

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

**CITY COUNCIL MEETING**

**MINUTES**

**MAY 10, 2011**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 10, 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, and Laura Papish, 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; Sandi Keeler, Marvin Schauf & Mary Schauf, Clearwater Fire Department; Carol Reitberger, Receptionist; Bill Kenney, Owner Big John's/SnoZone; Cody Horsch, Boy Scouts; Paul Rhodes, Times Sentinel; Herschel West, Waste Connection; Doug Kohls, Roger Tjaden, Tenant Farmers.

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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 April 26, 2011**

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

**2. Mayor's Recommendations**

Accepted the resignation of Jodi McBee, Deputy City Clerk effective May 13, 2011 with regrets.

Accepted the retirement letter of Cheryl Wright, City Clerk effective July 1, 2011 with regrets.

Mayor York appointed Sandi Keeler to his open Council seat for the remaining two years. Council consensus confirmed the appointment.

**3. Swearing in of New Council Member**

Cheryl Wright, City Clerk, swore in Sandi Keeler as Council Member and she took her seat with the Council.

4. **Public Forum**

No one addressed the Council at this time.

5. **Department Head Reports**

Police Chief Garcia reported a busy day with the Law Enforcement Memorial Ceremony earlier in the day. He also shared that the D.A.R.E. Graduation Program was that day as well. The Police Chiefs will be meeting at the Senior Center on Thursday. He has been policing on North Tracy and found over 50% of the traffic is under the speed limit. The officers have been using nighttime surveillance looking for the pit bull that was reported running loose.

6. **Recycle Discussion with Waste Connections**

Herschel West stated the City Wide Clean up with Waste Connections created 18 hauls. West explained that there are 812 recycle carts out in the city, 415 homes have registered on line and 387 are not registered. Total number of points earned for the City residents of Clearwater is 12,365 and has recycled 2 ½ tons in four months. There was some discussion on the Recycle Bank not working. West stated there are 200 National sponsors and 200 from Wichita that are listed as rewards in the recycle bank. Bill Kenney stated that Big John's is listed and has already honored several coupons in the last week. West said he would like to work with Mize's and other Clearwater businesses if curbside recycling continues past June. West would be happy to set up some town hall meetings to help residents with registering if they are having trouble. Tiffany Rau, his assistant, would be happy to answer any questions and help in any way. Residents can just give her a call. Shredded paper is not going to be accepted anymore. Notes are being left on the carts so residents will know. Mayor York questioned West concerning the lids blowing open on windy days. Winds are part of living in Kansas but West and Mayor York discussed the possibility of using a bungee cord.

7. **Changes in Tenant Farmer for Land at Clearwater Industrial Park**

City Administrator Brown discussed the tenant farmer bid responses. City Administrator Brown stated there were 6 responses of which 4 were the original parties contacted. Council Member Whitney said all 4 were good choices. It was going to be hard to choose. Council Member Papish stated after reviewing the proposals it was her opinion Doug Kohls had provided more information on which Council could base their decision and Council Member Frischenmeyer concurred. After a brief discussion Papish suggested the Council each write their choices on a piece of paper. Mayor York stated that Doug Kohls name was written down more than any other farmer.

**MOTION:** Council Member Papish made a motion to accept Doug Kohls proposal of 1/3 – 2/3 ratio to be the tenant farmer for the City of Clearwater. Council Member Frischenmeyer seconded the motion and it passed unanimously.

**8. Agreement Renewal of SnoZone to use City Park Concession Stand**

Bill Kenney, Operator of the SnoZone discussed his rent for the 2011 season. He would like it to stay the same as last year at \$100. Kenney would like to be open from May 16 through Labor Day plus Fall Festival in October. City Attorney Amerine discussed an amended agreement with rent of \$125.00 plus paying utilities. Kenney stated that he would also clean the rest rooms while the SnoZone is open.

**MOTION:** Council Member Frischenmeyer motioned to approve the agreement with the changes as discussed. The motion was seconded by Council Member Whitney and passed unanimously.

**9. Hiring Process for City Clerk and Deputy City Clerk Position**

Mayor York opened discussion concerning the Deputy City Clerk position. City Administrator Brown suggested going into executive session.

**MOTION:** At 7:35 p.m. Council Member Berntsen moved they go into executive session for ten minutes to discuss personnel. Council Member Whitney seconded the motion and it passed unanimously.

**MOTION:** At 7:45 p.m. Council Member Berntsen moved they go into executive session for ten minutes to discuss personnel and requested City Clerk Wright to join them. Council Member Whitney seconded the motion and it passed unanimously.

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

Mayor York recommended hiring Carol Reitberger as Deputy City Clerk effective May 16. The Council is requiring an accounting class and other training as required for the position.

**10. Department Head Budget Requests**

Chief Gene Garcia began with thanking the council for keeping the level of pay for the employees the way they have. A full time position has been filled with a part time employee and there is still a full time position open that Garcia would like to fill sometime during the 2011 budget year. The lease agreements for two vehicles will finish in the

summer of 2011 and would like a new vehicle in the 2012 budget. Garcia would like to purchase the Ident-A-Kit. It is very popular at public functions like Fall Festival, Halloween and the recent Family Fun Night are a good visual thing for the Police Dept. Garcia stated we have borrowed the equipment and it is not a for sure thing that we would be able to use it every time. The price is around \$2,500 to purchase one for the Department. Garcia is also asking for \$500 for public relations because previous amount was inadequate. The repair of the shooting range is a big expense. The fundraiser that the department had has helped but not enough. Garcia would like to make sure the range upkeep is a priority. Public Works Department has been very gracious to help with that when time allows. Garcia would like to update one of the patrol vehicles with a digital video recorder because it is still using vhs. Garcia would also like to purchase a video recording unit and surveillance video camera to assist with criminal investigations. Garcia also would like to replace some winter weather gear for the officers. There is also a request for replacing carpet and tile in the foyer area and to complete painting in the office. Garcia also discussed budget for the Municipal Court. The computer could be replaced and computer-storing system could be updated so storage spaces would not be a problem.

Fire Chief Marvin Schauf addressed the Council on his budget requests. Bunker Gear and boots, some fire hoses and a butterfly valve for engine 711 was among the items requested.

## **11. Appointments**

City Clerk Wright read a memo that the Advisory Council for the Senior Center has employed Farol McMillen to work part time as a relief to Carl Shaffer when he has a day off. This is submitted for Council approval.

### **MAYOR'S APPOINTMENTS FOR 2011 - 2012**

#### **Administrative:**

Kent A. Brown, City Administrator  
City Ordinance No. 466 and Section 2.10 of Codified Code and  
K.S.A. 15-204

Cheryl S. Wright, City Clerk  
K.S.A. 15-204

Carol Reitberger, Deputy City Clerk  
K.S.A. 15-204

Norma Leabo, Treasurer  
City Ordinance No. 1 and Section 2.12.010 of Codified Code and  
K.S.A. 15-204

Janet Amerine, City Attorney & Firemen's Relief Association Attorney  
K.S.A. 15-204

Vacant, Receptionist/Clerical (PT)  
Carl Shaffer, Community/Senior Center Director

Farol Mc Millan, Community/Senior Center Assistant

Rebekah Zook, Joint Employee Clearwater Recreation and City of Clearwater

**Police Department:**

City Ordinance No. 471 and Sections 2.16.010 through 2.16.030 of Codified Code  
and K.S.A. 15-204

Gene Garcia, Police Chief  
Jason Gearhardt, Lieutenant  
Clint Luckner, Police Officer/Investigator  
Scott Goforth, Police Officer  
Lee Harp, Police Officer  
Roy Riggs, Police Officer (PT)  
Sean Zernickow Police Officer (PT)  
T.J. Ohlemeier, Police Officer (PT)  
Darrel Haynes, Police Officer (PT)  
Kyle Berger, Police Officer (PT)  
Rebekah Schauf, Police Office (Reserve)

Beverly Jo Johnson, Police Records/Court Clerk  
K.S.A. 15-204

Becky L. Hurtig, Municipal Judge  
City Ordinance 383 or Section 1.20.010 of Codified Code and  
K.S.A. 12-1109

Larry Linn, City Prosecuting Attorney

Ron Lambert, Animal Control Officer  
City Ordinance 6 or Section 7.08.020 of Codified Code

**Court Appointed Attorneys:**

Roger Batt                  Russell Mills                  Arlene Burrows

**Public Works Department:**

Ernie Misak, Public Works Director  
Kevin Bush, Public Works

Mike Weakley, Public Works  
Michael Shane Baker, Public Works  
Cole Hollis, Public Works  
Kenny Hughes, Dump Coordinator (PT)  
John Mishler, Dump Coordinator (PT)  
Bob Purvine, Dump Coordinator (PT)

### **Planning Commission**

City Ordinance No. 274 and Section 2.32.020 of Codified Code and K.S.A. 12-701  
To 12-715b

Mike Machart	2011 – 2014 City
Lonnie Stieben	2011 – 2014 City
Vacant	2011 – 2014 County

### **Public Building Commission**

City Ordinance No. 778 and K.S.A. 12-1757

Vacant	2011 – 2015
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### **Historical Society**

Sue Smith	2011 - 2015
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### **Emergency Volunteer Services:**

City Ordinance No. 339 and Section 2.24.010 of Codified Code and K.S.A. 31-145  
and K.S.A. 80-1501

1. Marvin Schauf, Fire Chief
2. Gary Berger, Asst. Fire Chief and Chief Fire Investigator\*
3. Kurtis Lauterbach, Asst. Fire Chief
4. Donald Schauf, Lieutenant Training\*\*\*
5. Jared Dinwiddie, Lieutenant, Training \*
6. Karen Matzen, Lieutenant, Safety\*
7. Phillip Sturchio, Disaster Management,  
City Ordinance No. 472 and Section 2.25.010 of Codified  
Code
8. Mary Schauf, Dispatcher
9. Lisa Berntsen, Dispatcher

### **Fire Fighters:**

Bruce Berntsen, Capt. Operation	
Mark Reibenspies*	
Roger Dawson, Capt. Safety*	
Adam Pelz	
Carl Fry, Capt. Operations	
Tim Hastings	
Hank Pate	
Gerald Ready	
Brian Schauf	
Todd Phillips	Jason Templin
Mike Weakley	Matt Rupe
Gabby Simon***	Joshua Hecker*
Darin House	Lucas Frickey
Chad Sterrett	
Kyle Berger	
Bill Kenney	
Kyle Matthews	*EMT
Jim Kendrick	***EMICT
Jordan Ford	
Jeremy Clymer	

**Emergency Medical Technicians (EMT)**

1. Donald Schauf, Director MICT, TO2
2. Roger Dawson, Instructor
3. Hank Pate
4. Bill Kenney
5. Lisa Corr
6. Jared Dinwiddie
7. Christopher Atwater, MICT.
8. Karen Matzen, Asst. Director
9. Gabrielle Simon, MICT
10. Janet Schauf
11. Mike Snyder, MICT
12. Esther Vanley, EMT-B4
13. Thomas C. Bodwell, MICT
14. Joshua Hecker
15. Chad Sterret
16. Jason Templin, EMT
17. Courtney Clymer - EMT

Mayor York stated that the Appointment List would serve as his appointments for the year 2011. Consensus was unanimous.

**12. Review bids for Copier Service at City Hall**

City Administrator Brown stated copier contracts typically last for 5 years. About 1-½ years before all copier contracts expire companies come around and ask about getting out of current contracts and working with them. The Police copier is not working and is under the same contract with the city copier. The prices of getting out of the contract and getting into a new one is not going to save the city any money. The city is allowed around 9,000 copies a month with no overage. We are charged a penny for every copy over that and a few cents for the colored copy overage. The average cost is around \$550. We have several quotes that are about the same price. The City Staff would like to work on replacing the copier in the Police station only at this time. The City Staff likes the Canon that we have and would like to keep it for now. There have been few problems and the machine has worked well.

**13. Request Topics for Joint Meetings**

City Administrator Brown discussed the topic of joint meetings with the Clearwater Recreation Commission and the School Board. There have been no topics that have come up for discussion. Typically there have been two meetings a year, one here before the regular council meeting and one there before the regular school board meeting. Council Member Berntsen brought up the idea to request a meeting with the School Board after the current ball season to discuss the ball fields and all issues related to the season. There was consensus that there were no topics to meet with any other boards at this time.

**14. Consent Agenda**

City Administrator discussed the bill for \$7,674 from Certified Engineering Design, PA for Phase 1-Sanitary Sewer Improvements at the Business Park. By consensus, the Council approved to set it up for payment.

City Administrator Brown discussed the bill for \$4,553 from Steve Swift Construction. Swift provided the labor and material to finish the small shelter floor and sidewalks in City Park. There was an extra 170 feet more sidewalk than originally planned. Lions Club is helping to pay for this as well. Jim Whitney recommended they go ahead and pay the contractor and the Council agreed.

**15. Reports**

City Attorney Janet Amerine stated the Mertens appeal was filed. The judge requested that the transcript from the last hearing March 15 be prepared for this review. The appeal court is waiting for the court reporter to prepare and file the paperwork.

There is 30 days for each to reply so it could be months before anything is resolved. The homeowner in Chisholm Ridge has had a deck added to the house. In June Amerine will attend the City Attorney meeting.

City Administrator Brown showed the council some pictures of the bottom of the pool. There were before and after pictures of the flatwork done in the deep end of the pool. There was a plastic coating put over the fixed holes and Public Works should fill the pool next week. The water will need to warm up before the pool opens on May 29<sup>th</sup>. Jim Whitney asked if they could fill a small amount and mark it and then see if the pool is still leaking or if the pool leak has been fixed.

City Administrator Brown stated that one of the aerator at the Chisholm Ridge ponds is down. The west pond aerator has been turned off because the water is so low. The aerator has a problem but has not been pulled to see what is wrong.

City Administrator Brown stated that in the next week or so weed letters would be sent out to residents. The homeowner on S. Lee will be back to work on the house after he completes some work on some apartments in Wichita in about two weeks. The main concern is the siding on the side of the house needs to be finished and the safety of the house and fixing of the back door. The back yard is also starting to be pretty cluttered. The other house on Gorin is Council Member Frischenmeyer's old house. The homeowner should be back next week. Council Member Frischenmeyer reported that he had come by the house and taken measurements. The homeowner is taking off the whole shell of the house and putting siding on.

City Administrator Brown passed around another picture of a tree at the corner of Kansas and Prospect. There are a couple of very large limbs that are overhanging onto the street that could be dangerous if it fell. Brown contacted the owner of the home and would be willing to pay to have those limbs removed and he said he would pay if Brown found someone to do the work if the cost was not too much.

City Administrator Brown let the council know that he had scheduled vacation and would not be here for the next council meeting. That week works best for family and extended family. If it could be worked out Brown stated he would appreciate being gone that week.

City Administrator Brown stated that about this time in the year they schedule a Budget Planning Session. It could be a short meeting and then plan and set goals after the meeting. With a new Mayor and a new Council Member, Brown asked what would work the best. Council decided to stay after the first meeting in June to strategically plan the budget for 2012. Brown went over what happens with the budget over the next several meetings and months.

Council Member Whitney said he has received several complaints concerning buildings around town that are in need of some work. He has not checked them so he will do so before the next meeting.

### **Curbside Recycling Program**

Whitney stated he is having a hard time with deciding about the recycling continuing on without the people of the community getting a vote. Several other towns have put it up for a vote of the people. Council Members discussed the possibility of sending out a postcard or a flyer to let the residents voice their opinions. The last survey that was sent out was overwhelming for the recycling program. It was suggested to talk to the recycling truck driver and see how many carts are actually not being used. It was decided to send a survey out to the residents with the annual water report to ask for a “yes” or “no” vote on recycling program.

Council Member Papish reported that Jennifer Arnold has taken another job as Executive Director of Chamber of Commerce. She will be working at Goddard with their Chamber of Commerce. Papish has resigned from the Chamber Board. The Chamber will continue here in Clearwater as a volunteer board.

Council Member Papish also reported the dirt road on Park between South Byers and South Grant has lots of ruts and is hard on cars driving down that road. City Administrator reported that some culvert work has been done on Byers and Grant and that has helped the road conditions. City staff has also talked with Gary Wise about improving the drainage on the south side of Park that should help maintain the street surface.

Mayor York would like to explore the possibility of a stamp being used for signing the checks twice a month. City Clerk, Wright said there is nothing in the codebook that prevents a stamp. Wright suggested a self-inking stamp that would be kept at the Mayor’s home so he will still be able to review all checks.

Mayor York also reported there has been a little bit of work at the house east of Walts. It has been two weeks and York will give them another two weeks before contacting them again. Mayor York also reported at the city park there is a problem with the backstop at the baseball field. Balls were getting through the fence.

## **14. Adjournment**

**MOTION:** Being no further discussion to come before the Council, Council Member Berntsen 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, 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 May 10, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 24th day of May 2011.

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Carol Reitberger, Deputy City Clerk