

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

**CITY COUNCIL MEETING**

**MINUTES**

**SEPTEMBER 28, 2010**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, September 28, 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; Jim Whitney, Sandi Keeler, Lyle Berntsen, and Jim Frischenmeyer, Council Members. Council Member Mike York was absent. The following staff members were present: Kent Brown, City Administrator; Cheryl Wright, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were Marvin Schauf & Mary Schauf, Clearwater Fire Department; David FitzGerald, Tammy Brandt, David Buck, Rick White & Steve Hatfield, Clearwater Lions Club; Paul Rhodes, Times Sentinel; Becky Schievelbein & Amy Emery, Clearwater Fall Festival Committee; Huey Davis, Jacob Tinkler, Anna White, Jill Criswell, Carmen White, Kara DeLauretis, Emily Lincicome, Courtney Snyder, Chelsea Cox, Thomas Kautz, Jason Fox, Dominic Matthews, Michaela Wahl, Kourtney Konkle, & Matt Bayless, Clearwater High School Government Students.

---

---

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 September 14, 2010**

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

**2. Mayor's Recommendations**

With Council consensus, Mayor Justice appointed David FitzGerald to the Park Advisory Board as Lions Club Representative.

3. **Public Forum**

No one addressed the Council.

4. **Department Head Reports**

Fire Chief Marvin Schauf stated that the rear seal on Engine 2 went out. Brit Casteel made the repair.

5. **Fall Festival Update**

Becky Schievelbein, President of the Fall Festival Committee, addressed the Council to present an update on Fall Festival progress. Schievelbein reviewed requests that the committee had of the City including street blockades, park use, and equipment use. Round hay bales are being delivered for local businesses to decorate on Friday, October 15. The High School Senior Government Class will provide the lunch in front of First State Bank on Friday, October 22. Schievelbein requested the use of personal 4 wheelers if they couldn't find anyone to donate gators to use on the Saturday of Fall Festival. Council agreed 4 wheelers could be used as a last resort. Mayor Justice offered to loan a golf cart to the Fall Committee for use on Saturday. Schievelbein thanked the City for the donation for the fireworks and Sunday lunch.

6. **Lions Club Request to Build Shelter in City Park**

David FitzGerald addressed the Council on behalf of the Lions Club to request erecting a shelter in City Park. FitzGerald explained that the Lions Club built the press box at the Sports Complex in 2001. The private group making the improvements to the baseball field at the Sports Complex intends to demolish the press box in order to move the fence back. The Lions Club would like to use the roof of the press box to build a small picnic shelter on the north end of City Park near the schoolhouse. The roof would be placed on either wood or steel support beams with a concrete pad underneath. The shelter would be approximately 20 ft. X 20 ft. The Lions Club is not asking for any monetary assistance from the City at this time, but they may come back in the future and ask for assistance in constructing sidewalks leading to the shelter. FitzGerald proposed for the shelter to be placed north of the windmill in the park. Council gave consensus to place the picnic shelter in the park. Council requested that the shelter color match other buildings in the park.

7. **Charter Ordinance Exempting the City of Clearwater Relating to Residency Requirements for Members of the Clearwater Library Board**

City Attorney Amerine reviewed the proposed charter ordinance exempting the City of Clearwater relating to residency requirements for members of the Clearwater Library Board. Amerine stated the charter ordinance requires all board members to live in the Clearwater School District and in Sedgwick County and that the majority of the board members must live in Clearwater city limits.

**MOTION:** Council Member Keeler made a motion to adopt Charter Ordinance number 17 exempting the City of Clearwater relating to residency requirements for members of the Clearwater Library Board. The motion was seconded by Council Member Berntsen and passed on a roll call vote of 4-0.

8. **Contract Voornaam Pyrotechnics for Fireworks Show During Fall Festival**

Mayor Justice stated that the Council agreed at the last meeting to use Voornaam Pyrotechnics for the fireworks show during Fall Festival.

**MOTION:** Council Member Whitney made a motion to authorize the Mayor to sign the contract with Voornaam Pyrotechnics for the Fall Festival Fireworks Show. The motion was seconded by Council Member Frischenmeyer and passed unanimously.

9. **Council Discussion of Recycle Program**

City Administrator Brown stated that by Council request, staff mailed out surveys to city trash customer regarding the curbside RecycleBank service. Eight hundred five surveys were mailed with 260 responses received as of today. Brown reviewed the responses as follows:

Question #1: Should the City of Clearwater take advantage of RecycleBank Service?

YES: 199 (79%)      NO: 54 (21%)

Question #2: Will it be difficult for you to take and place your recycle cart at the curb next to the street in front of your residence?

YES: 48 (19%)      NO: 203 (81%)

Question #3: Would the convenience of a recycle cart at your residence increase the amount you recycle?

YES: 185 (71%)      NO: 74 (29%)

Question #4: Do you currently bring your recyclables to the voluntary drop off recycling center on the 1<sup>st</sup> & 3<sup>rd</sup> Saturdays of the month?

YES: 129 (50%)      NO: 130 (50%)

Brown stated that Waste Connections has offered the RecycleBank service to the City of Clearwater at no charge for the first six months. If the City decides against using the service after the six-month trial period, Waste Connections will pick up the recycle carts. If the City decides to continue use of the curbside recycle service there will be a monthly charge of \$3.75 per month per residence. City Clerk Wright stated that the survey has brought up several questions that need to be answered before Council makes a final decision. First of all, what is going to happen to the local recycle center? Secondly, what options do the schools and businesses have in order to take advantage of the curbside RecycleBank service? After a brief discussion, Council requested staff invite Waste Connections to the next Council meeting to ask some additional questions. Council directed staff to get a list of questions to Waste Connections before the next meeting.

#### **10. Review Drainage Proposal for North Side of First & Ross**

City Administrator Brown stated that he and Public Works Director Misak have been working to find a solution to the drainage issue at the northwest corner of First & Ross. Currently, there is a pool of water that sits at the end of the sidewalk as it crosses First Ave. along Ross. Brown stated that Misak has been shooting the grade along First Ave. Misak has concluded that a valley gutter could be constructed across First Ave. with a three-inch slope that would cause the water to drain to the east. Brown stated the money for this project would come out of the street project for 2011. Council directed staff to send the project specifications out for bids.

#### **11. Reports**

City Administrator Brown stated that on Tuesday, October 14 there is a storm water bus tour available for city officials.

Council Member Whitney stated he has been contacted by some residents regarding trailer parking. Residents are complaining about individuals parked on the street with trailers. Whitney stated he would visit with the Police Department before again reviewing the parking ordinance.

Council Member Whitney asked if the City needs to look into an entrance into the Business Park. City Administrator Brown stated that the City does have plans and specifications for the entrance. Brown stated he would speak to the bond attorney and the engineer about getting started with the entrance.

Council Member Frischenmeyer stated he received a complaint regarding the handicap parking space in front of Dr. Papish's office. Council discussed several alternatives to improve the handicap parking. Council directed staff to look into making the handicap parking more accessible.

City Administrator Brown stated that he received a phone call that it would be possible to refinance the bond for the Aquatic Center. The refinance could potentially save the City \$15,000-\$20,000. Council directed staff to research the offer.

## **12. Executive Session-Personnel**

**MOTION:** At 8:00, Council Member Frischenmeyer made a motion to enter into Executive Session for personnel for 35 minutes. The motion was seconded by Council Member Berntsen and passed unanimously.

At 8:35, Council returned to regular session with no action taken.

With Council consensus, Mayor Justice appointed Gene Garcia as Police Chief effective October 1.

**13. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Keeler moved for adjournment. The motion was seconded by Council Member Berntsen 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 September 28, 2010 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 12th day of October, 2010.

\_\_\_\_\_  
Jodi McBee, Deputy City Clerk