

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

**CITY COUNCIL MEETING**

**MINUTES**

**MAY 24, 2011**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 24, 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: Cheryl Wright, City Clerk; Janet Amerine, City Attorney; Gene Garcia, Police Chief; Ernie Misak, Public Works Director. Others present at the meeting were; Marvin Schauf & Mary Schauf, Clearwater Fire Department; Donald Schauf, EVS; Ron and Wanda Robertson, citizens.

---

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 May 10, 2011**

**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**

Mayor York appointed Jennifer Calderon Life Guard WSI with Council consensus.

**3. Public Forum**

No one addressed the Council at this time.

**4. Department Head Reports**

Donald Schauf, EVS Director reported the ambulance averages 29 calls a month. So far this year there have been 5 calls more than last year at this time. The storm shelter was open on May 24 due to the weather. Schauf reported both doors would need to be fixed. The lock on the door is hard to open and then when the door needs to be shut the lock

stays in a locked position. Cheryl Wright, City Clerk told the Council the city building had received 4 or 5 calls throughout the day inquiring if the shelter would be open. Staff said it would be open. Schauf reported no one came to the shelter.

Marvin Schauf, Fire Chief reported that Engine 71 was serviced. The clutch and the air conditioning were not working. Parts had to be ordered and should be ready on Wednesday May 25th.

Ernie Misak , Public Works Director reported other than the usual things that they do such as meter reads and meter rereads and water leaks most of their time has been spent at the swimming pool. Public works still have not located the leak. The plan is Wednesday morning to cut out more concrete. The pool is losing approximately 1,000 gallons of water an hour. It is not leaking in the zero entry where it was patched. On Friday the 13<sup>th</sup> of May that water was considerably down and Weakly filled it up. On Saturday afternoon Misak turned off the pump. Council Member Papish inquired if it only leaked when the pump was on. Misak thought that was the case. There is still some leakage when the pump is turned off but not as bad as when the pump is on. When Public works cut the deck by the diving board all of the pipes were exposed. Misak said there was no sign of a leak or water pooling. Misak filled the pool again to the level where the pump could pick up the water and circulate. Redi Rooter came with their camera. The camera cannot see where the pipe hooks to the stainless steel. When the deck was built a 3 X3 X8 pad of concrete was poured over the pipes all the way to the gutter. The deck pad itself is 10 to 12 inches thick. The zero entry was viewed as well and found no possible leaks. The pool at this point was leaking 60 gallons a minute. Misak talked to Kent Brown, City Administrator and decided with the deck torn apart to keep cutting away at the concrete to find the leak. There is not much else to do with the pool scheduled to open on May 29<sup>th</sup>. The mushroom, big slides and the red slides also work. Until the leak is found, Public Works is going to block or petition off the work area so no one can get in. Misak has been in contact with the original Engineer on the pool project and he offered that Misak is doing everything possible to locate the leak. The purpose of all of the concrete is the stability and support of the diving boards. Council Member Whitney wanted to know the worst-case scenario for the summer and cost estimates for the season. Misak stated that fresh water would have to be added but did not have a figure for the season. Misak brought in Jason Martin and his equipment and employees to help cut concrete and dig concrete. Misak projected the costs of working on the pool so far at \$4,860. This figure does not include Jason Martin's costs. Misak said he thought several thousand dollars extra would have to be used for chemical and water if the pool leaks throughout the season. Wright suggested contacting the insurance company to see if the pool could open with construction being done at the same time. Misak drew a picture for the Council of the pipes under the deck so they could better understand. There was some discussion on the sizes of the pipes and the fact that everything is buried under concrete. Branco, the building company and Paddock Pool, the Engineer were both paid to come and inspect when the pool was built. Council Member Whitney and Misak discussed the possibility of the leak being in the stainless steel that runs along the inside of the pool. The digging will continue until leak can be found.

Police Chief Garcia reported he has had lots of complaints. One complaint was from a businessperson who was questioning the publishing of the police report in the newspaper. Garcia checked with other cities in Segwick County and most everyone prints it in the newspaper. The city of Wichita prints it in the newspaper once a week. The complaint was not specific just thought it brought negativity to the city.

**5. Ordinance for the Sale of Cereal Malt Beverage at Special Event**

City Attorney, Amerine stated the city has an ordinance that allows bars to sell liquor at special events. The State Legislature has passed a bill that states that cities can issue permits to sell cereal malt beverage at special events. City staff would like to have this ordinance in place so if someone wants a license all that has to be done is issue the license and collect \$25.00. Amerine presented the Council with the Municipal Code of the sale of 3.2 beer at special events. The event has to be on property that is zoned commercial or industrial. Beer sales are not allowed on any city property. Police Chief, Garcia offered to the Council that he would be attending a meeting in Wellington about the same topic and would report back on what it is being done in that town. City Clerk Wright assigned Ordinance No. 935.

**MOTION:** Council Member Papish made a motion to approve Ordinance No. 935 as written. Council Member Frischenmeyer seconded the motion. After roll call the Ordinance passed 5-0.

**6. Request from Jess Tracy to use Baseball Field at Sports Complex**

City Clerk Cheryl Wright addressed the council about a memo that was sent to City Administrator Kent Brown by Jess Tracy. It is a request to use the big ball fields at the sports complex for an American Legion team. The team will represent American Legion Post 93. Tracy has a team of 17 young men that have committed to play ball this summer and at this time the roster is 100% Clearwater student/athletes. He is requesting all fees for the field usage be waived. Tracy states that the games will not conflict with the Recreation games. Most of their games will be later in the evening, however the recreation games are generally not played on the big field. Council Member Papish asked about the lights at the ball field. Wright stated at this time the City pays for the first two hundred dollars of the bill for the month and the Recreation Commission pays the rest. There is a fee schedule in place for teams to pay to use the field. If Council agrees to the proposal then the fee schedule will be waived for this team. Tracy stated in his memo that he would be willing to take care of the field maintenance for the summer. Council approved this request by consensus for one-year trial basis.

**7. Discussion of Property on Diagonal Road**

City Clerk Wright directed the Council to look at a map on the wall at a small triangle piece of property on Diagonal Road. The small triangle piece was annexed into

the city along with the cemetery land. The homeowner came to City Hall to buy a dump pass. City Staff told the customer that she was outside of the city limits and would not be able to purchase a dump pass. After speaking with City Administrator Brown and showing she was paying city taxes on the small triangle of land a dump pass was issued. After some discussion the Council decided that the customer could have the dump pass but no other city services unless annexed into the City.

**8. Department Head Budget Requests**

EVS Director, Donald Schauf addressed the Council on a few budget requests for the year. Schauf stated that 3 radios need to be replaced that was not covered by the grant from last year. The electronic recording system is waiting for Sedgwick County to have the Software Company update the software so all groups can utilize it. The wireless fee will be about \$50.00 a month. Ambulance supplies were \$7,000 of the budget last year. The budget was cut in half and the ambulance donation account was used to pay the difference in costs. Schauf stated this year he doesn't think he will need to take anything from the Ambulance donation fund. Schauf does not like to use the donation account for supplies. He would rather use it for equipment that is broken or brakes or something new that comes out for the department. Council Member Papish asked about the \$2.00 that was put on the water bill. City Clerk Wright explained that the \$2.00 is put in an account to pay the loan payment for the ambulance. The \$2.00 was voted in to only be used for the purchase of an ambulance. The Council briefly discussed the trials of having an ambulance service that is free for patients.

**9. Executive Session-Personnel**

**MOTION:** At 9:30 p.m. Council Member Berntsen moved to enter into executive session for fifteen minutes to discuss personnel. City Clerk Wright was asked to join Council in Chambers. Council Member Whitney seconded the motion and it passed unanimously.

At 9:45 p.m. Council returned to regular session with no action taken.

**10. Set Date for Special Session**

After a brief discussion, Mayor York set a Special Council meeting for June 6, 2011 at 7:15 A.M.

**11. Reports**

City Clerk Wright reported that Herschel West from Waste Connection said at the last Council meeting there were eighteen hauls for Spring Clean-up day. Upon checking there were only ten hauls. Staff just wanted to check to make sure there was no problem with out of city limit residents using the clean-up day.

Mayor York asked about the smaller trashcans. There is one in the Council Chambers for people to look at if the recycle program continues. It will save customers \$2.00 on their trash bill. City Clerk Wright said there would be a count ready by the next meeting of the recycle surveys that have been turned into the office.

Council Member Whitney has a list of residences that need attention. Council Member Whitney requested City Clerk Wright to pass the list on to City Administrator Brown.

Council Member Frischenmeyer asked about the storm shelter being handicapped accessible for wheel chairs. Frischenmeyer stated he thought the door opening was only 32" that would not allow a wheel chair inside. He also did not think a handicapped person could sit on the bench that was installed in the shelter. Council Member Whitney stated Fema and Sedgwick County both checked it when it was being built. Frischenmeyer stated that the Police Department does not have a key. After a brief discussion it was suggested that the key to the shelter be kept at the EVS building so it is accessible if the shelter needs to be opened.

**12. Executive Session**

**MOTION:** At 10:10 p.m. Council Member Papish moved to enter into executive session for ten minutes to discuss Legal with City Attorney Janet Amerine. Council Member Jim Whitney seconded the motion and it passed unanimously.

At 10:20 p.m. the Council returned to regular session with no action taken.

**13. 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 24, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 14th day of June 2011.

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