

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

**CITY COUNCIL MEETING**

**MINUTES**

**AUGUST 9, 2011**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 9, 2011, 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; Lyle Berntsen, Jim Whitney, Jim Frischenmeyer, Laura Papish and Sandi Keeler, Council Members. The following staff members were present: Kent Brown, City Administrator; Liza Donabauer, City Clerk; Janet Amerine, City Attorney; and Gene Garcia, Police Chief. Others present at the meeting were: Marvin and Mary Schauf, Clearwater Fire Department; Shane Baker, citizen; Mark Seiler; Sedgwick County Public Worker.

---

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 July 26, 2011**

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

**2. Mayor's Recommendations**

Mayor Mike York recommended appointing Shawna Perry to the Planning Commission with Council consensus.

**3. Public Forum**

Shane Baker, employee, stated that he is representing the Public Works Department in today's request. He stated that the Public Works employees are requesting Council's permission to wear shorts on the job. He stated that the employees want to feel comfortable throughout the summer months of extreme heat. He stated that the employees all agree to use common sense when wearing shorts during certain job tasks. He stated that it is his observation that other cities allow their public works employees to wear shorts to a certain degree. He noted that he witnessed a public works employee wearing leather chaps while cutting brush. The chaps protected the employee's front side while wearing shorts. Council Member Jim Frischenmeyer asked what the Personnel Policy states regarding the dress code of the city's Public Works employees. City Administrator Kent Brown

responded that the Policy refers to wearing jeans and a uniform shirt. Frischenmeyer stated that he would rather see the policy revised to define the appropriate uniform. Brown indicated that when the Public Works employees first proposed this topic, it was his understanding that the shorts would be worn during specific job duties such as reading meters. Council Member Laura Papish asked if the City would provide the chaps. Baker responded that the employees propose to supply the chaps and the shorts. The Public Works employees agree to purchase the same color and style of shorts. Mayor Mike York asked if this is a policy that could be discussed and decided upon tonight. City Attorney Janet Amerine stated that procedure does not allow for the Council to vote on issues brought up during public forum. This is a point of procedure that was voted on by City Council. Brown stated that staff could forward a copy of the Personnel Policy to the Council for review. The topic could be in the City Council packets for the next City Council Meeting. Amerine stated that she would recommend staff contacting the City's workers compensation insurance carrier. Brown stated that he would like to obtain opinions from other cities regarding their dress policy for Public Works employees. Baker stated that he knew the mayors at Derby and Mulvane and could obtain their opinions. Brown stated that the City Council could review the policy and discuss at the next Council Meeting.

#### **4. Department Head Reports**

Gene Garcia, Police Chief, stated that the Council packets were missing the Police Activity Report. The employee who creates the report was on vacation this week. The Council will receive two Police Activity Reports in their next Council packets. Garcia announced that the Clearwater City Police received a partial scholarship for an employee to attend DARE training. He received notification from the Attorney General's office today. He told the City Council that he spoke at today's Senior Center carry-in luncheon. He provided a mini-DARE training to the attendees. This weekend, the City of Clearwater will host the start and finish of Heather's Ride. The event encompasses three bike races: 5, 50, 75 miles each. The event is well publicized. The Sheriff Department will provide support along the route on Highway 42.

Marvin Schauf, Fire Chief, stated that the City has just obtained a Kansas dealer for Holmatro. The dealer will be in Clearwater on Thursday, August 11<sup>th</sup>, to certify the City's JAWS equipment. This has not been done yet.

#### **5. Clearwater Fall Festival 2011**

Becky Schievelbein, president of the Clearwater Fall Festival Committee, referred to her letter (dated 8/02/11) within the City Council packets, to City Administrator Kent Brown. The letter outlines the resources the Committee needs from the City. She stated that this year's event is the same as past festivals. There should not be any surprises. She introduced Paul Clark as the 2012 Fall Festival president. Council Member Sandi Keeler asked that the floats for this year's parade be clearly marked with their entry numbers. She stated that she was a judge in last year's parade and it was difficult for the judges to judge

the floats. Schievelbein thanked Keeler for her suggestion. She stated that she would bring this feedback to the Lion's Club who assist in lining up the floats for the parade. She stated that perhaps they could place the assigned numbers on the floats. The Lions could make sure that the numbers be placed on the same place on each float for easier identification. Schievelbein stated that Ottaway Amusement is requesting that the City move their Fall Festival to the first weekend in October in 2012, 2013, and 2014. The carnival company is booked in other cities throughout October. Schievelbein stated that the Committee is in favor of the new date because perhaps the earlier date would bring warmer temperatures. She stated that she really likes this carnival company. They are from Derby so they do not bring campers for overnight workers. She stated that the company does a great job of cleaning up after themselves.

6. **Request from Clearwater Indians Booster Club for Sponsorship in the 2011-2012 School Year**

City Administrator Kent Brown stated that the Clearwater Booster Club makes an annual request from local businesses for donation sponsorships. He clarified that in the past, the City Council has denied this and similar requests. He stated that if the Council were to agree to sponsor this type of funding, they would open themselves up to similar requests from other organizations. Council Member Sandi Keeler stated that she would be in favor of doing as the Council has done in the past. Council Member Lyle Berntsen stated that he agrees with Keeler. It was the consensus of the City Council to deny sponsorship funding for the Clearwater Indians Booster Club in 2011-2012.

7. **Consent Agenda: Renew Membership in Kansas Rural Water Association (KRWA)**

City Administrator Kent Brown stated that the City has been a member of the KRWA for years. This organization provides training for the City's maintenance staff. Staff recommends renewal of the City's membership dues at \$679.40. It was the consensus of the City Council to renew the City's membership in KRWA.

8. **Staff Reports**

City Clerk Liza Donabauer reminded the City Council that customers could submit their requests for small Waste Connections garbage containers. Customers can contact City staff who will then add their names to the September listing. Waste Connections will switch out the garbage containers during the first garbage pick-up in September. Donabauer stated that the part-time Billing Clerk officially started her employment with the City on Monday, August 1<sup>st</sup>.

Citizens with questions regarding allowable recyclable materials in their Recycle Bank containers have contacted Donabauer. Donabauer contacted Waste Connections for clarification. According to Waste Connections, styrofoam, shredded paper, and wrapping

paper are not acceptable recyclable items. Shredded paper gets tangled in the sorting machine and gets mixed in with the glass. Other materials that should not be placed in the Recycle Bank carts include plastic toys, shelving, and plastic containers that previously contained hazardous materials. Donabauer stated that a customer had a question about recycling detonated fireworks. Fireworks are not acceptable recyclable materials because of the residue and other chemicals and materials within them. Waste Connections asks that the detonated fireworks be cooled down and then thrown into the trash cart.

City Administrator Kent Brown stated that Maintenance would perform their quarterly sewer cleaning in four problem areas throughout the City on August 10<sup>th</sup> and 11<sup>th</sup> including the 100 -200 block between Second and Third, between Third and Fourth from Park to Southeast Drive, between Hellar and Elaine, and by the City Shop. Administrator Brown also stated that the Maintenance Department has all of the supplies now to get the new flagpole ready at the corner of Lee and Ross in front of the City Building. The concrete should be poured on August 15<sup>th</sup>.

City Administrator Brown received an agreement from Sedgwick County that details the plan to pave and curb Diagonal Road to Ross. The project is scheduled in the year 2014. Engineers will start to make plans in 2012 so a decision will have to be made in the next month or so. Mark Seiler with Sedgwick County Public Works stated that the project would be in three parts. 95<sup>th</sup> to Ross will be done at the time as the Diagonal to Ross project. The City's portion of the Diagonal Road to Ross project would be to finance the curb and guttering. 95<sup>th</sup> to 71<sup>st</sup> will start in 2013 and the project at 71<sup>st</sup> to K-42 will start in 2014. The two projects will be done by Sedgwick County. Seiler also stated that the City Engineer in Wichita does not allow Public Works employees to wear shorts. There is a risk of exposure. City Attorney Janet Amerine asked Seiler if County Workers wear reflective vests or jackets. Seiler stated that he wears a vest most of the time while on duty.

Council Member Jim Whitney asked City Administrator Brown if Council would know how much the city's cost would be to do the Diagonal Road and Ross project. Brown stated that Sedgwick County would pay for the cost to redo the street "as is" and the difference in the extra lane and curbing is what the City would be paying for. Those costs would be estimated while the project is in the planning stages. City Administrator Brown stated that the best time to do this project is when Sedgwick County is helping to pay for the cost and before Fourth Street becomes a real problem. However, the amount may be too much for the City to handle at this time.

## **9. Council Reports**

Council Member Jim Frischenmeyer stated that it was brought to his attention that there is a red mustang sitting on a city street with three flat tires. Police Chief Garcia stated they have already talked to the resident several times. The tires are pumped up but the car continues to sit on the street. They also have a motor home and a four-wheel trailer sitting on the street. Frischenmeyer would like to make sure the Aquatic Center hours are posted at the building entrance for the rest of the season. Frischenmeyer also stated that the

handicap parking spot in front of Dr. Papish's office can be accessed from Tracy.

Council Member Jim Whitney stated that the drainage ditch south of the duplex on Janet (by the car wash) needs to be cleaned out. It is full to the 3-box culvert and it would really help the water flow if it was cleaned out. He also stated that the house at 112 N. Prospect has put new siding on the front and boarded up the windows on the north side of the house. City Administrator Brown stated that the resident got a building permit for the siding project. Council Member Whitney also stated that the big tree trunks still have not been picked up from the house on North Tracy. Whitney brought up the recycle cart that is still in the street on south Second and wondered if it could be picked up. Council Member Whitney told the Council he put in 65 sprinklers at the soccer field. He sent a bill to the City. The bill was for materials only. He did not charge for the 27 hours of labor to put the sprinklers in. That is only 1/3 of the sprinklers needed for those fields. Whitney suggested using Bermuda grass on the fields from now on. The city is pumping 5,000 gallons of water on those fields and if those wells run dry there will be no more water. There is not another place to dig for another well.

Council Member Sandi Keeler asked a question about the red mustang on South Gorin. She thought that the City Ordinance requires that a parked car on a city street has to be able to run. Police Chief Garcia stated that if Council would direct him, he would again explain to the resident that the mustang causes a driving hazard by the alley.

Council Member Laura Papish asked City Administrator Brown if the entire dress code policy could be addressed. Papish also stated that she was impressed with the KRWA brochure that was in the Council packets for this meeting.

**10. Executive Session**

**MOTION:** At 7:41 p.m. Council Member Jim Frischenmeyer moved to enter into executive session for 10 minutes to discuss a personnel matter. Council Member Lyle Berntsen seconded the motion. City Administrator Kent Brown asked that Police Chief Gene Garcia be invited into executive session. The motion passed unanimously. At 7:51 p.m. the Council returned to regular session with no action taken.

**11. 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 Lyle Berntsen and passed unanimously.

**CERTIFICATE**

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

I, Carol Reitberger, 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 August 9, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 23rd day of August, 2011.

\_\_\_\_\_  
Carol Reitberger, Deputy City Clerk