

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

**CITY COUNCIL MEETING**

**MINUTES**

**December 14, 2010**

A joint meeting between the City Council and the Chisholm Trail Recreation Commission was held on Tuesday, December 14, 2010 at 6:00 p.m. The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, December 14, 2010, 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 Justice, Mayor; Mike York, Lyle Berntsen, Jim Whitney, Sandi Keeler, and Jim Frischenmeyer, Council Members. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Gene Garcia, Police Chief; Ernie Misak, Public Works Director. Others present at the meeting were Paul Rhodes, Times-Sentinel Newspaper; Danielle Brown, Max Fisher, Codie Dickerson, Victoria Mallatt, Cody Whitlock, Shane Rhodes, Michael Friday, Taylor Overton, Clearwater High School Government Student.

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Mayor Justice called the meeting to order at 6:30 p.m. Justice 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 November 23, 2010**

**MOTION:** Council Member Keeler made a motion to approve the minutes of the meeting. The motion was seconded by Council Member Whitney and passed unanimously.

**2. Mayor's Recommendations**

With Council consensus, Mayor Justice appointed Kyle Berger as part time police officer.

3. **Executive Session - Personnel**

**MOTION:** At 6:40 p.m., Council Member Berntsen made a motion to enter into executive session for personnel for 5 minutes and invited Chief Garcia. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

At 6:45 p.m., Council returned to regular session with no action taken.

Mayor Justice, with Council consensus, terminated Police Officer Keith Kuhns for cause.

4. **Public Forum**

No one addressed the Council.

5. **Department Head Reports**

Public Works Director Misak reviewed the activities of the public works department for the months of November & December. Large projects included repairing water lines at Garvey, the city shop, and 300 block of south Second. Misak also reviewed his final costs of the concession/restroom building at City Park as \$93,499.77.

Police Chief Garcia stated that the police department had been working on a burglary/theft case that was quickly solved. Garcia stated they are encouraging the public to lock their vehicle doors to prevent theft.

6. **Petition & Resolution for Sewer and Streets in Business Park**

City Administrator Brown reviewed the petition for sewer at Clearwater Business Park. The petition is for sewer lines to be extended along 5 lots in the business park and for the cost of \$60,000 to equally be divided between those lots.

**MOTION:** Council Member Berntsen made a motion to accept the petition for sewer improvements in the Clearwater Business Park. The motion was seconded by Council Member Keeler and it passed unanimously.

City Administrator Brown reviewed the resolution for sewer improvements in the Clearwater Business Park. The resolution states the City received the petition, the City will make the sewer improvements to the 5 lots and the cost will be assessed between those 5 lots in the amount of \$60,000. City Clerk Wright assigned resolution number 4-2010.

**MOTION:** Council Member Berntsen made a motion to adopt resolution number 4-2010 for sewer improvements in the Clearwater Business Park. The motion was seconded by Council Member Frischenmeyer and it passed unanimously.

City Administrator Brown reviewed the petition for street improvements for the Clearwater Business Park. The petition requests 400 linear feet of paving, street and storm sewer improvements to the entrance of the Clearwater Business Park. The proposed cost of the improvements is \$200,000 to be split between all 20 lots of the business park.

**MOTION:** Council Member Frischenmeyer made a motion to accept the petition for street improvements in the Clearwater Business Park. The motion was seconded by Council Member Berntsen and it passed unanimously.

City Administrator Brown reviewed the resolution for street improvements in the Clearwater Business Park. The resolution states that the City received the petition, the City will make the street improvements to the business park and the cost will be assessed between all lots in the amount of \$200,000. City Clerk Wright assigned resolution number 5-2010.

**MOTION:** Council Member Whitney made a motion to adopt resolution number 5-2010 for streets improvements in the Clearwater Business Park. The motion was seconded by Council Member Frischenmeyer and it passed unanimously.

7. **Update on Proposed Disc Golf Course on City and School District Properties**

Mayor Justice stated that Randy Vogel, USD #264 staff member, has gotten permission from the School Board and received \$5,000 from the Recreation Commission to proceed with the proposed disc golf course on city and school properties. City Administrator Brown stated that at the previous council meeting he would contact the Department of Wildlife and Parks to request permission for the change in use of the land for the proposed course. Brown stated he has contacted the Department of Wildlife and Parks and they have granted permission for the installation of the disc golf course since it is an outdoor

recreation. Justice stated that he and Vogel met with Jason Martin, a dirt contractor, regarding doing some dirt work to help alleviate some drainage problems on the proposed course. Martin's recommendation was to blade out the drainage path to contain the water that pools in the area. Martin will get a cost estimate to the Mayor. If the drainage plan is too costly, some of the tee pads can be moved to avoid the areas that pool water during heavy rains. Brown will take the project to the Park Advisory Board so they are aware of the project as well.

**8. Cereal Malt Beverage License for Mize's Food Store, Inc. and Casey's General Store located at 152 N. Fourth for Sale in Packages**

Mayor Justice reviewed the licenses for packaged sale of cereal malt beverages for Mize's Food Store, Inc. and Casey's General Store.

**MOTION:** Council Member Frischenmeyer made a motion to approve the cereal malt beverage license for Mize's Food Store, Inc. and Casey's General Store for sale in packages. The motion was seconded by Council Member Whitney and it passed unanimously.

**9. Cereal Malt Beverage License for Pizza Hut of Southeast Kansas, Inc. for Consumption on Premises**

Mayor Justice reviewed the cereal malt beverage license for Pizza Hut of Southeast Kansas, Inc. for consumption on premises.

**MOTION:** Council Member Frischenmeyer made a motion to approve the cereal malt beverage license for Pizza Hut of Southeast Kansas, Inc. for consumption on premises. The motion was seconded by Council Member Berntsen and it passed unanimously.

**10. Alcoholic Beverage License for Clearwater Liquor LLC for Sale of Package Liquor**

Mayor Justice reviewed the occupational permit to sell liquor for Clearwater Liquor LLC for sale of package liquor.

**MOTION:** Council Member Berntsen made a motion to approve the occupational permit for Clearwater Liquor LLC for sale of package liquor. The motion was

seconded by Council Member Frischenmeyer and it passed unanimously.

City Clerk Wright stated she has sent information regarding the occupational permit for the C-Bar and has yet to hear back from them.

**11. Review of 2009 Audited Financials**

City Administrator Brown requested that the review of the 2009 audited financials be tabled for a future meeting. Council agreed to table the discussion.

**12. 2010 Budget Amendment**

City Clerk Wright stated that state statute allows for a budget amendment to make unforeseen changes to the budget at year-end. The changes are published, then a public hearing can be held at the next council meeting. Wright reviewed the changes to the 2010 budget. Council agreed to set the Budget Hearing for the next council meeting on December 28.

**MOTION:** Council Member York made a motion to set the Budget Hearing for December 28, 2010 at 6:30 p.m. Council Member Frischenmeyer seconded the motion and it passed unanimously.

**13. Consent Agenda**

City Clerk Wright requested the consent agenda items be tabled until the first meeting in 2011. Council agreed to table the discussion.

**14. Reports**

City Clerk Wright stated that city staff mailed out the information letter to all city trash customers regarding the brush dump charges and curbside recycle service. Staff has held 3 of the 4 public forums and has attended the senior carry-in lunch to answer questions people might have regarding the services.

City Attorney Amerine reviewed her City Attorney's meeting report. Amerine stated that there have been changes to ADA. Amerine stated that the changes may be costly for local government. Amerine stated that the other major issue of discussion during the City

Attorney meeting was in regards to funding surface water drainage with a utility. There are cities that are funding drainage projects by charging on utility bills. Charging these fees can allow drainage utility fees to entities that are tax free, such as churches, nursing homes and schools. Amerine highlighted another issue of possible government control of construction debris and how it is disposed.

City Administrator Brown stated the Planning Commission will be reviewing another proposal for the property at 135<sup>th</sup> and 95<sup>th</sup> Streets at the next meeting in January.

Council Member Whitney stated that winter diesel fuel needs to be put in the emergency generator at the EVS building.

Council Member Whitney stated that something needs to be done at the intersection of Streamside and Streamside Lane to alleviate the pool of stagnate water that sits at that corner.

Council Member Berntsen asked when the recycle dumpsters will be delivered. City Administrator Brown stated that the dumpsters will be delivered the week of January 3<sup>rd</sup>, weather permitting.

Council discussed the joint meeting they had with Recreation Commission. The maintenance of the baseball field at the sports complex was discussed. A meeting will be held at a later date between school, city and recreation administration and maintenance staff to discuss responsibilities of up keep of the new baseball field.

**15. Executive Session - Legal**

**MOTION:** At 7:50 p.m., Council Member York made a motion to enter into executive session for legal for 5 minutes. The motion was seconded by Council Member Whitney and passed unanimously.

At 7:55 p.m., Council returned to regular session with no action taken.

**16. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Keeler moved for adjournment. The motion was seconded by Council

Member Whitney and passed unanimously.

**CERTIFICATE**

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

I, Jodi McBee, Deputy 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 December 14, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 28th day of December, 2010.

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Jodi McBee, Deputy City Clerk