

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

**CITY COUNCIL MEETING**

**MINUTES**

**November 9, 2010**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, November 9, 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. Others present at the meeting were Mary Schauf, Clearwater Fire Department; Donald Schauf, Clearwater EMS; Paul Rhodes, Times Sentinel Newspaper; Roy & Louise Riggs, & Jason, Wendy, Angela, & David Gearhardt, Citizens; Matt Bayless, James Westbrook, Kristi Pangburn, Tayler Overton, Brittany Bishop, and Jared Vaughn, Clearwater High School Government Students.

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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 October 26, 2010**

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

**2. Mayor's Recommendations**

There were no appointments or recommendations.

**3. Commendation for Police Sergeant Gearhardt**

Police Chief Garcia addressed the Council to award Sergeant Gearhardt with a departmental commendation. Gearhardt apprehended an individual that was burglarizing and committing thefts in the community. The individual has now been convicted. Garcia and Council thanked Gearhardt for his hard work.

**4. Public Forum**

No one addressed the Council.

**5. Department Head Reports**

EMS Director Donald Schauf stated that ambulance 400 had a fuel leak and was taken in for service.

Police Chief Garcia stated that he has been reviewing the animal control agreement with the City of Wichita. Garcia stated that there has been a problem with the City of Clearwater getting charged for animals that are dropped off at the animal shelter when the individuals don't live in Clearwater city limits. Garcia requested that he may work with City Attorney Amerine to rework the agreement to establish better documentation before the city pays for animals that are dropped off at the animal shelter. Council agreed to Garcia's request.

**6. Council Review of Revised Parking Ordinance**

Mayor Justice stated that Council had directed Police Chief Garcia and City Attorney Amerine to revise the parking ordinance to eliminate trailer parking on city streets unless the trailer is being used for work or maintenance at a residence or business. Garcia stated that the parking ordinance has been revised to prohibit trailer parking on streets unless the parking is "in conjunction with the loading, unloading of construction or maintenance equipment, or in active, continuous service as a commercial trailer." City Attorney Amerine stated that the revisions should eliminate permanent trailer parking on city streets and the police department will be able to enforce it accordingly. City Clerk Wright assigned ordinance #932.

**MOTION:** Council Member Whitney made a motion to adopt ordinance #932 regulating trailer parking. The motion was seconded by Council Member Berntsen and passed on a roll call vote of 5-0.

7. **Discussion on Procedures for Charging a Fee for the Use of the City Brush Dump**

City Clerk Wright reviewed ordinance #928 that allows the Council to set a fee for the use of the City Brush Dump. Wright stated that Council had discussed charging for the brush dump but had not established any fees. Decisions need to be made whether the City should charge for use of the brush dump, how much to charge, and what the procedures are to be to collect the charges. After a brief discussion, Council agreed that the City should charge for use of the brush dump to offset the cost of having the brush dump attendants and maintaining the grounds. Council also agreed the brush dump will continue to be used by city residents only. Commercial users may also use the dump if they have a local address or have done work for a city resident. Council determined the following rates:

- \$5.00 – Resident Single Dump Fee
- \$20.00 – Resident Yearly Dump Fee
- \$25.00 – Commercial Single Dump Fee
- \$100.00 – Commercial Yearly Dump Fee

Wright stated that staff could create a form for people to fill out to agree to have the fee added to their utility bill so the dump attendants don't have to handle cash. Wright suggested issuing pass cards to the dump so the attendants don't have to search a list when individuals come to dump. A master list could also be provided to the attendants for people that forget to bring their pass card with them. Council agreed with Wright's suggestions. Council Member York asked how commercial lawn services/tree trimmers from outside of Clearwater, who are doing work for city residents and wish to dump at the brush dump, will be charged. After a brief discussion, Council agreed that those businesses will have to be charged a commercial single dump fee unless the resident hauls the brush/grass/leaves themselves. Wright stated that having a couple town hall meetings with the public would be beneficial to inform people of the changes to the brush dump and the new curbside recycling program. City Attorney Amerine will draft a resolution for the next council meeting setting the fees.

**8. Ordinance for Change of Zoning from R-1 to R-2**

City Clerk Wright stated there is a change of zoning request from R-1 (Single Family Dwelling) to R-2 (Two and Three Family Dwelling) for the property at 146-150 S. Grain. The main house on the property has been remodeled into 2 apartments. The property owners, David & Cindy Hutchinson, plan to remodel the smaller building, which was formerly a flower shop, into a residence in the future. The Planning Commission held a hearing on the request and made a recommendation for the zoning change. City Clerk Wright assigned ordinance #933.

**MOTION:** Council Member York made a motion to adopt ordinance #933 to change the zoning of 146-150 S. Grain from R-1 to R-2. The motion was seconded by Council Member Frischenmeyer and passed on a roll call vote of 5-0.

**8. 2011 Contract for Clearwater Senior Center – Senior Level 1 with Department on Aging**

City Clerk Wright reviewed the 2011 contract between the City and the Department on Aging for the Clearwater Senior Center. Wright stated that this is an annual contract that sets out the requirements the Senior Center must meet to get its funding as a Senior Level 1 facility. In 2011, the Senior Center will receive \$18,000 in funding

**MOTION:** Council Member Keeler made a motion to authorize City Clerk Wright to sign the 2011 Contract for Clearwater Senior Center – Senior Level 1 with the Department on Aging. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

**9. Cereal Malt Beverage License for Casey's at 750 N. Fourth**

City Clerk Wright reviewed a cereal malt beverage license for Casey's at 750 N. Fourth. Casey's has purchased several Kabredlo's stores including the one in Clearwater. They plan to continue to keep both locations open.

**MOTION:** Council Member Keeler made a motion to authorize the Mayor to sign the Cereal Malt Beverage License for Casey's at 750 N. Fourth. The motion was seconded by Council Member Berntsen and passed unanimously.

**10. Review Plans for Street & Additional Sewer Project at Clearwater Business Park**

City Administrator Brown reviewed plans for a street & an additional sewer project at Clearwater Business Park. Brown stated the street design is proposed to extend 400 feet east of 4<sup>th</sup> Street. Since this is the entrance into the business park, a petition and resolution need to be passed to assess the cost to all the lots in the business park. Council gave consensus on the street design. Brown stated the next step is to get an estimate of cost from the city engineer and then pass the petition and resolution. Brown went on to review changes in the sewer project to allow for the service for the lot in which there is interest. The proposed change would be much cheaper initially, but, even if an extension was added in the future, it would serve an additional 2 more lots. The change would run the sewer line to the lot behind the post office (Lot 1, Block 3). Brown discussed routes to serve lots within the development using the proposed change. Brown then stated that the original route for the sewer line to serve the west half of the business park that was started over a year ago could also serve the lot behind the post office. However, it would be close to 960 lineal feet while the proposed change would run an additional 248 lineal feet. The difference is what would provide the most benefit in the long run. The proposed change may not save the city from having to eventually construct a sewer line along the entire route of the original plan. In addition, KDHE would have to approve the change from the original route. After a lengthy discussion regarding placement of sewer lines and future concerns, Council directed staff to request estimates for both proposed changes.

**11. Reports**

City Clerk Wright reviewed the additional expenses the City incurred for Fall Festival. The City Hall robbery was \$350, the Sunday dinner was \$462, the cupcakes were \$260, and the Police Department spent \$220 to feed the officers for the weekend. Council agreed it was money well spent for a successful weekend.

City Attorney Amerine stated she attended the City Attorney's Conference. Amerine stated she would submit a report.

City Administrator Brown stated that the Public Works Department has been busy sealing streets the last week. After they complete this week, they will have spent over 3 weeks sealing streets this year. Since Clearwater purchased the street-sealing unit, the money spent on the unit equals the amount it would have cost to rent it for 3 weeks. With any additional time spent using the street sealer, the City will be ahead in cost.

City Administrator Brown stated that 135<sup>th</sup> St. is closed between 55<sup>th</sup> & K-42 Hwy while a culvert is being replaced. It is scheduled to reopen in another 2 weeks. The bridge between Tyler and Ridge on 71<sup>st</sup> St is scheduled to reopen in December.

Council Member Berntsen asked whether the concession stand restroom is being left open. City Administrator Brown stated it is closed since the weather has gotten colder. Berntsen suggested posting hours the restroom would be open.

Council Member York stated a resident asked about the entrance to the alley at Nancy between Lee and Tracy. The trash truck has gouged the road and it needs to be repaired before it causes a bigger problem. City Administrator Brown stated that another option would be closing the alley entrance to the trash truck and switch the trash pickup from the alley to the street for those homes.

Council Member York stated a cleanup letter needs to be sent to 129 S. Gorin. The resident has piles of concrete and miscellaneous near the alley.

**12. Executive Session - Legal**

**MOTION:** At 8:35, Council Member York made a motion to enter into executive session for legal for 5 minutes. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

At 8:40, Council returned to regular session with no action taken.

**13. Executive Session - Personnel**

**MOTION:** At 8:40, Council Member Keeler made a motion to enter into executive session for personnel for 20 minutes. The motion was seconded by Council Member York and passed unanimously.

At 9:00, Council returned to regular session with no action taken.

**14. 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 November 9, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of November, 2010.

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Jodi McBee, Deputy City Clerk