items.

EVS Director Donald Schauf commented on the recent field fires and the Fire and Ambulance Departments have been assisting with the efforts from surrounding counties.

**10. 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 8-6-13/July meeting cancelled
Park Advisory Board:	Meeting scheduled for 7-15-13.

**11. Claims & Warrants**

City Administrator Kent Brown presented the claims and warrants as of 6-25-13 for \$ 31,183.98.

**MOTION:** Council Member Jim Whitney made a motion to approve the claims and warrants in the amount of \$31,183.98 as presented. Council Member Chris Griffin seconded the motion. The motion carried unanimously.

**12. Old Business**

Council reviewed the list of old business items. Council Member Jim Whitney asked whether Andale Ready Mix was able to come to a meeting. Administrator Brown replied that they were willing and would come to a future meeting. They were not invited to the meeting tonight due to the budget presentation. Council Member Laura Papish asked if the owners of the property

at Simply Perfect had been contacted. Administrator Brown stated that the owner was contacted, property was mowed. Council Member Papish stated that it needed to be done again.

**Present 2014 Budget – All Funds beside General Fund**

Administrator Kent Brown reviewed Library Employee Benefit, Library, Employee Benefit, Special Highway, Special Parks, EMS \$2 Fee, Bond & Interest, Water, Sewer and other accounts. Council Member Ussery and Council Member Griffin voiced their concerns regarding budgeting to revenues instead of budgeting to actual costs in certain departments. City Administrator Brown pointed out additional costs required in the budget in the Employee Benefit funds, both Library and General Employees. The additional costs come from KPERS and workmens compensation. In addition, Administrator Brown stated that the health insurance contract is up at the end of this year and the Council will have a decision on health insurance for employees before that time.

City Administrator Kent Brown reviewed the major purchases in the Special Highway, Water and Sewer Funds. Administrator Brown reviewed the special parks fund and reminded the Council that revenues will be reduced in this fund because there is now only 1 fireworks tent in town. Administrator Brown also made note of the Capital Building Fund and the request at the beginning of the meeting to divert funds to parks. Brown also reviewed the debt service fund and future obligations which will start in 2014. The Business Park street, drainage and sewer projects will start their repayment in 2014. Council Member Ussery expressed his dissatisfaction that the city has to separate revenues into a number of different areas. City Administrator Brown and City Attorney Amerine replied that a number of state statutes put limitations on how the city spends resources on certain type of revenues it collects.

City Administrator Kent Brown stated that the city had received estimated valuation from the County Clerk’s office. The total valuation for Clearwater was estimated to have increased from 13,722,693 in 2013 to 14,167,464 for the 2014 budget. This means that each mill would generate 14,167 in taxes versus 13,722 for the previous year. It was not a huge increase; but, it will help some.

City Administrator Kent Brown stated that the entire budget as presented would cost over \$836,498 in property taxes. In order to remain at the same level of taxes, over \$132,000 would have to be cut from the proposed budget. Council Members requested a list of items that could be cut and presented at the next meeting.

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

**MOTION:** At 9:40 p.m., Council Member Jim Whitney made a motion to enter into executive session for personnel matters of non-elected personnel for 30 minutes. The motion was seconded by Council Member Chris Griffin and passed unanimously.

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

**14. Executive Session – Attorney-Client**

**MOTION:** At 10:10 pm Council Member Laura Parish 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 10 minutes. The motion was seconded by Council Member Chris Griffin and passed unanimously.

At 10:20 pm. Council returned to Regular Session with no action taken.

**15. Staff Reports:**

Barbara Salinas, City Clerk stated she had nothing to report.

Janet Amerine, City Attorney provided information on Soccer area recently visited & financing.

Kent Brown, City Administrator stated there was a meeting on Thursday morning with Dollar Dollar. There was an update about the sod, the temporary Occupancy Permit, drainage issues, and landscaping issues. A sidewalk issue in City Park was discussed and some trees at the Sports Complex have been transplanted.

**16. Council Reports**

Mayor Michael York asked about the RV behind Cancun issues. Mayor York wondered if it is being used as a residence. City Administrator Brown stated that it was checked when it was originally parked and they were not using it as a residence. Brown stated that he would ask the police department to check again.

Council President Laura Papish had nothing to report.

Council Member Jim Whitney asked a question about a camping trailer moved onto vacant lot on Gorin Street. City Administrator Brown stated that police officers had already been contacted by the owner of the property and had contacted the individual.

Council Member Paul G. Clark had nothing to report.

Council Member Burt Ussery asked if any action had been taken on the Park Advisory Board sign. Council Member Ussery asked to have the sign be identified and prioritized within a list of projects in City Park. Discussing the project without reference to an overall plan presents difficulties to the Council. Council Members discussed recent appointments & vacancies on Park Advisory Board & Recreation Commission. After discussion, Council Member Ussery says there is a disconnect between the City and Parks and Recreation which is because they are looking at the issue from different viewpoints. Other Council Members pointed out that the city has to address multiple issues that do not have anything to do with the park facilities. Council Member Whitney stated that it is a matter of priorities regarding the budgeting process.

Council Member Chris Griffin asked about drainage issues in the 100 block of West Ross. He stated just west of Triple B Construction, the drainage along the north side of the road is in particularly bad shape. After discussion, City Administrator Brown stated that the

city staff would look into the situation.

**17. Adjournment**

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

The Meeting adjourned at 11:10 p.m.

**CERTIFICATE**

State of Kansas        }  
County of Sedgwick   }  
City of Clearwater    }

I, Barbara Salinas, 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 June 25, 2013 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 25th day of June, 2013.

---

Barbara Salinas, City Clerk

