

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

**CITY COUNCIL MEETING**

**MINUTES**

**OCTOBER 11, 2011**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, October 11, 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: Mayor Mike York, Jim Whitney, Jim Frischenmeyer, Laura Papish, Lyle Berntsen, 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; Donald Schauf, EVS Director; Lonnie Stieben, SKT; Brenda Hastings, Chamber Board; Gail Ray, Citizen; Steven Roeder, Emily Headgepath, Josh Hecker, Michael Spencer, Toni Ray, David Koch, Roxanne Calderon, Kristin Buck, Kyler Hargett & Sergio Corona, Government students.

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Mayor Mike 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 September 27, 2011**

**MOTION:** Council Member Lyle Berntsen made a motion to approve the 9-27-11 City Council minutes as presented. The motion was seconded by Council Member Laura Papish and passed unanimously.

**2. Mayor's Recommendations**

No recommendations.

**3. Public Forum**

Brenda Hastings, Clearwater Chamber of Commerce, stated that the Chamber would like to host the downtown Halloween kiddie parade and trick-or-treat on Monday, October 31<sup>st</sup>. The Chamber requests that the Clearwater police set up roadblocks on Ross between Gorin and Tracy by 5:15 p.m. Businesses are welcome to set-up for trick-or-treating at 5:15. The Halloween parade would start in the Duckwall's parking lot. The event would take place between 6:00 p.m. and 7:30 p.m. Lonnie Stieben, SKT, stated that SKT would sponsor the hot dog feed again this year. A goodwill offering will be accepted for the local food bank.

Lonnie Stieben, SKT, stated that as a community stakeholder, the Chamber would be hosting a discussion about Clearwater's business atmosphere. The meeting date and time will be announced in an upcoming Chamber email.

**4. Department Head Reports**

Marvin Schauf, Fire Chief, stated that they found oil in the water transfer case. The Fire Department gave the kindergarten and first grade students a fire truck ride on Tuesday Oct 11. The ride is an annual tradition for Fire Prevention Week.

Gene Garcia, Police Chief, stated that the Police/City radio in the truck is over 16 years old and has stopped working. Marvin Schauf provided a couple of portable radios to use in the interim. The Department purchased six new tires for the patrol cars. Garcia stated that armadillos were reported as a nuisance this week. An animal control officer has set a trap. Armadillos are a disease-carrying animal and are difficult to catch.

Mayor Mike York asked Marvin Schauf, Fire Chief, if he knew the cause of the fires north of Clearwater. Schauf stated that a catalytic convertor caused the fires.

**5. Commissioner Norton to Present Change in County Commissioner Districts**

Commissioner Tim Norton, Sedgwick County Commissioner, introduced himself to the City Council and public. He stated that he was the previous mayor of Haysville and is familiar with Clearwater. He represents and supports the southern communities of Wichita. He has been a County Commissioner for eleven years and was reassigned due to the redistricting of Sedgwick County. He stated that he is open to criticism and feedback. As a representative, he needs to know Clearwater's needs. He stated that he would like to give quarterly updates to the Clearwater City Council. He outlined the committee groups he is a participating member of, including a work group for the Highway Coalition and Economic Development. He writes an article, which is published in the Derby and Haysville newspapers. His office phone number is 620-253-6521, and his home phone number is listed in the phone book.

Mayor Mike York asked Commissioner Tim Norton about the status of the bridge south of Clearwater. Norton stated that he spoke with Mike Spears and the overlay should start in the next few days and the project should be completed this week.

Commissioner Norton stated to the Council that he was in Nortonville and facilitated a strategic planning session for the City and would like to be a part of the strategic business atmosphere meeting in Clearwater. Lonnie Stieben from SKT will let Norton know the time and place of the meeting when it is announced.

**6. Petition from Additional Property for Curb and Gutter on Lee Avenue**

City Administrator Kent Brown stated that staff received the third and final petition for curb and gutter at 129 N. Lee Avenue. This portion would be for 75 linear feet of curb and gutter. The project is estimated to cost \$20/foot.

**MOTION:** Council Member Lyle Berntsen made a motion to accept the petition as

written. Council Member Jim Whitney seconded and the motion passed 6-0.

**7. Resolution for Curb and Gutter on Lee Avenue**

City Administrator Kent Brown stated that this resolution combines all three petitions for curb and gutter on Lee Avenue. The project would consist of 800' linear feet of curb and gutter. The resolution is the formal process for the Council to authorize the cost and construction of the project.

**MOTION:** Council Member Sandi Keeler made a motion to accept Resolution #09-2011 to put in curb and guttering on S. Lee as written. Council Member Jim Frischenmeyer seconded the motion. The motion passed 6-0.

**8. Petition for Curb and Gutter on E. Ross Avenue**

City Administrator Brown stated that the property owner on Ross Street between Prospect and First Avenue would like to redo his driveway and how it enters onto Ross Street. Then a discussion on curb and gutter ensued. The property owner was given a petition that asks the City to install the curb and gutter. Per the petition, the cost is 100% paid by the property owners. All four-property owners on that block have signed the petition so there is a majority. The improvement proposed is constructing and installing approximately 300 linear feet of curb and gutter on Ross Avenue.

**MOTION:** Council Member Jim Frischenmeyer made a motion to accept the petition and Council Member Whitney seconded the motion. The motion passed 6-0.

Council Member Jim Whitney asked City Administrator Kent Brown if both projects of curb and guttering could be bid at the same time for a better deal for all of the property owners involved. Brown stated that he just received the preliminary plans from Harlan Foraker and the final plans should be done this week for Council to provide direction at the next meeting. Council Member Lyle Berntsen stated that residents involved would be happy with the delay by including both projects if they got a better price for the project.

**9. Handicap Ramp Relocation**

City Administrator Brown spoke with the business owners at Clearwater Family Practice. Brown would like to make a recommendation to the Council to have the last parking spot by the Clearwater Public Library made into a Handicap space. As a result, Ross Street will lose one parking space on the south side of the street because a space would be marked off for the unloading of vehicles in the handicap space. The handicap space would be a good distance to the doctor office and the Clearwater Public Library. The new space would be directly across the street from Dr. Carl May's Office on Ross Street. Administrator Brown stated that the curb would be removed in that space. Council Member Whitney stated he would like to have the project up for bid at the same time as the other

curb and guttering projects on Lee and Ross Avenues for a better price for all involved. Council Member Berntsen stated that handicap ramps are difficult to install so he would like to see that portion of the project up for bid as well.

**10. Consent Agenda**

City Clerk Liza Donabauer stated that Renn & Company would like to renew the City's Ambulance Policy. The policy, which renews 10-19-11, is quoted to cost \$3,307.20. Last year's renewal rate was \$3,153.50. If approved, the premium would be paid out of the General Fund's Ambulance Insurance account. The Council reached a consensus to authorize payment and renewal of the ambulance policy.

**11. Staff Reports**

City Administrator Kent Brown provided updates on the progress made on the three unsafe structures since the 9-13-11 Public Hearing. The property at 250 N. Prospect had the roof repaired, windows replaced, and siding removed. The garage door has been special ordered and the combustible material has been removed from the property.

City Administrator Brown stated that the other property on North Prospect was going to be torn down. Last week City Administrator Brown received a phone call from Greg Mills inquiring what needed to be done to get the house up to code. Administrator Brown informed Mills that the north wall and the holes around the house would need to be repaired, garbage removed and siding replaced. Mills will hopefully have a plan ready to present to the City Council to restore the property. City Attorney Janet Amerine stated that the time frame set by the Council is legally held to the property. The Council could extend the time or leave it at 30 days.

City Administrator Brown stated to the Council there is nothing new to report on the concrete garage on North Gorin. Brown stated that he has not yet met with the Sedgwick County Inspector.

City Administrator Brown stated that Public Works would be replacing 2 fire hydrants this week. They are at the intersections of Park and Prospect and First and Kansas.

City Administrator Brown reported to the Council that the bridge south of Clearwater by the sewer ponds is a timber bridge and is moving up the list to replace. They have had a change in County Engineers responsible for the project. The County hopes to send it out for bid in December or January. The County would like to move the bridge north of their electric pole. They would also move the gate for the City and it would be twice as big and replaced with a swinging gate. The County would replace the gravel for the road.

City Administrator Brown received a proposal to refinance the City's debt. The proposal would save approximately \$100,000 over the life of the loan. Brown would like to continue discussion and receive a proposal. Council Member Frischenmeyer and Council Member Whitney stated they would like to see a proposal.

City Clerk Liza Donabauer provided a follow-up to Council Member Keeler's inquiry on the Pitney Bowes Lease. The City was previously in a 60-month contract. The leasing agent from Pitney Bowes stated that they do provide a warranty and service on the equipment in case it was to breakdown. As part of the renewal, Pitney Bowes will be installing a new scale, sealer, stand and base.

Clerk Donabauer stated that Staff has been receiving a lot of calls from citizens about the Fall Festival. Inquiries about the schedule of events, how to register for the parade, and the Festival's theme can all be found on the Fall Festival's website: [clearwaterfallfestival.com](http://clearwaterfallfestival.com)

Fall Cleanup is this weekend on Friday October 14<sup>th</sup> from 8:00 to 5:00 p.m., and Saturday from 8:00 a.m. to approximately 1:00 p.m. Waste Connections will leave large roll-off containers at the Public Works Building. The free service is only available to city residents.

Clerk Donabauer stated that the new Library Director has been presented with a citizen request for a library cat. The Director stated that if authorized, the cat would be cared for through cat specific donations or herself. She stated that other libraries have animals and the cat may help to minimize the cricket population within the City building. Council Member Jim Whitney stated that he is concerned for those that have allergies to cats. He stated that the Library would have to post signage- alerting customers of the presence of the cat. Other Council Members expressed concerns about potential allergies keeping customers from visiting the Library. It was the Council's consensus to deny the Library's request for a library cat.

Clerk Donabauer stated that the City mailed approximately 800 surveys about City services and the potential 4<sup>th</sup> Avenue construction project on Friday, October 7<sup>th</sup>. Since Friday, City Hall has received approximately 25 surveys.

City Clerk Liza Donabauer stated that she attended the League of Kansas Municipalities (LKM) Conference on October 9<sup>th</sup> and 10<sup>th</sup>. She stated that she learned a lot about her role as a City Clerk and attended numerous educational sessions that briefly touched on subjects such as employment law, budgeting basics, and how the City can foster resources throughout the community. She met city clerks, city administrators and managers, city council members and mayors from across the State. She thanked the City Council for allowing her the opportunity to attend the LKM Conference. She stated that there is a Municipal Clerks Certification Institute in November, which is a four-year certification process. The first year will touch on topics such as elections, workers compensation, records management, revenues and fiscal management, and public relations. The conference is in Wichita from Monday November 7<sup>th</sup> through the 11<sup>th</sup>. Early registration is \$460.00 and the deadline for early registration is October 24<sup>th</sup>. With Council consensus, the City Council provided authorization for Clerk Donabauer to attend the conference.

City Attorney Janet Amerine reported to the Council that she attended the Attorney's Conference in Wichita. She stated to the Council that the Wichita Development tour was very interesting. The group would like to create more walkways and bump outs. She stated that Wichita is seeing waiting lists for rentals in their newly renovated downtown buildings. Amerine will provide a written update for the next meeting.

## **11. Council Reports**

Council Member Jim Frischenmeyer requested an executive session with City Attorney, Janet Amerine, present after the Council reports.

Council Member Jim Whitney stated that the crosswalk sign at the Chisholm Ridge addition is missing. Whitney was contacted by the Wellness Center Director about the condition of the concrete pad that the air conditioner unit sits on behind the building. There is an elbow of concrete that needs to be removed. City Administrator Brown stated that before the elbow of concrete is removed Public Works would need to see how that would affect the drainage back behind the building. Whitney stated that a resident showed him a basket of whites that were ruined by water during the fire hydrant flushing. Whitney wondered about the City getting an all-dial phone system. The system would allow a phone call made to the areas that needed to be notified. He further stated that the school bought the system and would like City Administrator Brown to check on the costs for the City to be able to use a system to notify residents.

Council Member Whitney reported to the Council that there is a brush pile that needs to be cleaned up between Southern Kansas Telephone and residence on 4<sup>th</sup> Street. Whitney also reported behind the house at 634 Rolling Hills Court, alley behind 200 North Prospect and the back yard of 150 N. Prospect all need to be cleaned up.

Council Member Laura Papish stated that there is a large hole on North Fourth in front of Casey's. Papish also stated she has had several complaints about the flagpole in front of the City Building.

Mayor Mike York received a complaint about 142 N. Tracy. There is a mess of things in the front of the house and piles in the back yard. There is a car in the alley that has an expired tag on it. York also received a complaint from 127 S. Tracy where tree roots are uprooting the sidewalk. It is the responsibility of the homeowner to replace the sidewalk but the City will help remove the old sidewalk.

City Attorney Janet Amerine stated to the Council that there is a sidewalk program called "Safe Routes to School" that is a cooperative program. The city would hire someone to write the grant and an engineer to draw the plans. If awarded, the City would get State funding to fund the sidewalk project.

## **12. Executive Session**

**MOTION:** At 8:00 p.m. Council Member Sandi Keeler moved to enter into executive session for 10 minutes to discuss a legal matter with City Attorney Janet Amerine Council Member Lyle Berntsen seconded the motion. The motion passed unanimously.

At 8:10 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 Lyle Berntsen moved for adjournment. The motion was seconded by Council Member Sandi Keeler 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 October 11, 2011 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 11th day of October, 2011.

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Carol Reitberger, Deputy City Clerk