

City of Clearwater Council Meeting Agenda
Tuesday February 11, 2020 at 6:30pm
129 E Ross Clearwater, KS 67026

1. CALL TO ORDER / INVOCATION AND FLAG SALUTE
2. ROLL CALL
3. APPROVAL OF AGENDA
4. PUBLIC FORUM
Members of the public can address the Mayor and City Council limited to not more than five minutes.
5. CONSENT AGENDA
Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed.
 - a. [01/28/20 Council Meeting Minutes](#)
 - b. [Claims and Warrants](#)
 - c. [Mayoral Appointment](#)
6. Census 2020 Presentation – Jason Dean, Census Bureau
7. LIBRARY YEAR END REPORT – TINA WELCH, LIBRARY DIRECTOR
8. BUSINESS PARK UPDATE – JASON MARTIN, J. MARTIN COMPANY & LOGAN MILLS, P.E. CED ENGINEERING
9. [STAFF REPORTS](#)
10. BUSINESS
 - a. [STREET CLOSURE REQUEST FOR ART WALK – TRISHA NICHOLS](#)
 - b. [CONSIDER ORDINANCE 1057, LIMITED TIME PARKING AT LIBRARY](#)
 - c. [CONSIDER FIREWORKS PROPOSAL](#)
11. DISCUSSION
 - a. [DISCUSS BUDGET TRANSFER OF EXCESS FUNDS](#)
 - b. [DISCUSS AQUATIC CENTER HOURS OF OPERATION](#)
 - c. [DISCUSS AND REVIEW 2020 HOUSING INCENTIVE PROGRAM](#)
12. ADMINISTRATORS REPORT
13. GOVERNING BODY COMMENTS
14. EXECUTIVE SESSION
 - a. K.S.A. 75-4319(b) (4) TO DISCUSS DATA RELATING TO FINANCIAL AFFAIRS OR TRADE SECRETS OF CORPORATIONS, PARTNERSHIPS, TRUSTS, AND INDIVIDUAL PROPRIETORSHIPS
 - b. K.S.A. 75-4319(b) (1) TO DISCUSS PERSONNEL MATTER OF NONELECTED PERSONNEL
15. ACTION AS A RESULT OF EXECUTION SESSION
16. ADJOURNMENT

Next Assignment Numbers

Charter Ordinance: 21

Ordinance: 1057

Resolution: 03-2020

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 6:00 and 6:30 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
January 28, 2019
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Council President Palmer-Witt called the meeting to order at 6:30 p.m. followed the invocation and flag salute.

2. Roll Call

The City Clerk called the roll to confirm the presence of a quorum. The following members were present:

Councilmembers; Justin Shore, Shirley Palmer-Witt, Chad Pike, and Chris Griffin were present.

Mayor Burt Ussery and Yvonne Coon were absent.

The following staff members were present:

Ron Marsh, City Administrator, Courtney Meyer, City Clerk; Austin Parker, City Attorney.

Others Present: Jared Dinwiddie, Makenzie Macy, Ivy Berline, Kirk Ives

3. Approval of the Agenda

Council President Palmer-Witt asked if there were any modifications to the agenda. Marsh stated item 6 and item 11a needed to be removed.

Council President Palmer-Witt called for a motion to approve the agenda as modified.

Motion: Pike moved, **Griffin** seconded to accept the agenda as modified. Voted and passed unanimously.

4. Public Forum

None

5. Approve Consent Agenda

Council President Palmer-Witt asked if there was any question on the consent agenda and if not asked for a motion to approve.

Minutes: 01/14/20 and 01/20/20 Council Meetings

Claims and Warrants 01/22/20 = \$87,669.03

Motion: Pike moved, **Shore** seconded to approve the consent agenda as presented. Voted and passed unanimously.

6. Census 2020 Presentation – Jason Dean, Census Bureau

Cancelled until next meeting

7. Staff Reports

a. Police Department – Jason Gearhardt – council had no questions.

b. Fire Department – Jared Dinwiddie – Councilmember Pike asked about the new door. Chief Dinwiddie explained the door is a training tool to assist fire volunteers proper techniques to

forcibly open a door.

- c. Public Works – Ernie Misak – Council President Palmer-Witt asked about hiring a street sweeper. Marsh stated it was not in the budget to hire a street sweeper, but staff is looking at budget opportunities to hire one this year.

8. Business

a. Pioneer Cellular Lease Agreement Extension

In December 2006, the City entered into a sight lease agreement with Pioneer Cellular for the cell phone tower on City property north of the Sewer Lagoons. Pioneer agreed to pay an annual rent of \$6000.00. The initial term was for 10 years with three extensions of 5 years. In 2014 Pioneer submitted the first 5-year extension (12/6/16 – 12/6/21) with a 3% increase for a total annual rent of \$6180.00. The extension agreement was not returned to Pioneer Cellular until 2018 and still runs through 2021.

Pioneer has submitted the second extension with a 2% increase to take effect December 6, 2021 through December 6, 2026. The new proposed total annual rent is \$6303.00.

No terms or conditions from the original signed agreement have changed. In the original lease an additional \$2400.00 rent was included for a co-locate. At the end of November 2018, the co-locate dropped off.

Council questioned why the extension is for 2% instead of 3%. Parker answered that the City doesn't set the rate. The cell company is only required to pay us what they consider a reasonable amount.

Motion: Griffin moved, **Shore** seconded to authorize the Mayor to sign the lease agreement with Pioneer Cellular. Voted and passed unanimously.

b. Discuss 2020 Housing Incentive Program

Since the Governing Body has two new members the Mayor has directed staff to have as an agenda item a discussion of the Housing Incentive Program for the new Council members to have input.

Staff recommends eliminating multiple options and to move forward with what is currently Option #1. We feel this would be in the best interest of the home buyer.

Added language to clarify when the rebates began

The bullet point on "primary residence" is redundant and stated above.

The bullet point on minimum square footage only applies to Chisholm Ridge and is stated in the Chisholm Ridge application form.

Council discussed the properties in Prairie Meadows and since they don't have access to sewer, having the guidelines they must be hooked up to both water and sewer was not fair. The language should state "available" city utilities.

Council also discussed the intention of offering a tax rebate. The way the current incentive is presented, if someone closes or completes a home after September 1st in the incentive year the tax rebate will be on the undeveloped land and not the land WITH the new house. Council discussed and stated the intention was to give the incentive on new development and asked staff to prepare language that would state the that the tax rebate would start after the County appraised value included the new residence. All changes are to be brought back to council at the next meeting.

c. Approve Contract with Midland GIS for Utility GIS Services

At the January 14, 2020 City Council meeting the Governing Body approved the Request for Proposal from Midland GIS to provide the City of Clearwater with utility GIS services.

Midland has submitted the contract for their services for Council approval and the Mayor's signature.

Council asked if homeowners would be notified when mapping starts. Marsh stated that yes, we will be working with Midland GIS to communicate with residents.

Parker also stated the termination agreement he asked to be put in was agreed to by Midland. The termination agreement is to protect the City. If the City wants to terminate the agreement for any reason they may do so and be able to keep all data that has been collected up to that point.

Motion: *Pike* moved, *Shore* seconded approve the contract with Midland GIS. Voted and passed unanimously.

9. Administrators Report

- We have applications to purchase four more lots in Chisholm Ridge P3. This will bring us to 7 city lots sold, with 11 remaining.
- The Mayor and I will be meeting with Sedgwick County to discuss the status of staffing an ambulance in Clearwater on February 13th.
- Park Glen Estates P2 design and engineering plans for water, sewer and street improvements are moving forward. These improvements will ultimately be assessed to the homeowners as special assessments. Over the next few months plans, and financing will be discussed with Council. At the same time the City will be having the new second entrance into PGE constructed along the east side of the Sports Complex.
- Mark your calendars – there will be a Council workshop on March 31st from 6:30pm – 8:30pm.
- Assisted Living reported they put lock boxes up on the garage doors and gave keys to the Fire Department and Police Department so they will be able to enter any of the residence without breaking their door down in case of an emergency.

10. Governing Body Comments

Griffin had nothing to report

Pike had nothing to report

Palmer-Witt had nothing to report.

Shore had nothing to report.

11. Executive Session

- a. **K.S.A. 75-4319(b) (4) TO DISCUSS DATA RELATING TO FINANCIAL AFFAIRS OR TRADE SECRETS OF CORPORATIONS, PARTNERSHIPS, TRUSTS, AND INDIVIDUAL PROPRIETORSHIPS**

REMOVED

- a. **K.S.A. 75-4319(b) (1) TO DISCUSS PERSONNEL MATTER OF NONELECTED PERSONNEL**

Motion: *Pike* moved, *Shore* seconded to enter executive session to discuss personnel matters and to include the City Attorney and the City Administrator. Council will reconvene the open meeting at 7:30PM. Voted and passed unanimously.

Council President Palmer-Witt called the meeting back to order at 7:30 and stated there was no action taken in executive session

12. Action as a Result of Executive Session

Motion: *Pike* moved, *Shore* seconded to authorize the City Administrator to enter into formal negotiations with a candidate for Chief of Police with the expectation of bringing back a form action item at the next City Council Meeting. Voted and passed unanimously.

13. Adjournment

With no further discussion Council President Palmer-Witt called for a motion to adjourn.

MOTION: *Pike* moved; *Shore* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:35 PM

CERTIFICATE

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

I, Courtney Meyer, 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 January 28, 20120 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 11th day of February 2020

Courtney Meyer, City Clerk

Check Register Report

Date: 02/04/2020

Time: 9:11 am

Page: 1

City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
EMPRISE BANK Checks								
45916	02/05/2020	Printed			AMS2	ASSOCIATED MATERIAL & SUPPLY	SAND FOR SPREADER	27.50
45917	02/05/2020	Printed			AXON	AXON ENTERPRISE, INC	TASER MAIN PLAN	190.55
45918	02/05/2020	Printed			BBL1	B & B LUMBER	PARK GLEN WET WELL	723.21
45919	02/05/2020	Printed			BH01	BECKY C. HURTIG	PROFESSIONAL SERVICES	915.00
45920	02/05/2020	Printed			CI W	CIRUS WATER	SENIOR CENTER	27.00
45921	02/05/2020	Printed			CAA1	CITY ATTORNEYS ASSOC. OF KS.	MEMBERSHIP DUES/PARKER	35.00
45922	02/05/2020	Printed			CCC2	CLEARWATER AREA CHAMBERS	BUSINESS MEMBERSHIP LIBRARY	100.00
45923	02/05/2020	Printed			CWC02	CLEARWATER WELLNESS CENTER	STATEMENT	60.00
45924	02/05/2020	Printed			CORE &	CORE & MAIN LP	REPACE WATER LINE/GARVEY	1,889.56
45925	02/05/2020	Printed			CPSI	CREATIVE PRODUCT SOURCING, INC	DARE SUPPLIES	626.15
45926	02/05/2020	Printed			CYBER	CYBERTRON INTERNATIONAL INC	JANUARY BILLING	912.95
45927	02/05/2020	Printed			GILM	GILMORE SOLUTIONS, INC	MDT SET UP	1,800.00
45928	02/05/2020	Printed			GT	GT DISTRIBUTORS, INC	GUN REPAIR/EQUIPMENT PARTS	474.71
45929	02/05/2020	Printed			HA1	HUBER & ASSOCIATES	DAILY-ENTERPOL TRAINING	100.00
45930	02/05/2020	Printed			JHS1	J & H STORAGE	RENT	65.00
45931	02/05/2020	Printed			LA LI	J. LARRY LINN	PROSECUTION SERVICES	885.00
45932	02/05/2020	Printed			JDG1	JOHNNY L. MISHLER	COURT FORMS/TICKET BOOKS	396.00
45933	02/05/2020	Printed			KACM1	KACM	2020 KACM DUES	50.00
45934	02/05/2020	Printed			KMA01	KANSAS MAYORS ASSOCIATION	MEMBERSHIP DUES	50.00
45935	02/05/2020	Printed			KS TR	KANSAS TRUCK EQUIPMENT CO, INC	SALT/SAND SPREADER	5,402.00
45936	02/05/2020	Printed			KOURT	KOURTNEY CHILDERS	RESTITUTION PAYMENT	65.00
45937	02/05/2020	Printed			KHE1	KS DEPT OF HEALTH & ENVIRON.	WATER ANALYSIS	205.00
45938	02/05/2020	Printed			RA01	RESERVE ACCOUNT	POSTAGE FOR METER	300.00
45939	02/05/2020	Printed			SWSC	SALINA WHOLESALE SUPPLY CO	REPLACEMENT METER WELL 6	1,466.55
45940	02/05/2020	Printed			STA	STAPLES	WET ERASE MARKERS	157.61
45941	02/05/2020	Printed			TSN1	TIMES-SENTINEL NEWSPAPERS	BASKETBALL CONGRATS AD	164.50
45942	02/05/2020	Printed			TR CON	TRAFFIC CONTROL SERVICES	MOUNT DOCKING STATION	200.00
45943	02/05/2020	Printed			T2UL	TRUE2U AUTOMOTIVE, LLP	TIRE REPAIR	20.00
45944	02/05/2020	Printed			USBAN	U.S. BANCORP EQUIPMENT FINANCE	COPIER LEASE	248.26
45945	02/05/2020	Printed			UNI	UNIFRIST CORPORATION	SUPPLIES	33.05
45946	02/05/2020	Printed			VER	VERIZON WIRELESS	STATEMENT	200.05
45947	02/05/2020	Printed			WILSON	WILSON BUILDING MAINT INC	FEBRUARY JANITORIAL SERVICES	757.74

Total Checks: 32

Checks Total (excluding void checks):

18,547.39

Total Payments: 32

Bank Total (excluding void checks):

18,547.39

Check Register Report

Date: 02/04/2020

Time: 9:11 am

Page: 2

City of Clearwater

BANK:

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
Checks								
463	02/05/2020	Printed			CGSI	CASEY'S	STATEMENT	1,182.89
464	02/05/2020	Printed			HSB1	EMPRISE BANK	FORD F-150	868.23
465	02/05/2020	Printed			LIBERTY	LIBERTY NATIONAL	STATEMENT	307.66
466	02/05/2020	Printed			MERCHANT	MERCHANT SERVICES	SURCHARGE FEE	221.56
467	02/05/2020	Printed			MERCHANT	MERCHANT SERVICES	CONVENIENCE FEE	187.37
468	02/05/2020	Printed			SKT1	SKT	CITY BUILDING	296.72
469	02/05/2020	Printed			SKT1	SKT	SENIOR CENTER	97.42
470	02/05/2020	Printed			SKT1	SKT	ELECTRONIC SIGN	59.12
471	02/05/2020	Printed			SKT1	SKT	PUBLIC WORKS	145.13
472	02/05/2020	Printed			SKT1	SKT	POLICE AND COURT	294.84
473	02/05/2020	Printed			SKT1	SKT	EVS AND FIRE	512.05
474	02/05/2020	Printed			SEHP	STATE EMPLOYEE HEALTH PLAN	STATEMENT	13,219.15

Total Checks: 12

Checks Total (excluding void checks): 17,392.14

Total Payments: 12

Bank Total (excluding void checks): 17,392.14

Total Payments: 44

Grand Total (excluding void checks): 35,939.53

**City of Clearwater
City Council Meeting
February 7, 2020**

Mayoral Appointment

Context: Per City Ordinance 1040 Park Advisory Board, the Mayor appoints representatives for Council approval to the Park Advisory Board as vacancies occur. The Park Advisory Board has had a vacancy for several months and the following individual is being recommended by the Mayor to fill the unexpired term:

Craig Mellen 2018-2022

Financial: There is no financial obligation for the City.

Legal Considerations: Review and comment as necessary.

Recommendations/Actions: Approve the mayor's appointment

To: Mayor and City Council

From: Jared Dinwiddie
Clearwater Fire Chief

Date: February 7, 2020

Re: Fire Department Staff Report

- Clearwater Fire responded to 13 medical calls and 0 Fire calls since last meeting.
- Average response time for SGCO EMS on medical calls has been around 19 minutes.
- Department installed smoke detectors in City Hall, Police Station, Library, and Public Works break room. Need to meet with Historical Museum to see what detectors they may need installed.
- Sedgwick County Fire Chiefs will have their quarterly meeting at the Clearwater Fire Dept. on Saturday, February 22nd at 0830.

To: Mayor and City Council

From: Jason Gearhardt, Lt.
Interim Chief

Date: February 11, 2020

Re: Police Department Staff Report

Have started having some issues with the new MDTs. Gilmore Solutions has been working with us diligently to fix the issues. Other departments have had similar issues, and it seems to be the way the newer versions of Windows interact with the Sedgwick County System.

Officer Nolan has finished his first week on the job, and is excited and eager to learn. Hopeful KLETC start date is April 6th.

Matters of interest since last meeting.

1/27/20 – Burglary and theft from auto in the 300 block South Gorin, change, garage door opener and a key were items taken. No suspects at this time.

1/27/20 – Theft report at High School, one student was arrested.

1/29/20 – Took a report of a cat bite in the 200 block South Lee. Animal Control did take the wild cat in for examination.

1/30/20 – Officers had been contacted on 1/28 by Douglas County and requested to arrest a local resident on an active warrant they had. Subject was located on 1/30, and a car stop was conducted. The suspect refused to comply and while speaking with officers sped away. A short pursuit ensued, at speeds of 50 mph on county roads, and 30mph when the suspect reentered the City and drove to his residence in the 600 block Elaine, where he was taken into custody, and now faces charges of Interference with Law Enforcement and Attempted Flee and Elude in Clearwater Court.

2/1/20 – Driver arrested in the 700 block Janet for DUI and Fail to Dim Headlights.

2/1/20 – More boards were knocked out of the treehouse in the park.

2/4/20 – Driver cited in the 100 block North Tracy for speeding, drive while suspended and no proof of insurance.

2/6/20 – Officers found that someone had struck the windmill street sign on the northeast corner of Kansas and Tracy, with a vehicle sometime the previous evening. Still under investigation.

2/7/20 – Driver cited in the 100 block East Wood, for defective brake lights, drive while suspended and no proof of insurance.

To: Mayor and City Council Members

From: Ernie Misak, Public Works Director

Date: February 11, 2020

Subject: Public Works Summary

1. Abandoned a section of 8 inch main at Garvey Complex. This was replaced earlier with a 2 inch line as it was only serving a frost free hydrant and an office building for Gavilon Grain. Multiple leaks had been repaired on the 8 inch and continued to need more repairs on a continuous basis.
2. Installed new 4 inch meter at well #6 to comply with the Department of Agriculture requirement for "approved" meters. The old meter was no longer on the "approved" list.
3. Repaired recirculation line at the waste ponds.
4. Repaired well #8 chlorinator booster line. Also repaired well #8 flouride pump.
5. Gathering information for PG wet well capacity(s) and pump rates for CED, in preparation for Park Glen Estates 2nd. Addition.
6. No discharge from Waste ponds to river in January. Report sent to KDHE.
7. Samples collected for KDHE Flouride concentrations and Sent to KDHE Lab.
8. Repaired ballasters that were kicked out at the Mikesell playhouse.
9. Vandalism again at the Mikesell playhouse at the Park. Ballasters kicked out again. Repaired again.
10. Worked on alleys to add rock and fill potholes.
11. Filled sinkhole in alley between Fourth and Third; Southeast Drive and Nancy. Cause is assumed to be resulting from a private service sewer line repair/replacement.
12. Starting to work with School in preparation for Baseball/Softball Season which begins March 2, 2020.
13. Performed shut offs for non-payment of water services.
14. KC Chiefs won the "Super Bowl".
15. Other normal duties and responsibilities.

Clearwater Senior & Community Center

Staff Report

February 7, 2020

To: Mayor & City Council

From: Sonja Froggatte, Director

1. February 11 at noon will be our Valentine's Day Carry-In Luncheon. City Arts cancelled but rescheduled for May's Carry-In.
2. On Wednesday, February 12th I will attend the 12:30 p.m. Advisory Council meeting for CPAAA.
3. We will be closed in observance of President's Day on 2/17.
4. Friday, February 21 we will have our first meeting about the Dinner Theater May 9th.
5. On 2/29 at 6:00 p.m. we will have Live Music at the Center.

**City of Clearwater
City Council Meeting
February 7, 2020**

Consider Art Walk Street Closure Request

Context: In 2016 City Council established an application process to close roads for special events. This was to create a more coordinated process, so the City departments are aware of the street closures.

The 6th annual Art Walk will be held April 3, 2020 from 6 to 9pm. The event has requested road closures between 5:00pm to 9:30pm to allow for safe set up, attendance and tear down.

The road closure includes Ross Ave between Byers and Gorin and Gorin from Ross to the Baptist Church driveway.

This event is hosted by the Clearwater Community Foundation and sponsored by variance Clearwater organizations and businesses.

Financial: There is no financial consideration for the Special Event Permit

Legal Considerations: The City Attorney has drafted the permit and can comment as necessary.

Recommendations/Actions: Approve the Mayor to issue the Special Event Permit to the Art Walk for road closures requested.

CITY OF CLEARWATER, KANSAS
SPECIAL EVENT PERMIT
ON PUBLIC PROPERTY WITHIN
THE CLEARWATER CORPORATE LIMITS

Please return to the City building a minimum of 60 days prior to the event.

Permittee: Art Walk 2020

Permittee Group or Organization (if any): Clearwater Community Foundation

Permittee Address: 115 E Ross

Permit Date(s): Friday, April 3rd 2020

Permit Hours: 5-9:30

Description of the Area to be Utilized Pursuant to this Permit: Ross St. Businesses & SKT Corin

Description of Special Event Activities Permitted Pursuant to this Permit: Art display/sales/participation + music

Permit Conditions:

1. Hours of Operation: Pursuant to this permit, the above-described Area to be Utilized Pursuant to this Permit is permitted to be utilized for the above-described Special Event Activities on the Permit Date(s) during the Permit Hours.
2. Street Closure: The following street(s) are to be closed to non-emergency traffic on the Permit Date(s) during the Permit Hours: Ross from Byers to Corin
Corin - Ross to Baptist Church Driveway
3. Parade: One parade spanning from NA to NA shall be permitted on one of the Permit Date(s) during the Permit Hours. In accordance with Section 8 below, Permittee, in conjunction with the Permittee Group or Organization (if any), is responsible for the removal of any trash or other debris generated during the course of such parade.
4. Posting: During the entire time this special event permit is in effect, it shall be conspicuously posted within the above-described Area to be Utilized Pursuant to this Permit.
5. Emergency Vehicle Access: A clear path for emergency vehicle access should be maintained across and through the above-described streets on the Permit Date(s) during the Permit Hours.
6. Setbacks: All carnival rides, amusements, midway games, concessionaire stands and equipment as well as all other temporary structures erected in the above-described Area to be Utilized Pursuant to this Permit shall be set back not less than forty (40) feet from all street rights-of-way not closed to non-emergency traffic as set forth above.

7. **Adequate Sanitary Facilities:** Permittee, in conjunction with the Permittee Group or Organization (if any), is responsible for assuring that the above-described Area to be Utilized Pursuant to this Permit contains adequate sanitation facilities. Adequate sanitation facilities shall be determined on the basis of one (1) temporary restroom facility per one hundred (100) estimated people in attendance per hour. In this regard, Permittee, in conjunction with the Permittee Group or Organization (if any), shall provide _____ () porta potties, properly secured by stakes to the ground, to be utilized in conjunction with the above-described Special Event Activities within the above-described Area to be Utilized Pursuant to this Permit. Additionally, the City of Clearwater will also open its public restroom facilities located within the above-described Special Event Activities on the Permit Date(s) during the Permit Hours.

8. **Trash:** Permittee, in conjunction with the Permittee Group or Organization (if any), is responsible for providing the appropriate number of trash containers to contain any trash or other debris generated during the above-described Special Event Activities within the Area to be Utilized Pursuant to this Permit, including the placement of containers by all concession areas. Permittee, in conjunction with the Permittee Group or Organization (if any), is also responsible for the removal of any trash or other debris generated during the course of the above-described Special Event Activities from the Area to be Utilized Pursuant to this Permit as well as its surrounding vicinity.

9. **Indemnification:** Permittee, in conjunction with the Permittee Group or Organization (if any), shall assure that the City of Clearwater is indemnified against any and all losses incurred in connection with the above-described Special Event Activities by procuring and attaching to this Permit the following insurance coverage which names and indemnifies the City from any and all liability in this regard on a primary and non-contributory basis and includes a waiver of subrogation in favor of the City of Clearwater:

- General Liability insurance with limits of not less than \$1,000,000 per occurrence and \$2,000,000 per aggregate;
- Workers' compensation coverage for all event employees or volunteers; and
- Umbrella insurance with limits no less than \$1,000,000.

10. **Permits:** A Special Event Permit fee of \$ 100 is required to be paid to the City of Clearwater prior to Permit issuance. The Permittee, in conjunction with the Permittee Group or Organization (if any), is responsible for filing and obtaining all additional necessary and/or appropriate permits and licenses. All costs of such permits and licenses will be the responsibility of the Permittee, in conjunction with the Permittee Group or Organization (if any).

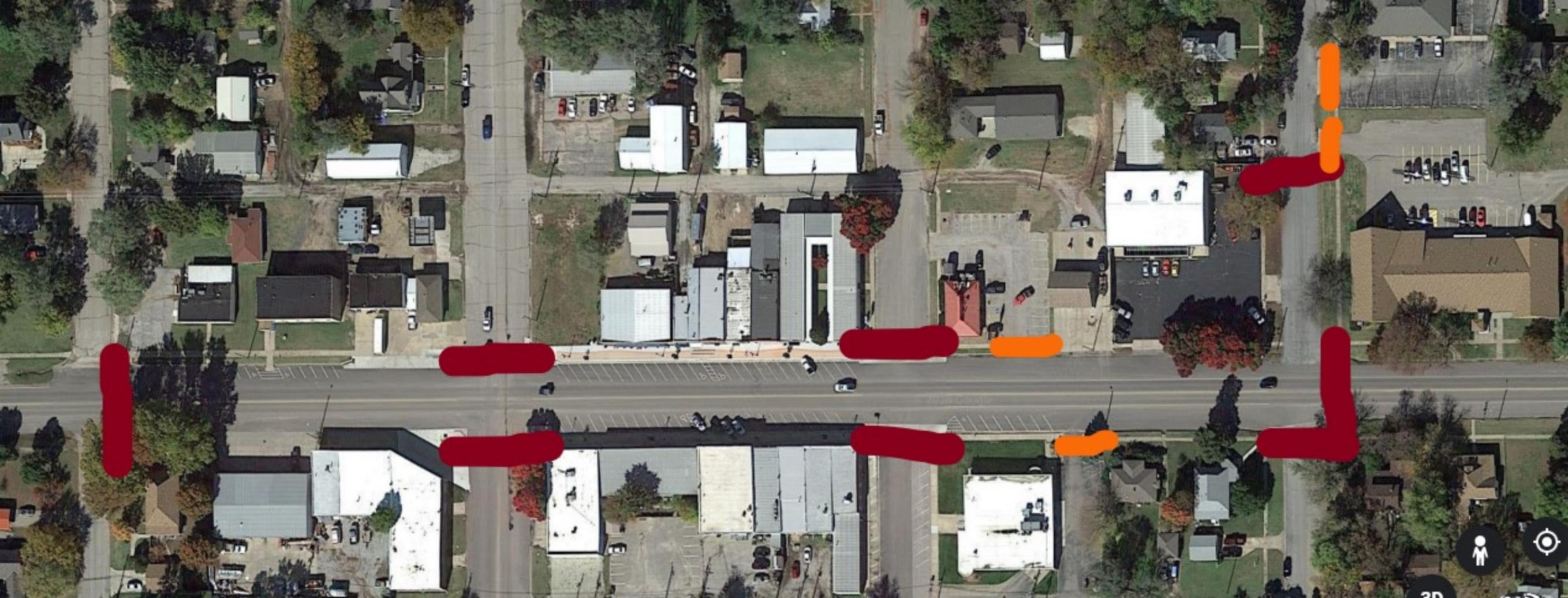
11. **Compliance:** Strict compliance with all applicable state and local statutes, codes, ordinances, resolutions, rules and regulations as well as the terms and conditions of this Special Event Permit is a condition precedent to the continued validity of this Permit. Any failure to comply immediately nullifies the validity of this Permit. Upon written notice of such nullification to the Permittee or any other member of the Permittee Group or Organization (if any) from the Mayor of the City of Clearwater, all of the above-described Special Event Activities shall immediately terminate. Any continuation of the above-described Special Event Activities in violation of such written notice of nullification may constitute violation(s) of applicable state and local statutes, codes, ordinances, resolutions, rules and regulations.

ISSUED this _____ day of _____, 202_.

SEAL
ATTEST:

MAYOR, BURT USSERY

CITY CLERK, COURTNEY MEYER



**City of Clearwater
City Council Meeting
February 7, 2020**

Consider Ordinance Establishing Limited Time Parking Zone

Context: Over the past couple of months library staff has brought to the attention of City staff that employees of a private business are parking in the city owned lot behind the library, when there is a parking lot provided for the employees at the business. The concern is that with the business's employees parking in the lot during the day, there are not enough spaces left for adequate library patron parking, particularly during the busy summer months.

Library staff as well as the Police Department have spoken with the business's management and the situation improves for a while then regresses.

The Library Board is requesting the Governing Body designate the city owned parking lot behind the library as "Limited Time Parking Zone". The 2019 Standard Traffic Ordinance for Kansas Cities allows cities to establish limited time parking zones by lawful authority (STO Sec. 97 per K.S.A. 8-2002(a)(1)). Clearwater adopted the 2019 STO in August of 2019 by Ordinance 1052 and in discussions with the City Attorney, lawful authority means adopting an ordinance. Therefore, to establish an enforceable limited time parking zone on city owned property the Governing Body must approve an ordinance establishing the parking zone.

Library staff has requested that the limited time parking be for not more than 2 hours, 8:00am – 8:00pm, Monday – Friday.

Financial: The financial consideration is for the cost of the signs and installation, less than \$500.

Legal Considerations: The City Attorney has drafted the ordinance for your consideration.

Recommendations/Actions: Discuss and review.

(Summary First Published in the Times-Sentinel
on the ____ day of February, 2020.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. _____

AN ORDINANCE REGULATING PARKING BY LIMITING THE PARKING OF VEHICLES ON A CERTAIN PUBLIC LOT WITHIN THE CITY OF CLEARWATER, KANSAS BY AMENDING SECTION 34-37 OF THE CLEARWATER, KANSAS MUNICIPAL CODE AND REPEALING ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS.

WHEREAS, the Governing Body of the City of Clearwater, Kansas, has determined it in the best interest of the health, safety and welfare of the citizens of Clearwater, Kansas that vehicle parking should be limited to two (2) hours or less between the hours of 8:00 AM and 8:00 PM within the parking area behind the Clearwater Public Library located at the commonly-known address of 109 E. Ross, Clearwater, Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS:

Section 1. Amending Section 34-37 of the Code

Section 34-37 of the Clearwater, Kansas Municipal Code is hereby amended to read as follows:

“Section 34-37. – Limited Time Parking Zones.

Whenever any appropriate sign shall be erected and maintained in any block or upon any City property utilized for parking by lawful authority of the city giving notice that the street, highway or property adjacent to such sign may be used for parking or standing of vehicles for limited times only, it is unlawful for any person to fail or refuse to comply with such sign or notice.

In accordance with the provisions of this Section, the Governing Body of the City of Clearwater, Kansas has determined it in the best interest of the health, safety and welfare of the citizens of Clearwater, Kansas that vehicle parking should be limited to two (2) hours or less between the hours of 8:00 AM and 8:00 PM within the parking area behind the Clearwater Public Library located at the commonly-known address of 109 E. Ross, Clearwater, Kansas. As such, the governing body of the City of Clearwater, Kansas hereby

authorizes the posting of signs indicating that this area may only be used for the parking or standing of vehicles for two (2) hours or less between the hours of 8:00 AM and 8:00 PM."

Section 2. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper. Enforcement may thereafter commence upon the posting of signs limiting vehicle parking as declared herein.

Adopted by the City Council this 28th day of January, 2020.

Approved by the Mayor this 28th day of January, 2020.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

**City of Clearwater
City Council Meeting
February 7, 2020**

Consider Fireworks Proposal

Context: Victory Pyrotechnics has submitted a proposal to produce the firework show for the City of Clearwater on July 4, 2020.

The show will consist of fireworks only, no pyrotechnics, lights, lasers.

Financial: The cost of the show will not exceed \$8000, which the City has budgeted for fireworks in 2020.

Legal Considerations: Any contract will be vetted by the City Attorney

Recommendations/Actions: Accept the proposal from Victory Pyrotechnics and authorize the Mayor to sign a contract once reviewed by the City Attorney.



Victory Pyrotechnics & Special Effects, LLC

14921 W. Morning Dove
Clearwater, KS 67026

Cody Hanna, Account Manager & Senior Pyrotechnician

Cell Phone: (316) 631-5631

Email: Cody.Hanna@VictoryPyro.com

Proposal To: Ron Marsh
City Manager
City of Clearwater
129 Ross Ave
Clearwater, KS 67026

Event: 4th of July Celebration
Date: Saturday, July 4, 2020
Time: 10:00 PM
Rain Date: To be determined.

Budget: Not to exceed \$8,000.

Location: To be determined by the City of Clearwater.

Display Type: A eighteen-minute continuous display with a two-minute finale for a total of twenty total minutes in duration.

Product Type: Three, four, and five-inch shells, and multi-shot cakes. An estimated 800 pyrotechnic effects will be used throughout the display.

Display Site: To be roped and flagged by sponsor, access by truck and trailer required.

Setup: State licensed pyrotechnician and support staff provided.

Clean-up: Provided in compliance with sponsor's guidelines.

Insurance: \$1,000,000 in general liability insurance is provided.

Permits: Victory Pyrotechnics & Special Effects, LLC will secure the necessary permitting from the city and local fire protection agency.

Sales Tax: Tax not included.

Terms: A 30% down payment is due at the time of contract signature, with the remaining balance due within seven days after the show.

**City of Clearwater
City Council Meeting
February 7, 2020**

2019 Equipment Reserve Transfer Request

Context: Through the 2018 audit process the Auditor suggested the Governing Body consider transferring funds that finished the year under budgeted expenditures to the equipment reserve to help offset future purchases that otherwise may have an impact on future mil levies.

After wrapping up the 2019 budget year some departments were under their budgeted expenditures, and staff is suggesting the following transfer schedule to the Equipment Reserve Fund:

Department	Left in 2019 Budgeted Exp.	Suggested Reserve Use	Reason under Budget
Admin	\$60,000.00	Office Improvements/ Pool Slide Repair/ Discretionary	Personnel Insurance/ Abatements/ Incentives
PD	\$41,000.00	Office Remodel	Personnel (salaries & ins)
Court	\$19,000.00	Fingerprint Scan/ Video Court	Contractual Services
PW	\$5,800.00	Tools	Contractual Services
Fire/ EMS	\$51,000.00	Fire Equipment	EMS Department Closed
Park	\$29,000.00	Park Improvements	Personnel (didn't hire)
Pool	\$1,400.00	Pool Repair	Equipment Repairs
Museum	\$1,200.00	Building Maintenance	Gas/ Electric
Library	\$3,300.00	Building Maintenance	Gas/ Electric
Special Hwy	\$110,900	2019 Street Project \$105,000/ Discretionary	Project not completed/ Street Supplies
Water	\$9,450	Tools/ Water Line Improvements	Personnel/ Pipes, valves, & fittings
Sewer	\$55,539	2019 Reline 8" Line \$20,000/ Discretionary	Project not completed/ Personnel

Financial: All the funds would be transferred into the respective equipment reserve fund for future use. This has no impact on the mil levy.

Legal Considerations: Review and comment as necessary.

Recommendations/Actions: Discuss and review. If desired, approve the transfer schedule.

**City of Clearwater
City Council Meeting
February 7, 2020**

Discussion – Aquatic Center Hours of Operation

Context: At the end of the 2019 pool season, some members of the Governing Body expressed concern about the hours of operation for the aquatic center. There was concern that pool usage was not being maximized, particularly around 5:00pm when citizens were driving past on their way home from work and saw an empty pool. Council directed staff to look at when the pool was open and if there was a way to extend or make better use of the time for pool operation.

Here are hours of operation for the pool for previous years:

First week the pool is open:	Daily swim	Everyday	1:00pm – 6:00pm
Second Week to End of Season	Daily swim	Monday – Friday Saturday – Sunday	1:00pm – 5:00pm 1:00pm – 6:00pm
	Twilight Swim (\$1)	Mon, Wed, Fri	7:00pm – 8:30pm
	Pool Parties	Tuesday & Thursday Saturday & Sunday	7:00pm – 8:30pm 6:00pm – 9:00pm
	Swim Lessons	Monday – Friday	9:00am – 12:00pm 6:00pm – 7:00pm
	Swim Team	Monday – Friday	8:00am – 9:00am 5:00pm – 6:00pm

With this schedule the pool is open for public swim 33 hours per week.

Staff met with the pool manager and swim team manager and tried to develop a new schedule that will meet the needs of swim lessons and swim team while increasing the time the pool is open for daily swim.

Start of Season to End of Season	Daily Swim	Everyday	1:00pm – 6:00pm
	Twilight Swim (\$1)	Friday	6:00pm – 8:00pm
	Pool Parties	Saturday & Sunday	6:00pm – 9:00pm
	Swim Lessons	Monday – Friday Monday – Thursday	11:00am – 1:00pm 6:00pm – 7:00pm
	Swim Team	Monday – Friday Monday – Thursday	10:00am – 11:00am 7:00pm – 8:00pm

There are 6 weeks of Swimming Lessons and 5 weeks of Swim Team

With this revised schedule the pool is open for public swim for 37 hours per week. Staff believes a more streamlined schedule will be easier for residents to follow.

In addition to the schedule change, staff is working with the pool manager to create a new swim lesson program. Clearwater has been losing swim lesson participants due to the limited lesson times we have been able to offer. We contacted numerous municipal pools to get feedback and use their models to help create a new swim lesson program that we believe will

increase our participation rates by offering more lessons within the swim lesson window. With the new program, we need to create a new position, the Swim Lesson Coordinator. The Swim Lesson Coordinator will be under the direction of the Pool Manager. The Coordinator will be responsible for a safe pool environment which includes day-to-day planning and supervision of the swim instruction program; supervision of all swim lesson staff and interaction with parents and participants.

Financial: The proposed schedule increases personnel costs for the pool. In 2019 those costs were \$38,000, and for 2020 the projected costs are \$44,000. The difference in costs include the addition of a swim lesson coordinator (\$2400), lifeguard additional hourly wages and increase for the Pool Manager.

Legal Considerations: Review and comment as necessary.

Recommendations/Actions: Discuss and review

**City of Clearwater
City Council Meeting
February 7, 2020**

Housing Incentive Program Talking Points

Context: Since the Governing Body has two new members City staff has been directed to have as an agenda item a discussion of the Housing Incentive Program for the new Council members to give their input.

At the January 28th Council meeting, those in attendance discussed suggested changes and provided some additional changes. These changes and others are highlighted on the attached document. As a reminder the current Housing Incentive Program was approved by Council in November 2019 to carry over for the start of 2020.

Financial:

Legal Considerations: Review and comment on changes.

Recommendations/Actions: Discuss and comment. A draft resolution is provided Council's review.

2020 Housing Incentive Program Application

The City of Clearwater, Kansas, has initiated the following Housing Incentive Program (Resolution 3-2020). This program is designated to encourage new construction of a single-family residence within the Clearwater City Limits. In order to qualify for this program, an applicant must meet the requirements.

PROGRAM

Under the Housing Incentive Program, the City of Clearwater, upon approval, will provide the following incentives for the purchase or construction (with intent to occupy) of a new single-family residence within Clearwater City Limits between January 1, 2020 and December 31, 2020:

Property Tax Rebate

- 3 Year Rebate on City of Clearwater Portion of Property Taxes Based Upon a Sliding Scale
 - 1st year 25%, 2nd year 50%, 3rd year 75%
 - The 1st year tax rebate will begin when the County Appraised Value has included improvements of the new residence. (see guidelines below)
 - Property Tax Rebate is a “reimbursement” of taxes paid by the property owner or their mortgage company.

Homebuyer Cash Allowance

- Homebuyer Cash Allowance of \$1500 will be paid to the homeowner following Closing or when the Certificate of Occupancy has been received.

GUIDELINES

In order to qualify for this program, an applicant must meet the following guidelines:

Builder to Occupy

- A building permit must be issued for a new residence in the current incentive year.
- The Incentive Program Application must be submitted no later than 30 days from date of the building permit.
 - If the Incentive Program Application is not received in the 30-day window, the builder/owner is disqualified from receiving the incentives.
- Certificate of Occupancy must be received within 365 days of the building permit issue date.
 - A one (1) time extension, of not more than 90 days, may be requested prior to the expiration of the original Program Incentive Application, and is subject to the approval of the City Administrator.
 - If the Certificate of Occupancy is received after 365 days, the builder/owner is disqualified from receiving the incentives, unless an extension has been granted.
- The residence must be used as the primary dwelling.
- This program will only apply to the original applicant and is non-transferable.
- Homebuyer Cash Allowance will be paid after a Certificate of Occupancy has been received by the City Clerk.
- Property taxes must be paid current to receive any rebate (properties with delinquent taxes



will be disqualified).

- The new residence must have access to and be hooked up to available City services.
- Companies, corporations, LLC's, etc. and any residence/ property currently in an incentive program are not eligible to participate.
- Complete and submit an Incentive Program Application to the City Clerk.

Buyer

- Must present a signed, executed contract to the City Clerk during the current incentive year, for purchase of a new single-family residence.
- Buyer must be the first occupant and the residence must be used as the primary dwelling.
- Closing must be completed within 4 months of the Program Incentive Application date.
 - If the closing is not completed the application is voided and the buyer is disqualified from the program.
- This program will only apply to the original applicant and is non-transferable.
- Homebuyer Cash Allowance will be paid after the closing has taken place.
- Property taxes must be paid current to receive any rebate (properties with delinquent taxes will be disqualified).
- The new residence must have access to and be hooked up to available City services.
- Companies, corporations, LLC's, etc. and any houses currently in an incentive program are not eligible to participate in this program.
- Complete and submit an Incentive Program Application to the City Clerk.



2020 Housing Incentive Program Application

Applications will be reviewed by the City Administrator and City Clerk to ensure that all requirements are met. Please contact City Hall at (620) 584-2311 with any questions regarding this program or application.

Applicants Name:	
Applicant's Mailing Address:	
Applicant's Phone Number:	
Applicant's Email Address:	
Address of New Residence:	
Builder to Occupy or Buyer:	
Parcel Identification Number:	
Housing Incentive Program Includes: Sliding Scale 3-Year Tax Rebate - 25%, 50%, 75% \$1500 Homebuyer Cash Allowance after Closing or Certificate of Occupancy has been received	

Signature of Applicant (s)

Printed Name

Date

OFFICE USE ONLY

Application Received By:	
Date Application Filed:	
Date of Building Permit:	
Closing Date:	
Date of Certificate of Occupancy:	

City Administrator Signature: _____ Approved Denied

Comments: _____

CITY OF CLEARWATER, KANSAS

RESOLUTION NO. 3-2020

A RESOLUTION ESTABLISHING THE CITY OF CLEARWATER, KANSAS 2020 HOUSING INCENTIVE PROGRAM FOR NEW CONSTRUCTION OF SINGLE-FAMILY RESIDENCE WITHIN CLEARWATER CITY LIMITS

WHEREAS, the City of Clearwater, Kansas desires to establish a Housing Incentive Program for the new construction of a single-family residence within the Clearwater City Limits.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Clearwater, Kansas that the following 2020 Housing Incentive Program (herein referred to as the "Program") is hereby established:

Section 1. PROGRAM

Under the Housing Incentive Program, the City of Clearwater, upon approval, will provide the following incentives for the purchase or construction (with intent to occupy) of a new single-family residence within Clearwater City Limits between January 1, 2020 and December 31, 2020:

Property Tax Rebate

- 3 Year Rebate on City of Clearwater Portion of Property Taxes Based Upon a Sliding Scale
 - 1st year 25%, 2nd year 50%, 3rd year 75%
 - The 1st year tax rebate will begin when the County Appraised Value has included improvements of the new residence. (see guidelines below)
 - *Property Tax Rebate is a "reimbursement" of taxes paid by the property owner.*

Homebuyer Cash Allowance

- Homebuyer Cash Allowance of \$1500 will be paid to the homeowner following Closing or when the Certificate of Occupancy has been received.

Section 3. GUIDELINES

In order to qualify for this program, an applicant must meet the following guidelines:

Builder to Occupy

- A building permit must be issued for a new residence in the current incentive year.
- The Incentive Program Application must be submitted no later than 30 days from date of the building permit.
 - If the Incentive Program Application is not received in the 30-day window, the builder/owner is disqualified from receiving the incentives.
- Certificate of Occupancy must be received within 365 days of the building permit issue date.
 - A one (1) time extension, of not more than 90 days, may be requested prior to the

expiration of the original Program Incentive Application, and is subject to the approval of the City Administrator.

- If the Certificate of Occupancy is received after 365 days, the builder/owner is disqualified from receiving the incentives, unless an extension has been granted.
- The residence must be used as the primary dwelling.
- This program will only apply to the original applicant and is non-transferable.
- Homebuyer Cash Allowance will be paid after a Certificate of Occupancy has been received by the City Clerk.
- Property taxes must be paid current to receive any rebate (properties with delinquent taxes will be disqualified).
- The new residence must have access to and be hooked up to available City services.
- Companies, corporations, LLC's, etc. and any residence/ property currently in an incentive program are not eligible to participate.
- Complete and submit an Incentive Program Application to the City Clerk.

Buyer

- Must present a signed, executed contract to the City Clerk during the current incentive year, for purchase of a new single-family residence.
- Buyer must be the first occupant and the residence must be used as the primary dwelling.
- Closing must be completed within 4 months of the Program Incentive Application date.
 - If the closing is not completed the application is voided and the buyer is disqualified from the program.
- This program will only apply to the original applicant and is non-transferable.
- Homebuyer Cash Allowance will be paid after the closing has taken place.
- Property taxes must be paid current to receive any rebate (properties with delinquent taxes will be disqualified).
- The new residence must have access to and be hooked up to available City services.
- Companies, corporations, LLC's, etc. and any houses currently in an incentive program are not eligible to participate in this program.
- Complete and submit an Incentive Program Application to the City Clerk.

Section 4. AMENDMENT OR REPEAL

This Program may, at any time after adoption, be amended, supplemented, or repealed by a majority vote of the Governing Body of the City of Clearwater, Kansas.

Section 5. IMPLEMENTATION

The City Administrator, or his designee, shall be authorized to implement the foregoing program in compliance with all applicable federal, state and local laws, rules and regulations.

Section 6. EFFECTIVE DATE

This Program shall be in full force and effect upon the adoption of this Resolution by the Governing Body of the City of Clearwater, Kansas.

ADOPTED by the Governing Body and Approved by the Mayor of the City of Clearwater, Kansas on this 11th day of February 2020.

Burt Ussery, Mayor

SEAL
ATTEST:

Courtney Meyer, City Clerk