

City of Clearwater Council Meeting Agenda  
Tuesday May 14, 2019 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. [Minutes 4-23-19 Council Meeting and 4-30-19 Council Workshop](#)
  - b. [Claims and Warrants](#)
  - c. [Fireworks Contract – Victory Pyrotechnics](#)
6. Presentation: Best of America by Horseback/Chisholm Trail - Lonnie Stieben
7. Presentation: Celebrate Clearwater – Cody Hanna & Shelby Robinson
8. [STAFF REPORTS](#)
9. [1<sup>ST</sup> QUARTER FINANCIALS](#)
10. BUSINESS
  - a. [Action: Approve Mayoral Appointments](#)
  - b. [Action: Approve Minimum Hours Acknowledgement Agreement](#)
  - c. [Action: Approve second alternate signature for checks](#)
11. ADMINISTRATORS REPORT
12. GOVERNING BODY COMMENTS
13. ADJOURNMENT

Next Assignment Numbers

Charter Ordinance: 21

Ordinance: 1050

Resolution: 08-2019

**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**  
April 23, 2019  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**1. Call to Order/ Invocation and Flag Salute**

Mayor Ussery 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:

Mayor Burt Ussery, Councilmembers; Laura Papish, Shirley Palmer-Witt, Chris Griffin, Yvonne Coon and Tex Titterington were present.

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief; Ernie Misak, Public Works Director; Austin Parker, City Attorney.

Others present: Esther Harp, Brandy Keesling, Didrik Ytrehus.

**3. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated the No

Mayor Ussery called for a motion to approve the agenda as presented

**Motion: *Papish*** moved, ***Palmer-Witt*** seconded to accept the agenda as presented. Voted and passed unanimously.

**4. Public Forum**

None

**5. Approve Consent Agenda**

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve.

Minutes 04/09/19 Council Meeting

Claims and Warrants

4/17/19 = \$69,770.36

Emergency Service Appointment – Donald Schauf Volunteer Paramedic/ Firefighter

**Motion: *Papish*** moved, ***Palmer-Witt*** seconded to approve the consent agenda as presented. Voted and passed unanimously.

**INSERT**

Mayor Ussery recognized Esther Harp for her phenomenal dedication she made to the city during her volunteering as a firefighter and an Advanced EMT. Mayor Ussery presented her with a plaque that also included her firefighter helmet badge and her firefighter name patch.

**6. Staff Reports**

- a. Police Department – Bill Hisle – Ask if there were any questions regarding his police report? Council noted the have been the same address locations showing up in numerous reports. How does the police handle those? Hisle answered they are handled on a case by case basis dependent on what the calls are for. Chief Hisle also introduced the two new officers. Austin Little was a former Marine who also worked at Spirit. He is coming along very well and will be attending the Academy in August. Brian Daily has an extensive history. He was a law enforcement trainer in Afghanistan and has worked for other Kansas law enforcement departments. He already certified. Chief Hisle also pointed out that a seat belt check was done at the school and out of 150 cars all the students had their seat belts on. Officer Harp had a part in that and is very proud of his efforts.
- b. Public Works – Ernie Misak – Misak stated that we are discharging now out of the sewer ponds and we have not sampled yet this month. There is an issue with bugs in the water and public works staff is monitoring that daily.
- c. Fire/ EMS – Ron Marsh – Marsh reported there were 17 EMS calls in last meeting, 5 were handled as first responders on the fire side, 3 where nobody responded except Sedgwick County. There have also been 3 fire calls since meeting. Our ground ambulance permit was renewed from April 2019 to April 2020.

**7. Business**

**a. Update: EMS Budget Increase**

Council opted to hire 3 full time EMS personnel plus 1 full time director for Fire and EMS. Council elected to hire full time personnel in order to try and keep EMS service local as well as keep our ground ambulance license with the State of Kansas. The 3 full time EMS personnel is an unbudgeted expense for 2019. Council asked staff to present ideas on how the budget will be rearranged in order to accommodate the changes.

3 full time EMS personnel with a Director will be an annual increase of approximately \$189,000 to the budget which will bring the total annual expense for EMS to approximately \$390,000. Because the new personnel are starting in the 2<sup>nd</sup> quarter the budget impact for 2019 will be approximately \$118,000.

Staff has reviewed the budget and has found items to defer to 2020 in order to accommodate the budget changes. The changes are as follows:

<b>Account</b>	<b>Budgeted</b>	<b>Use for EMS Budget Change</b>	<b>Left for Budget</b>
Admin Discretionary	\$10,000.00	\$ 3,000.00	\$7,000.00
Admin City Hall Control Access	\$ 3,000.00	\$ 3,000.00	\$ -
Admin City Hall Office Improvements	\$ 3,000.00	\$ 3,000.00	\$ -
Admin PGE Incentives	\$25,000.00	\$ 10,000.00	\$15,000.00
Admin Abatements	\$15,000.00	\$ 10,000.00	\$ 5,000.00
PD Control Access	\$5,000.00	\$5,000.00	\$ -
PD New Vehicle Payment	\$11,000.00	\$8,000.00	\$3,000.00
PD Equip New Vehicle	\$8,000.00	\$3,000.00	\$5,000.00
PW Garage Door Openers	\$2,000.00	\$2,000.00	\$ -
EMS Target Solutions Removed	\$2,750.00	\$2,750.00	\$ -
EMS Medical Billing	\$15,000.00	\$8,000.00	\$7,000.00
Fire SG County Fire Agreement	\$10,000.00	\$10,000.00	\$ -
Fire Replace SCBA's	\$30,000.00	\$10,000.00	\$20,000.00

Fire Target Solutions Removed	\$2,750.00	\$2,750.00	\$ -
PK Park/ Facility Director	\$40,000.00	\$20,000.00	\$20,000.00
3 Admin Reserve	\$418,000.00	\$17,500.00	\$400,500.00
<b>TOTAL</b>		<b>\$118,000.00</b>	

o Council did not have any questions or comments.

**b. Consider RFB’s for Police Utility Vehicle**

At the April 9, 2019 meeting Council was presented with RFB’s for the Police Utility Vehicle. Due to the increase in the EMS budget for 2019, Council directed staff to review the cuts necessary to meet the EMS budget and ensure purchase of the police vehicle was still fiscally possible.

As was presented in the previous agenda item, cuts to the 2019 budget have been identified in order to meet the EMS budget. The 2019 budget has \$11,000 budgeted for a new police vehicle payment and this is not was not identified as a cut.

Due to when the vehicle would be delivered, Staff expects to spend approximately \$1700 in payments for 2019. Well within the budgeted amount. The cost of outfitting the vehicle (lights, graphics, etc.) is also budgeted in 2019 as a separate item and has been adjusted to reflect expected cost.

As a reminder: two bids were received, Rusty Eck Ford in the amount of \$33,506.00 and TCS Kansas in the amount of \$36,552.25. The TCS Kansas bid was for a Chevy Tahoe with delivery in 90 days. The Rusty Eck bid was for a Ford Explorer with delivery in 5-6 months.

The \$14,507.50 from the insurance company will be applied to the price of the vehicle. The City will finance approximately \$19,000 over 3 years.

Monthly payments on the lease purchase will be approximately \$550.00 per month based on today’s rates. Payments will possibly start in 4<sup>th</sup> quarter which would be a \$1650 commitment for 2019.

Legal can review and comment as necessary. Staff recommends accepting the bid from Rusty Eck Ford in the amount of \$33,506.00 for a Police Utility Vehicle.

**Motion: Palmer-Witt** moved; **Titterington** seconded to award the bid to Rusty Eck Ford for \$33,506. Voted and passed unanimously.

**c. Consider PAB Recommendation to increase Fireworks Show Budget**

After the success of the 2018 Fireworks show by Victory Pyrotechnics, Staff was aware the City would need to increase its budget in 2019 in order to have a similar show and meet the expectations of the Public.

In past years the fireworks budget has been \$5000 and is run through the Special Parks Fund. The permit fee for fireworks sales is \$5000 and the City receives at least one per year which covers the cost of the fireworks show. Since the Park Advisory Board recommends spending from the Special Parks Fund, in order to meet the cost to maintain the show quality, the Board recommends the Governing Body approve an increase of \$10,000 (total \$15,000) for the fireworks show.

The additional \$10,000 will come from the Special Parks Fund. The Park Advisory Board does not anticipate spending the entire 2019 Special Parks fund and believes maintaining the level of fireworks show is important. Any other fireworks sales permits sold will help offset the increased cost.

Council asked if there was any community support to fund the show? Is the money that is being raised for the concert going towards paying for the firework show? Did staff know the expense of the firework show before the Celebrate Clearwater was established? Marsh answered that staff has not asked for support from other organizations for the firework show at this time. The concert tickets prices are to cover the cost of the concert only and yes staff was aware of the price increase on the fireworks display. Marsh said it was his fault for not coming to the Council before now.

Titterington, who is on the Celebrate Clearwater committee, said the group needs to sell around 2000 tickets to break even with the concert. They will be seeking donations to help pay for the free activities for families that will be outside the stadium. He clarified that the stadium will open the gates as soon as the concert is over to allow others to enter the stadium to watch the firework show. However, the people who purchased concert tickets will most likely have better seats since they will already be in the stadium.

Council was not comfortable with the program to buy concert tickets in order to get a better seat to the fireworks show when the City fireworks show has always been a free event for citizens. Some council members felt they were being cornered with approving extra expense for a show that was already in motion also spending \$15,000 on fireworks that will be expended in a matter of minutes. Also, the space available will be limited for people who didn't buy concert tickets to watch the free City firework show.

Marsh stated extra bleachers will be brought in to help with space.

Council did agree that the idea of the fourth of July festivities is a great idea however the approach for funding could have been handled different. They suggest if this is to continue year after year then efforts to raise money needs to start on July 5<sup>th</sup> for the next year.

With no further discussion Mayor Ussery asked for a motion to increase the fireworks budget from \$5000 to \$15000 actively seek funding to offset the cost. Mayor Ussery also asked that the committee report to the City how the process will be for people who will be entering to see the firework show after the concert.

**Motion: Palmer-Witt** moved; **Titterington** seconded to increase the firework spending from \$5000 to \$15000. Voted and passed 3-2 (Griffin and Papish voted no).

**d. Approve moving annual fireworks show to Saturday July 6th**

City Code Section 14-46(c) allows for a public display of fireworks on the days of July 3<sup>rd</sup> and July 4<sup>th</sup>. Section 14-46(d) allows for an exception if July 5<sup>th</sup> falls on a Saturday. Any other date must be approved by the Governing Body.

July 4<sup>th</sup> falls on a Thursday in 2019. The Celebrate Clearwater events will be held Saturday, July 6<sup>th</sup> and the committee has requested to have the fireworks show part of the celebration.

Council asked if this would change the discharge for fireworks. Marsh stated no.

**Motion: Titterington** moved; **Palmer-Witt** seconded to move the fireworks display from July 4<sup>th</sup> to July 5<sup>th</sup>. Voted and passed unanimously.

**e. Placement and Concrete Pads for Benches and Exercise Equipment**

In November 2018 council approved using funds from the Special Parks fund in order to turn an old tree that was in front of the middle school into benches. Council asked staff to present a plan for placement and anchoring at a follow up meeting. Council was also briefed about the exercise equipment the high school was able to buy from a KAYS grant they were awarded. The school and

city are partnering on the project to place the equipment along the Chisholm Trail Sports Complex walking path. City was to provide the concrete pads and installation.

Both the benches and exercise equipment are ready to be installed once the locations and concrete pads have been finished.

The fitness stations include sit-up bench, back extension, balance beam and push up bars that will be placed on the path west of the soccer fields at the Sports Complex. The benches will be placed in City Park. 2 will be next to the Austin Wood memorial horseshoe pits and 1 will be placed along the walking path in the shade.

3 companies were contacted for quotes to pour all 7 pads. Only 2 companies were interested in bidding due to the time sensitivity of the project.

Jordan Ford – Kansas Fence Company - \$5241.60

Jason Martin – J Martin Company - \$5110.00

The funds will be used from the Special Parks Fund which has \$15,000 budgeted for park improvements for 2019.

**Motion:** *Titterington* moved, *Papish* seconded to approve the placement of the benches and fitness equipment and to award the bid to J Martin Company not to exceed \$5110. Voted and passed unanimously.

#### **8. Administrators Report**

- Department budget presentations will be advertised as open meeting and will be presented as follows:
  - PD/Court/Sr. Center – May 13<sup>th</sup> @2:00pm
  - Fire/EMS – May 20<sup>th</sup> @3:00pm
  - PW/Water/Sewer/Etc. – May 17<sup>th</sup> @2:00pm
  - Administration – May 21<sup>st</sup> @2:00pm
- Dedication for the Austin Wood Memorial Horseshoe Pits will be Friday, May 10<sup>th</sup> at 6pm in the City Park.
- Council workshop is scheduled for April 30<sup>th</sup> starting at 6:30pm until 8:30pm. We will be discussing two topics:
  - Capital Improvement Planning
  - Cybersecurity Vulnerability
- New FT EMT/Paramedic/Firefighter's have all passed their post offer employment testing and we anticipate beginning their on-boarding the week of May 20<sup>th</sup>.
- Closing for the sale of the business park lot to Jay Lauer is scheduled for Thursday, April 25<sup>th</sup> at 10am at Security First Title. The Mayor will be attending for the City.
- Waste Connections has notified the City and residents that the Recycling Perks program will be ending May 31<sup>st</sup>, 2019. You have a copy of the letter that is being sent to customers.
- The Governing Body approved \$8K in the 2019 budget for codification of the City's Zoning and Subdivision Regulations. The cost of the codification will be \$6708.00 so we will be moving forward with the project. City Staff (including Council) will have the opportunity to review proofs prior to final publication.
- 1<sup>st</sup> quarter financials will be handed out at the next meeting.
- The first meeting in May is when the Mayor presents his list of appointments to the various committees, commissions, and boards. Since appointments are staggered, each entity has at least one, usually more, members whose terms expire. The following are the committee, commission or board with the number of terms expiring in 2019:

- Rec Commission: 1
- Park Advisory Board: 1 (plus one currently vacant)
- Planning Commission: 4 (2 have already agreed to continue)
- Public Building Commission: 1 (plus one currently vacant)
- Historical Society Board: 1
- Library Board: 2
- Senior Community Center Advisory Board: 2 (plus one currently vacant)

**9. Governing Body Comments**

Griffin thanked Esther for all she has done.

Titterington had nothing to report

Palmer-Witt asked how quarterly financial are reported. Meyer said they were and excel document that showed the budgeted amount as well as year to date costs.

Papish said she will not be able to attend the April 30<sup>th</sup> meeting.

Coon pointed out that a property in the 200 block Gorin has had complaints. Staff stated County and City have followed up on all projects at the address and has confirmed the property is following all rules put in place.

Mayor Ussery pointed out that in order for the EMS program to work the volunteer program will need to make some changes. A document will be drafted for all EMS volunteers to review and sign stating they will need to serve a minimum of 2 6-hour shifts per week that will be mandatory. Mayor Ussery pointed out that having an EMS volunteer that does not sign up does the City no good. If there is refusal to sign up the volunteer will be removed from the roster. The 2 6-hour shifts if based off of the current roster on file. If there are any changes to the roster this will change the requirements for the volunteers. Mayor Ussery asked staff to have document created and presented at the next meeting.

Papish asked how the search for the Emergency Service Director was going. Marsh stated he has halted the search for now. Marsh is waiting to make sure the new EMS program will be a solid program before hiring a new director. He would hate to hire someone now and 90 days later let them go for a failed program.

**10. Executive Session: K.S.A. 75-4319(b) #4 To discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships.**

**Motion:** *Titterington* moved, *Palmer-Witt* seconded to recess into executive session pursuant to the financial affairs or trade secrets of a second party to include the City Administrator. The open meeting will reconvene in the City Council Chamber 8:10 p.m.

Mayor Ussery called the meeting back to order at 8:10 p.m. stating there was no action taken in executive session

**11. Adjournment**

With no further discussion Mayor Ussery called for a motion to adjourn.

**MOTION:** *Papish* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:11 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 April 23, 2019 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 14<sup>th</sup> day of May 2019

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Courtney Meyer, City Clerk



**City of Clearwater, Kansas**  
Sedgwick County  
City Council Workshop - **MINUTES**  
April 30, 2019  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**1. Call to Order/ Invocation and Flag Salute**

Mayor Ussery 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:

Mayor Burt Ussery, Councilmembers; Shirley Palmer-Witt and Tex Titterington were present.

Laura Papish, Yvonne Coon and Chris Griffin were absent. Mayor Ussery stated no quorum was met however there was no action to be taken today this was information and discussion only.

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief; Ernie Misak, Public Works Director.

**3. Discussion**

Marsh stated there will be a hard stop at 8:30 pm

**a. Cyber Security**

Marsh stated there was a narrative in the council's binder that he would leave up to them to read. He stated staff invited Gilmore Solutions to do a risk analysis on our server and computers to identify where our vulnerabilities were at. Gilmore Solutions is here today to report on the vulnerabilities.

Mark Arnold and Chris Snyder from Gilmore Solutions went through both the Security Assessment and them Network Assessment to point out where our vulnerabilities were. They touched on external ones, password policies, internal policies, the importance of upgrading firmware, smart DNS server, inactive users, and training employees on vulnerabilities.

Council thanked Mark and Chris for taking the time and meeting with them to explain the details of the report.

Council and staff spoke about the current IT support is more of a break/ fix solution and both City Hall and Police have issues with communications. Staff asked Gilmore Solutions to explain the vulnerabilities we currently have so when it comes time for budgeting council is aware that the City's current support is in adequate and staff will be asking for a larger budget for cybersecurity.

**b. Capital Improvement Planning**

Marsh started out to explain this exercise is so staff can start working on a 5-year plan for capital projects. All projects discussed were discussion only for staff to get an idea where to focus energy on.

- Walkability Study
  - Install protected pedestrian crossing at Janet & 4<sup>th</sup> also at Park & 4<sup>th</sup>
  - Improve existing sidewalks
  - Finish the "Heart Loop"
  - Create the "Old Town Loop"
  - Create sidewalk on 4<sup>th</sup> from Post Office to Park Ave. On East side of street

- Complete the Streetscape from Lee to 4<sup>th</sup>
- Park Shelters
- Improvements to 4 Way stop
- 2<sup>nd</sup> ingress/egress from Park Glen/ Park Glen Estates
- 4-Way stop bypass
- Cemetery Expansion
- Drainage Study/ Improvements
- Corner lot plans
- Street maintenance
- PD Remodel – Was not able to discuss
- Welcome Sign East of Town – Was not able to discuss
- Senior & Community Center Sign – Was not able to discuss
- Directional Sign for East Janet Properties – Was not able to discuss

During the sidewalk talk it was discussed that the “Old Town Loop” should be low on the list as it would take away street parking. But still need to keep sidewalks on the table.

For the streetscape it was stated the 200 block of E Ross would cost approximately \$500,000 because the retaining wall would need to be fixed, trees removed and the drainage at Gorin and Ross on the North side would have to be adjusted that is why the cost is high. The idea is to create a corridor to downtown. With a completed streetscape from 4<sup>th</sup> to Tracy on Ross. Through discussion it was expressed that spending that much money on 1 section of road was not as important as other project at this time.

During discussion there was a lot of emphasis on safety. The council that was present put emphasis on the 4<sup>th</sup> street, and Park Glen/ Park Glen Estates emergency access. If there is an accident at either location emergency services including police will be unable to get to a section of town efficiently. It is important to alleviate safety issue in the East side of town. Also, if there is any development in the business park it will be imperative to have another way to 95<sup>th</sup> street without coming through town and using the 4 way stop.

Mayor Ussery also spoke a little bit on ARC 95 which WAMPO is still working on. With development on 95<sup>th</sup> street ARC 95 could end up coming along 135<sup>th</sup> street which would lead to a highway exit to Clearwater. If that is the case, being able to get around town will be that more important.

On the drainage study Marsh said he has asked CED to give us a quote on how much it would cost to do a drainage study. Over time the drainage has changed from the original plans with housing developments or ditches filling in. With plans for possible further development, new roads and sidewalks it will help if the City understood the current drainage and changes that might need to be made.

During the street project discussion Misak explained it is hard to give a plan for streets when there is only \$150,000 set aside every 2 years when project costs are increasing. Also, if he puts in a 5-year plan that plan could change because another road needs more attention than the road that was scheduled to be done. Council discussed and stated that each application has a life expectancy. He should create a plan for each road so council knows how to budget from year to year and if the plan needs to be adjusted then it can be, but a plan needs to be started.

Council asked which projects have money allocated or will have money allocated after this year?

- Streetscape will have \$20,000
- Park Shelters has approx. \$73,000
- PD Remodel has \$21,000

#### 4. **Adjournment**

At 8:30 Mayor Ussery called the meeting adjourned.

**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 April 30, 2019 City Council Workshop.

Given under my hand and official seal of the City of Clearwater, Kansas, this 14<sup>th</sup> day of May 2019

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Courtney Meyer, City Clerk

# Check Register Report

Date: 04/29/2019

Time: 11:25 am

Page: 1

City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>EMPRISE BANK Checks</b>							
44964	05/01/2019	Printed		APS1	AAA PORTABLE SERVICES, INC.	RENTAL 3-26 - 4-22	150.00
44965	05/01/2019	Printed		ALLEN	ALLEN TRENCHING, INC	CHISHOLM RIDGE PHASE 3	7,908.50
44967	05/01/2019	Printed		AMA	AMAZON	MATERIAL REFUND	202.39
44968	05/01/2019	Printed		AMAZ	AMAZON BUSINESS	FIRE TV STICK	96.64
44969	05/01/2019	Printed		ACC01	APAC-KANSAS, INC.	FINAL PAYMENT	60,130.39
44970	05/01/2019	Printed		BBL1	B & B LUMBER	FUEL LINE HOSE	79.75
44971	05/01/2019	Printed		BH01	BECKY C. HURTIG	PROFESSIONAL SERVICES	915.00
44972	05/01/2019	Printed		BET 1	BETTS PEST CONTROL	109 E. ROSS	249.13
44973	05/01/2019	Printed		BURT	BURT USSERY	CONFERENCE REIMBURSEMENT	342.55
44974	05/01/2019	Printed		CR01	CAROL REITBERGER	MILEAGE	91.64
44975	05/01/2019	Printed		CGSI	CASEY'S	STATEMENT	1,849.26
44976	05/01/2019	Printed		CED2	CERTIFIED ENGINEERING DESIGN	PHASE 3 CHISHOLM RIDGE	23,536.00
44977	05/01/2019	Printed		CI W	CIRUS WATER	CITY SHOP	18.00
44978	05/01/2019	Printed		CWC02	CLEARWATER WELLNESS CENTER	STATEMENT	30.00
44979	05/01/2019	Printed		CCS1	COAST TO COAST SOLUTIONS	BACK THE BLUE BRACELETS	174.29
44980	05/01/2019	Printed		COMM	COMMERCIAL LAWN MANAGEMENT	SPRING FERTILIZATION/SP COMP	698.00
44981	05/01/2019	Printed		CORE &	CORE & MAIN LP	REPLACE METER/ SP COMP	585.00
44982	05/01/2019	Printed		CPSI	CREATIVE PRODUCT SOURCING, INC	DARE SUPPLIES	1,295.27
44983	05/01/2019	Printed		CUSTOM	CUSTOM CREDENTIALS	ID CARDS/POLICE OFFICERS	19.50
44984	05/01/2019	Printed		DOS1	DIGITAL OFFICE SYSTEMS	OVERAGE	60.24
44985	05/01/2019	Printed		EMP1	EMERGENCY MEDICAL PRODUCTS INC	SUPPLIES	76.00
44986	05/01/2019	Printed		GAL1	GALL'S INC.	BLACK LETTERS	16.78
44987	05/01/2019	Printed		ITRON	ITRON, INC	HARDWARE/SOFTWARE MAINT	2,402.44
44988	05/01/2019	Printed		JHS1	J & H STORAGE	RENT	65.00
44989	05/01/2019	Printed		LA LI	J. LARRY LINN	PROSECUTION SERVICES	885.00
44990	05/01/2019	Printed		JDG1	JOHNNY L. MISHLER	WINDOW ENVELOPES	34.00
44991	05/01/2019	Printed		KJC1	KANSAS JUDICIAL COUNCIL	2 COURT MANUAL	90.00
44992	05/01/2019	Printed		KDHE2	KS DEPT HEALTH & ENVIRONMENT	ANNUAL WASTEWATER PERMIT	185.00
44993	05/01/2019	Printed		KHE1	KS DEPT OF HEALTH & ENVIRON.	WATER ANALYSIS	30.00
44994	05/01/2019	Printed		LFP1	LEASE FINANCE PARTNERS	COPIER LEASE	540.45
44995	05/01/2019	Printed		MERI	MERIDIAN ANALYTICAL LABS, LLC	WATER ANALYSIS	45.00
44996	05/01/2019	Printed		MIG1	MIZE'S THRIFTWAY	STATEMENT	99.22
44997	05/01/2019	Printed		NOP1	NAVRAT'S OFFICE PRODUCTS	COPIER PAPER	158.00
44998	05/01/2019	Printed		PCA1	PETTY CASH	CITY	9.75
44999	05/01/2019	Printed		RON	RON MARSH	REIMBURSED MEETING EXPENSE	177.48
45000	05/01/2019	Printed		SAM1	SAM'S CLUB	MEMBERSHIP RENEWAL	300.00
45001	05/01/2019	Printed		SONJA	SONJA FROGGATTE	EVENT EXPENSE/MILEAGE	96.26
45002	05/01/2019	Printed		STA	STAPLES	SUPPLIES	123.06
45003	05/01/2019	Printed		TC11	TERRACON CONSULTANTS, INC.	PHASE 3 CHISHOLM RIDGE	320.50
45004	05/01/2019	Printed		TSN1	TIMES-SENTINEL NEWSPAPERS	ZONING CHANGE	99.50
45005	05/01/2019	Printed		TINA	TINA WELCH	MILEAGE	34.80
45006	05/01/2019	Printed		TCE1	TRI-COUNTY ELECTRIC CORP.	GROUND TRANSFORMER/SP COMP	1,100.00
45007	05/01/2019	Printed		T2UL	TRUE2U AUTOMOTIVE, LLP	BATTERY-WARRANTY	113.21
45008	05/01/2019	Printed		UMO1	ULTRA MODERN POOL & PATIO	CHEMICAL	862.62
45009	05/01/2019	Printed		UNI	UNIFRIST CORPORATION	SUPPLIES	37.63
45010	05/01/2019	Printed		VER	VERIZON WIRELESS	STATEMENT	398.31
45011	05/01/2019	Printed		VER	VERIZON WIRELESS	STATEMENT	80.02
45012	05/01/2019	Printed		VER	VERIZON WIRELESS	STATEMENT	397.71
45013	05/01/2019	Printed		VER	VERIZON WIRELESS	STATEMENT	125.21
45014	05/01/2019	Printed		WTC1	WICHITA TRACTOR CO.	BLADES/BELTS	573.93
45015	05/01/2019	Printed		KST1	KANSAS STATE TREASURER	GOB SERIES 2018 BI	35,380.21

# Check Register Report

Date: 04/29/2019

Time: 11:25 am

Page: 2

City of Clearwater

BANK: EMPIRE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
				<b>Total Checks: 51</b>	<b>Checks Total (excluding void checks):</b>		<b>143,288.64</b>
				<b>Total Payments: 51</b>	<b>Bank Total (excluding void checks):</b>		<b>143,288.64</b>

# Check Register Report

Date: 04/29/2019

Time: 11:25 am

Page: 3

City of Clearwater

BANK:

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
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**Checks**

152	05/01/2019	Printed		HSB1	EMPRISE BANK	FORD F-150	868.23
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**Total Checks: 1**

**Checks Total (excluding void checks): 868.23**

**Total Payments: 1**

**Bank Total (excluding void checks): 868.23**

**Total Payments: 52**

**Grand Total (excluding void checks): 144,156.87**

# Check Register Report

Date: 05/10/2019

Time: 3:40 pm

Page: 1

City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>EMPRISE BANK Checks</b>							
45016	05/15/2019	Printed		AMS1	AIRGAS MID SOUTH	CYL RENEWAL	223.70
45017	05/15/2019	Printed		AMAZ	AMAZON BUSINESS	COUNCIL SNACKS	233.98
45018	05/15/2019	Printed		AS1	ASSESSMENT STRATEGIES, LLC	PERSONNEL TESTING	175.00
45019	05/15/2019	Printed		B & T	BAKER & TAYLOR	MATERIALS	98.46
45020	05/15/2019	Printed		BA01	BARCO	TRAFFIC CONES	359.80
45021	05/15/2019	Printed		BSWI	BRENNTAG SOUTHWEST, INC.	CHEMICAL	1,827.56
45022	05/15/2019	Printed		BROAD	BROADSTROKE INC	WATER BILLS	658.18
45023	05/15/2019	Printed		CR01	CAROL REITBERGER	MILEAGE	18.56
45024	05/15/2019	Printed		CP	CHADD POSCH	WATER OPERATOR CERTIFICATE	20.00
45025	05/15/2019	Printed		CI W	CIRUS WATER	POLICE DEPT	22.50
45026	05/15/2019	Printed		CLIA	CLIA LABORATORY PROGRAM	CERTIFICATE FEE	180.00
45027	05/15/2019	Printed		COLLECTION	COLLECTION BUREAU OF KANSAS	APRIL COLLECTION FEES	29.02
45028	05/15/2019	Printed		CUSTOM	CUSTOM CREDENTIALS	ID CARD	6.75
45029	05/15/2019	Printed		CYBER	CYBERTRON INTERNATIONAL, INC	MONTHLY BILLING	912.95
45030	05/15/2019	Printed		DELISA	DELISA'S MEDICAL BILLING	APRIL 2019	402.32
45031	05/15/2019	Printed		DOS1	DIGITAL OFFICE SYSTEMS	OVERAGE CITY	56.73
45032	05/15/2019	Printed		EMP1	EMERGENCY MEDICAL PRODUCTS INC	SUPPLIES	205.51
45033	05/15/2019	Printed		FLEET	FLEET PRIDE TRUCK & TRAILER	TRACTORS/DUMP TRUCK REPAIR	180.08
45034	05/15/2019	Printed		FO IN	FOLEY INDUSTRIES	GEN/TRANSFER SWITCH REPAIR	3,439.51
45035	05/15/2019	Printed		GAL1	GALL'S INC.	UNIFORMS	680.02
45036	05/15/2019	Printed		JDG1	JOHNNY L. MISHLER	SWIM LESSON FORMS	134.00
45037	05/15/2019	Printed		KFE1	KANSAS FIRE EQUIPMENT CO.	6 MONTH INSPECTION/SR CTR	71.50
45038	05/15/2019	Printed		KOC1	KANSAS ONE CALL SYSTEM, INC.	64 LOCATES	76.80
45039	05/15/2019	Printed		KST1	KANSAS STATE TREASURER	LEO TRAINING/REINSTATEMENT	150.00
45040	05/15/2019	Printed		KAY PARK	KAY PARK RECREATION	BLEACHERS	4,433.00
45041	05/15/2019	Printed		LCS1	LOWE'S	STATEMENT	92.24
45042	05/15/2019	Printed		MARTENS	MARTENS APPRAISAL	CLEARWATER BUSINESS PARK	2,000.00
45043	05/15/2019	Printed		MW02	MARTIN WELDING	SIGN POST FOR PLAQUE	150.00
45044	05/15/2019	Printed		MOE1	MAXIMUM OUTDOOR EQUIP & SERV	SQUAD 72	426.26
45045	05/15/2019	Printed		METRO	METROPOLITAN AREA BUILD & CONS	B/E/M/P PERMITS APRIL 2019	2,048.61
45046	05/15/2019	Printed		MIG1	MIZE'S THRIFTWAY	STATEMENT	118.61
45047	05/15/2019	Printed		MC05	MULVANE COOP	STATEMENT	810.75
45048	05/15/2019	Printed		NOP1	NAVRAT'S OFFICE PRODUCTS	OFFICE SHIRTS	163.50
45049	05/15/2019	Printed		PEI	PERSONNEL EVALUATION INC.	BILLING	40.00
45050	05/15/2019	Printed		PCA1	PETTY CASH	LIBRARY	15.65
45051	05/15/2019	Printed		REC BK	RECORDED BOOKS, LLC	MATERIALS	94.50
45052	05/15/2019	Printed		RCI1	RENN & COMPANY, INC.	BOND RENEWAL/GIVENS	100.00
45053	05/15/2019	Printed		SWSC	SALINA WHOLESALE SUPPLY CO	SUPPLIES	95.88
45054	05/15/2019	Printed		SALS	SALSBURY INDUSTRIES	STANDARD LOCKERS	1,610.43
45055	05/15/2019	Printed		SCDF	SEDGWICK COUNTY	PRISONER HOUSING	30.36
45056	05/15/2019	Printed		SHPL	SHIRTS PLUS	AQUATIC CENTER SHIRTS	123.60
45057	05/15/2019	Printed		STA	STAPLES	SHEET PROTECTORS	50.97
45058	05/15/2019	Printed		TINA	TINA WELCH	MILEAGE	22.04
45059	05/15/2019	Printed		T2UL	TRUE2U AUTOMOTIVE, LLP	REPAIR/OIL/DOOR HANDLE	249.44
45060	05/15/2019	Printed		USBAN	U.S. BANCORP EQUIPMENT FINANCE	COPIER LEASE	248.02
45061	05/15/2019	Printed		VISA	VISA	SPRAYER//TIRES/GAS/SUPPLIES	1,036.08
45062	05/15/2019	Printed		WCI1	WASTE CONNECTIONS, INC.	APRIL STATEMENT	13,941.20
45063	05/15/2019	Printed		WL01	WHITNEY LANDSCAPING	APRIL SERVICE/SPRINKLER	157.00
45064	05/15/2019	Printed		WSUE	WICHITA STATE UNIVERSITY	LOCAL GOV MANAGEMENT	450.00
45065	05/15/2019	Printed		WTC1	WICHITA TRACTOR CO.	BAD BOY MOWER SERVICE	143.18
45066	05/15/2019	Printed		WWW1	WICHITA WINWATER WORKS	SUPPLIES	253.96
45067	05/15/2019	Printed		WIECH	WIECHMAN BUSH TIRE	TIRES	498.48
45068	05/15/2019	Printed		WILSON	WILSON BUILDING MAINT INC	MAY BILLING	757.74

# Check Register Report

Date: 05/10/2019

Time: 3:40 pm

Page: 2

City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
				<b>Total Checks: 53</b>	<b>Checks Total (excluding void checks):</b>		<b>40,324.43</b>
				<b>Total Payments: 53</b>	<b>Bank Total (excluding void checks):</b>		<b>40,324.43</b>



# Check Register Report

Date: 05/10/2019

Time: 3:40 pm

Page: 3

City of Clearwater

BANK:

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>Checks</b>							
153	05/15/2019	Printed		AFL1	AFLAC	STATEMENT	554.02
154	05/15/2019	Printed		CLA1	COLONIAL LIFE & ACCIDENT	STATEMENT	163.20
155	05/15/2019	Printed		ETS	ETS CORPORATION	CONVENIENCE FEE	162.92
156	05/15/2019	Printed		ETS	ETS CORPORATION	SURCHARGE	201.00
157	05/15/2019	Printed		KDOL	KANSAS DEPARTMEN OF LABOR	UNEMPLOYMENT TAX/MUSEUM	923.25
158	05/15/2019	Printed		KGS1	KANSAS GAS SERVICE	149 N. FOURTH	35.20
159	05/15/2019	Printed		KGS1	KANSAS GAS SERVICE	129 E. ROSS	51.46
160	05/15/2019	Printed		KGS1	KANSAS GAS SERVICE	109 E. ROSS	62.02
161	05/15/2019	Printed		KGS1	KANSAS GAS SERVICE	921 E. JANET	54.99
162	05/15/2019	Printed		KGS1	KANSAS GAS SERVICE	319 W. ROSS	22.90
163	05/15/2019	Printed		KGS1	KANSAS GAS SERVICE	401 W. ROSS	31.67
164	05/15/2019	Printed		KGS1	KANSAS GAS SERVICE	901 CLEARCREEK	20.82
165	05/15/2019	Printed		LIBERTY	LIBERTY NATIONAL	MAY PREMIUMS	278.41
166	05/15/2019	Printed		SKT1	SKT	CITY BUILDING	301.91
167	05/15/2019	Printed		SKT1	SKT	SENIOR CENTER	96.75
168	05/15/2019	Printed		SKT1	SKT	PUBLIC WORKS	148.64
169	05/15/2019	Printed		SKT1	SKT	EVS AND FIRE	520.80
170	05/15/2019	Printed		SKT1	SKT	HISTORICAL SOCIETY	111.50
171	05/15/2019	Printed		SKT1	SKT	PUBLIC LIBRARY	127.78
172	05/15/2019	Printed		SKT1	SKT	ELECTRONIC SIGN	58.52
173	05/15/2019	Printed		SEHP	STATE EMPLOYEE HEALTH PLAN	STATEMENT	13,909.49
174	05/15/2019	Printed		0001	WESTAR ENERGY	319 W. ROSS	348.84
175	05/15/2019	Printed		0001	WESTAR ENERGY	921 E. JANET	199.59
176	05/15/2019	Printed		0001	WESTAR ENERGY	109 E. ROSS	245.40
177	05/15/2019	Printed		0001	WESTAR ENERGY	100 E. ROSS	35.71
178	05/15/2019	Printed		0001	WESTAR ENERGY	129 E. ROSS	270.86
179	05/15/2019	Printed		0001	WESTAR ENERGY	150 S. PROSPECT	34.11
180	05/15/2019	Printed		0001	WESTAR ENERGY	STREET LIGHTS	1,838.28
181	05/15/2019	Printed		0001	WESTAR ENERGY	149 N. FOURTH	104.70
182	05/15/2019	Printed		0001	WESTAR ENERGY	GROUP BILL	1,985.24

**Total Checks: 30**

**Checks Total (excluding void checks):**

**22,899.98**

**Total Payments: 30**

**Bank Total (excluding void checks):**

**22,899.98**

**Total Payments: 83**

**Grand Total (excluding void checks):**

**63,224.41**

# **Victory**

**PYROTECHNICS & SFX, LLC**

14921 W. Morning Dove • Clearwater • Kansas 67026 • Office 316.631.5631 • info@victorypyro.com

## **DISPLAY AGREEMENT AND PURCHASE ORDER**

**THIS AGREEMENT ("Agreement")** is entered into on this **28<sup>th</sup> day of April 2019** by and between Victory Pyrotechnics & Special Effects, LLC., a Kansas limited liability company, whose address is set forth above, ("Victory") and the **City of Clearwater**, whose address is **129 Ross Ave, Clearwater, KS 67026** ("Sponsor"). Victory and Sponsor are sometimes individually referred to as a "Party" and collectively as the "Parties."

In consideration of the terms and conditions set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

- 1. Proposal.** Victory agrees to supply, and Sponsor agrees to pay for, a firework display on the following designated date(s) and location: **July 6, 2019 at the Clearwater Football Stadium, 901 Ross Ave, Clearwater, KS 67026**, as detailed in Proposal #19-1015, which is attached hereto and incorporated herein by this reference, (the "Display") in accordance with the program approved by both Parties.
- 2. Price and Payment Terms.** Total Price of **FIFTEEN THOUSAND DOLLARS AND NO/100 (\$15,000.00)** is to be paid as follows: 30% of the total price, **\$4,500.00** is due at the time when the contract is signed by both Parties; the remaining balance of the price, **\$10,500.00**, is due in full on or before **July 13, 2019**. Interest will accrue at 2.5% per month (an annual percentage rate of 18% per annum) on all unpaid amounts from the date on which the payment was due.
- 3. Victory Duties.** As part of the total price Victory agrees to the following:
  - a. To supply all shells and other pyrotechnics listed on the Proposal;
  - b. Mortars, firing equipment and all other required material necessary to perform its services hereunder;
  - c. To remove all equipment and spent pyrotechnic devices and clean up debris from the immediate Display site. Sponsor acknowledges that additional debris may remain in the fallout zone after Victory's responsibilities of Display site cleanup have been completed; and
  - d. To comply with all local and federal guidelines and obtain any necessary permits to perform the Display, unless otherwise notes in Sponsor duties.
- 4. Sponsor Duties.**
  - a. Sponsor shall comply with all duties as detailed in the Compliance with Laws/Sponsor Responsibilities portion of this Agreement;
  - b. Sponsor to supply barrier tape to secure fallout area, and is responsible for securing and maintaining fallout area security before, during, and after the display; and
  - c. Sponsor agrees to clean up remaining debris from fallout zone after Victory crew has raked the immediate launch site.

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5. **Insurance.** Victory agrees to provide, at its expense, commercial general liability insurance coverage in an amount not less than \$1,000,000 per occurrence. If requested in writing, Victory shall provide Sponsor with a certificate of insurance within two days of the Display. All entities/individuals listed on the certificate of insurance will be deemed as additional insured pursuant to the Agreement.
6. **Indemnification.** Victory agrees to indemnify, defend, and hold harmless the Sponsor, its agents and employees, and those entities/individuals listed on the certificate of insurance, from and against all claims, costs, judgments, damages, and expenses, including reasonable attorney fees that directly arise from the performance of the fireworks to the extent that such are occasioned by an act or omission of Victory, its agents and employees from and against all claims, costs, judgments, damages and expense, including reasonable attorney fees that arise from the performance of the fireworks to the extent that such are occasioned by any act or omission of Sponsor, its agents and employees. Each Party agrees to give the other Party prompt notice of any claims. Neither Party shall be responsible for consequential damages.
7. **Compliance with Laws.**
  - a. **Sponsor Responsibilities:** In accordance with NFPA 1123 Outdoor Display of Fireworks 2010 Edition (National Fire Protection Association) 4-1.1.1, Sponsor has consulted with the Authority Having Jurisdiction to determine the level of fire protection required to provide adequate fire protection for the Display and Victory agrees that such consultation was accomplished, and the level of fire protection is adequate for the size of show this Agreement outlines. It is further agreed that in accordance with NFPA 1123 4-1.2, Sponsor shall provide an adequate number of monitors whose sole duty shall be the enforcement of crowd control located around the Display area during the Display and until the discharge site has been inspected by Victory's pyrotechnic operator after the Display.
  - b. **Victory's Responsibilities:** Victory shall secure and maintain all licenses, permits or certificates that may be required by any regulatory body having jurisdiction over the materials or performance of the series herein contemplated unless otherwise noted above in Sponsor duties. Victory shall exercise full and complete authority over its personnel, shall comply with all workmen's compensation, employer's liability and other federal, state, county and municipal laws, ordinances, rules and regulations required of an employer performing such services, and shall make all report and remit all withholdings or other deductions from the compensation paid its personnel as may be required by any federal, state, county or municipal law, ordinance, rule or regulation. Victory is responsible to ensure that all material and services supplied under this Agreement comply with all laws, rules, and regulations of the state and federal government relating thereto.
8. **Cancellation/Rescheduling by Sponsor.** If the Display is canceled by the Sponsor after receipt of this signed Agreement but prior to **June 6, 2019**, Sponsor agrees to pay 30% of the total price (**\$4,500.00**) for restocking and costs incurred. If the Display is canceled by the Sponsor after **June 29, 2019**, Sponsor agrees to pay 60% of the total price (**\$9,000.00**). If the Display is canceled by the Sponsor after the physical show setup is complete, Sponsor agrees to pay 100% of the total price

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**(\$15,000.00).** If the Sponsor elects to reschedule the Display for an alternate, mutually agreeable date, Victory agrees to facilitate this rescheduling and Sponsor agrees to reimburse Victory for any additional costs associated with this change.

9. **Safety/Weather Forced Cancellation.** Victory agrees that it shall be the responsibility of the pyrotechnic operator in charge, acting on Victory's behalf or the Authority Having Jurisdiction, to cancel or delay the Display if in the operator's judgement circumstances beyond the control of either Party pose an extraordinary risk to the health and safety of any person or property within the vicinity of the Display.

If the product has been damaged as an attempt to execute the Display and cannot be safely reused, 100% of the price is due and Victory has no further obligation under this Agreement. If the product is intact and reusable, Victory agrees to store the product and execute the Display on a mutually agreeable future date. Sponsor agrees to reimburse Victory for reasonable costs associated with the rescheduling of the event.

10. **Force Majeure.** Sponsor assumes the risks of weather, strike, civil unrest, terrorism, military action, governmental action, and any other causes beyond the control of Victory which may prevent the Display from being safely performed on the scheduled date, which may cause the cancellation of the event for which Sponsor has purchased the Display, or which may affect or damage such portion of the Display as must be replaced and exposed a necessary time before the Display.
11. **Product Performance.** Sponsor recognizes and acknowledges that due to the nature of fireworks, an industry accepted level of 3% of the product used in any display may not function as designed and this level of nonperformance is acceptable as full performance.
12. **Limitation on Damages.** In the event that Sponsor claims that Victory has breached this Agreement or was negligent in performing its duties hereunder, Sponsor shall not be entitled to claim or recover monetary damages from Victory beyond the amount that Sponsor has paid Victory under this Agreement and shall not be entitled to a claim for or recover of consequential damages from Victory, including, but not limited to, damages for lost income, business, or profits. Additionally, Victory's liability for matters covered by the insurance set forth herein shall be limited to the limits of said insurance.
13. **Time.** Time is of the essence in this Agreement. The Parties expressly recognize that in the performance of their respective obligations, each Party is relying on timely performance by the other Party and will schedule operation and incur obligations to third parties in reliance upon timely performances by the other Party and may sustain substantial losses by reason of any failure of timely performance.
14. **Independent Contractor/No Joint Venture.** The parties agree that Victory is an independent contractor and is not an agent or employee of Sponsor for any purpose. It is further agreed that Victory's employees shall be, and remain, the employees of Victory and not of Sponsor. Nothing in

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this Agreement or the actions of Victory or Sponsor shall be construed as forming a partnership or joint venture between Sponsor and Victory.

15. **Attorney Fees.** In the event that either Party to this Agreement shall enforce any of the provisions hereof by an action at law or in equity, the unsuccessful Party to such litigation agrees to pay to the prevailing Party all costs and expenses, including reasonable attorney fees, incurred therein by the prevailing party.

16. **Jurisdiction.** This Agreement shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, by the laws of the State of Kansas applicable to contracts.

17. **Severability.** In the event a court of competent jurisdiction determines that any provision of this Agreement is in violation of any statute, law, rule, regulation, ordinance or public policy shall be stricken or modified to the extent that such provision no longer violates such statute, law, rule, regulation, ordinance or public policy. All provisions of the Agreement that do not violate any statute, law, rule, regulation, ordinance or public policy shall continue in full force and effect for all purposes. Furthermore, any court order striking or modifying any provision of this Agreement shall modify or strike the provision in as limited a manner as possible to give as much effect as possible to the intentions of the Parties to this Agreement.

18. **Survival.** The terms of paragraphs 5, 6, 12, 15, and 16 shall survive the cancellation or termination of this Agreement.

19. **Entire Agreement.** This Agreement sets forth the entire agreement and understanding between the Parties hereto respecting the matters within its scope and may be modified only in writing signed by both Parties hereto.

The pricing and product offered in the Proposal shall remain firm if this Agreement is mutually executed by both Parties on or before July 31, 2019.

Sponsor

Victory Pyrotechnics & Special Effects, LLC.

\_\_\_\_\_  
Ron Marsh  
City Administrator

*Cody Hanna*

\_\_\_\_\_  
Cody A. Hanna  
Manager

Date

Date

Monday, April 29, 2019

Monday, April 29, 2019

To: Mayor and City Council Members

From: Ernie Misak, Public Works Director

Date: May 14, 2019

Subject: Public Works Summary

1. Daphnia Issue continues at the wastewater ponds. Sampling was performed on April 24<sup>th</sup> and we failed to meet limits on TSS (Total Suspended Solids). This was due to a combination of algae and daphnia. Our limit for TSS is 80 mg/l and the result was 90 mg/l. In an effort to meet the limits, another TSS sample was pulled on April 30<sup>th</sup> and sent to lab. This result was 76.7 mg/l which lowered out monthly average, but still failed with a combined result of 83.35 mg/l; still below the monthly limit. This resulted in a failure in the 13<sup>th</sup> month, after meeting the requirements for 12 consecutive months.
2. Due to the heavy rainfall during the past two (2) weeks, we had to seal off the discharge piping at the wastewater ponds. With the river up, water will backflow into the ponds if we do not shut off the discharge flow. Consequently, we are not discharging and the ponds are getting extremely full. We will need to dump as soon as the water in the river is down.
3. We have been mowing at every opportunity between rains. Soccer season is over so the mowing on them will not be as critical as it has been. We have also fertilized the soccer fields.
4. The main concern at this time is that being the swimming pool. Martin Co. has removed several spots in the pool deck and will be pouring new concrete to resurface bad areas that were cracked, broken and providing opportunity for trip hazards as well as foot injury(s).
5. We have also discovered that we have leaks under the deck (concrete) that amounted to about 1000 gal/hr. One was discovered and corrected, however, it only amounted to approximately 400 gal/hr. Thus the search continued(s) to find other leaks. Another was found on Thurs pm. and is in the process of being cut(concrete) out so that we can investigate the extent of the leak and make repairs. (This is the current status as of this writing). Hopefully, this will be the end of our search and repair so that we can get the rest of the pool ready for opening. So the majority of the last two weeks has been spent trying to get the pool ready to open on time.

To: Mayor and City Council  
From: Bill Hisle  
Police Chief  
Date: May 14, 2019  
Re: Police Department Staff Report

4/25 19-0350 – Welfare check of a child at the elementary school, several previous reports made in reference to the child’s welfare.

4/28 19-0362 – Casey’s At 2:40 AM officers had contact with 2 females at the Casey’s, a 15 & a 16 year old. The girls were visiting in Clearwater and attempting to return to Wichita. They were out of gas, money & power for their cell phones. Officer contacted parents and stood by until the parents could arrive from Wichita to assist their daughters.

4/29 19-0363 Domestic Violence disturbance in the 300 block of S. Prospect. Female left prior to officer’s arrival contact made with male who advised argument was verbal.

4/29 19-0365 15500 block of W. 55 St. Assisted the Sheriff’s Office with a possibly suicidal subject suffering from mental issues.

4/30 19-0369 Non-injury accident in the 100 block of E. Ross

4/29 19-0372 Two friends at the High School got into a brief fight, but one of the combatants suffered a black eye and a laceration to the eye brow. Neither the combatants or the parents desire prosecution.

5/01 19-0374 Subject ran stop sign at 4<sup>th</sup> and Ross and upon being stopped was found to have a revoked Driver’s License.

5/02 19-0380 800 block of E. Streamside, Runaway juvenile. 15 year old juvenile did not return home after school. Located by Officers at Mimosa Arms Apt. at around 10:00 PM and returned home.

5/07 19-0402 At approximately 9:30 PM a female was found walking in the heavy rains at Diagonal and 135 St. She refused to say what she was upset about, but did accept a ride home to Haysville.

Officer Brian Daily is now out on his own, working primarily the evening shift as well as a few midnights.

On May 6 Sgt. Harp provided bike safety training to Grades 3 through 6.

DARE graduation was celebrated on May 1 for the entire 5<sup>th</sup> grade. Great job Sgt. Harp!





## Clearwater Senior & Community Center

### Staff Report

May 10, 2019

To: Mayor & City Council

From: Sonja Froggatte, Director

At 9:00 on Tuesdays and Fridays Marlene leads an exercise class for individuals over 55. Every Wednesday at 9:00 we enjoy coffee and visit with attendees; at 10:00 we will play balloon volleyball.

Thursdays at 10:00 Pastor Joe comes from the Evangelical Free Church to offer Bible Study; at 1:00 we have Bridge players as well as Bingo in the back room.

After exercise at 9:00 on Fridays we show movies with free popcorn at 2:00.

API serves up a pretty good lunch at the Center weekdays and volunteers deliver lunch to homebound or recovering individuals.

5/11/19 The Center, the Public Library and United Methodist Women are sponsoring a fundraising interactive murder mystery, "Rock & Roll Over Dead", a production of the kids involved in Library programs and a couple of senior participants as well.

Also this coming weekend Wilson Building Maintenance will clean the carpet.

5/14/19 Will be the May Carry-In Luncheon. Debbie Williams with the Derby Wellness Center will inform participants about Diabeat This. She will also talk about avoiding diabetes. Jessica Edwards with Aetna will inform people about how to find whether they are eligible for benefits on top of Medicare/Medicaid.

5/17/19 I will attend a TEFAP (Commodities) meeting in Wichita.

We are looking forward to the City-wide Garage Sale the 1<sup>st</sup> weekend in June.

# Clearwater

## Financials YTD MARCH 2019

We are 25% of the way through our budget year

	CY Budget	CY YTD Actual	CY ATD % Budget	NOTES
<b>Fund: 100 - GENERAL</b>				
Revenues				
Dept: 000.000	1,898,714.74	845,584.95	44.53	
<b>Revenues</b>	<b>1,898,714.74</b>	<b>845,584.95</b>	<b>44.53</b>	
Expenditures				
Dept: 000.000				
ADMINISTRATION	703,719.25	180,744.92	25.68	
SENIOR & COMMUNITY CENTER	49,277.12	15,834.38	32.13	
POLICE	681,515.40	167,779.19	24.62	
COURT	101,781.54	23,908.56	23.49	
PUBLIC WORKS	28,864.30	7,101.14	24.60	
EMS	184,198.90	50,730.96	27.54	
FIRE	175,996.40	17,165.96	9.75	
PARK	174,711.85	23,235.17	13.30	
POOL	89,082.00	4,982.64	5.59	
MUSEUM BUILDING	8,950.00	3,920.61	43.81	
LIBRARY	11,500.00	16,278.09	141.55	Brick Work / Ins Claim
<b>Expenditures</b>	<b>2,209,596.76</b>	<b>527,972.84</b>	<b>23.89</b>	
<b>Fund: 205 - SPECIAL LIABILITY</b>				
Revenues				
Dept: 000.000	1,364.00	195.29	14.32	
<b>Revenues</b>	<b>1,364.00</b>	<b>195.29</b>	<b>14.32</b>	
Expenditures				
Dept: 000.000	3,620.00	0.00	0.00	

<b>Expenditures</b>	<b>3,620.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Fund: 206 - SPECIAL HIGHWAY</b>			
Revenues			
Dept: 000.000	98,440.00	42,488.95	43.16
<b>Revenues</b>	<b>98,440.00</b>	<b>42,488.95</b>	<b>43.16</b>
Expenditures			
Dept: 000.000	95,337.80	11,608.13	12.18
<b>Expenditures</b>	<b>95,337.80</b>	<b>11,608.13</b>	<b>12.18</b>
<b>Fund: 212 - CITY CAPITAL IMPROVEMENT</b>			
Revenues			
Dept: 000.000	60,625.00	29,734.16	49.05
<b>Revenues</b>	<b>60,625.00</b>	<b>29,734.16</b>	<b>49.05</b>
Expenditures			
Dept: 000.000	168,500.00	0.00	0.00
<b>Expenditures</b>	<b>168,500.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Fund: 501 - WATER OPERATING</b>			
Revenues			
Dept: 000.000	408,900.00	123,884.83	30.30
<b>Revenues</b>	<b>408,900.00</b>	<b>123,884.83</b>	<b>30.30</b>
Expenditures			
WATER - GEN. & ADM.	436,645.05	104,830.10	24.01
<b>Expenditures</b>	<b>436,645.05</b>	<b>104,830.10</b>	<b>24.01</b>
<b>Fund: 550 - SEWER OPERATING</b>			
Revenues			
Dept: 000.000	534,950.00	183,777.50	34.35
<b>Revenues</b>	<b>534,950.00</b>	<b>183,777.50</b>	<b>34.35</b>
Expenditures			
SEWER - COMMERCIAL & ADM.	575,019.44	89,071.88	15.49
<b>Expenditures</b>	<b>575,019.44</b>	<b>89,071.88</b>	<b>15.49</b>

**City of Clearwater  
City Council Meeting  
May 10, 2019**

**Approve Annual Mayoral Appointments**

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**Background:** Per State Statute and Clearwater Municipal Code, the Mayor is required at the first meeting in May to appoint various city officers for the City. The mayor also will reappoint all members of Emergency Services at the first meeting in May even though they are appointed throughout the year as they join the service.

**Analysis:** State Statute 15-204 requires the Mayor appoint a City Clerk, Treasurer, Freedom of Information Officer, Municipal Judge, Chief of Police and Law Enforcement Officers.

City Code requires the Mayor appoint a Fire Chief (14-20) and Emergency Management Coordinator (12-23).

City Code requires the Mayor appoint members of City Boards and Commissions to staff each entity or fill vacancies. The appointments are done as they occur.

**Financial:** No financial considerations

**Legal Considerations:** Review and comment as necessary

**Recommendations/Actions:** Approve the attached list of appointments of city officers and reappointments for Emergency Services.

# City of Clearwater

## Annual Mayoral Appointments

### May 2019

#### ADMINISTRATIVE

Courtney Meyer	City Clerk
Carol Reitberger	Treasurer

#### EMERGENCY SERVICE (FIRE & EMS)

##### FIREFIGHTER/ EMS

Justin Patrick	Interim Director of EMS/ Paramedic/ FF/ Training Officer
Gabrielle Simon	Paramedic/ FF
Michael Cowherd	EMT/ FF
Jared Dinwiddie	EMT/ FF
Trent Zimmerman	EMT/FF
Chad Sterrett	EMT/ FF
Clara Warren	EMT/ FF
Donald Schauf	Paramedic/ FF

##### EMS ONLY

Lisa Corr	AEMT
Stephanie Patrick	Paramedic
Elizabeth Riddle-Kindle	EMT
Timothy Robbins	Paramedic

##### FIREFIGHTER ONLY

Gary Berger	Fire Chief/ FF
Kurtis Lauterbach	Asst Fire Chief/ FF
Carl Fry	FF Captain/ FF
Jason Templin	FF Captain/ FF
Josh Hecker	FF
Kolby Lauterbach	FF
Kyle Berger	FF
Rick Kindle	FF
Chadd Posch	FF
Jordan Ford	FF
Hank Pate	FF

##### FIREFIGHTER CADETS

Luke Davis	Cadet
Caven Lewis	Cadet
Andy Rakes	Cadet
Nick Schauf	Cadet

#### POLICE DEPARTMENT

William Hisle	Chief of Police
Becky L Hurtig	Municipal Judge

#### AQUATIC CENTER

Chuck Reitberger	Pool Manager
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David Gerlach	Assistant Pool Manager
Tucker Stiles	Basket Room Attendant
Ryan Vogel	Basket Room Attendant
Darryl Rylant	Basket Room Attendant
Jack Pawloski	Lifeguard
Briona Woods	Lifeguard
Kalia Spencer	Lifeguard
Bryne Noland	Lifeguard
Chance Clark	Lifeguard
Kylee Harman	Lifeguard
Cade Smith	Lifeguard
Abby Hutchinson	Lifeguard
Makenzie Haslett	Lifeguard
Savannah Schule	Lifeguard
Alexis Cash	Lifeguard
Daniel Schule	Lifeguard
Journey Schule	Lifeguard

#### **REAP Representatives**

Burt Ussery	2019
Ron Marsh	2019

#### **CHISHOLM TRAIL RECREATION COMMISSION**

John Hurley	2019 - 2023
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#### **PLANNING COMMISSION**

Ron Witt	2019 – 2022
George Rudy	2019 – 2022
Vacant (City)	2019 – 2022
Vacant (County)	2019 – 2022

#### **PUBLIC BUILDING COMMISSION**

Bob Cumming	2019 – 2023
Vacant	2019 – 2023

#### **HISTORICAL SOCIETY BOARD**

Sue Smith	2019 – 2023
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#### **LIBRARY BOARD**

Tricia Nichols	2019 – 2023
Capsa Reed	2019 – 2023
Vacant	2019 – 2023
Vacant	2018 – 2022

#### **PARK ADVISORY BOARD**

Vacant	2018 – 2022
Connie Fleming	2019 – 2023

#### **SENIOR & COMMUNITY CENTER ADVISORY BOARD**

Vacant	2019 – 2022
Barbara Hufford	2019 – 2022
Marlene Hand	2019 – 2022



**City of Clearwater  
City Council Meeting  
May 10, 2019**

**Consider Minimum Hours Requirement Agreement with EMS personnel**

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**Background:** In order to meet the requirements of the State of Kansas for Clearwater to maintain its ground ambulance service, we must have an active roster with 2 certified personnel signed up 24/7/365. The City is hiring 3 full time certified personnel to cover one of the two slots on the roster. The volunteers will cover the second slot.

**Analysis:** The commitment to the citizens of Clearwater to keep our EMS service local has created the need for active participation of all our volunteers. We are asking City residents to shoulder a heavier tax burden to have an EMS service, and that means the Governing Body and City staff are obligated to put in place policies and procedures that give the City the best chance to succeed. One way to do this is to require all EMS volunteers to sign a minimum hours requirement agreement in order to continue as a member of Clearwater EMS.

Given the City's current staffing for certified EMS personnel, each volunteer would be required to sign up for two (2) six (6) hours shifts per week in order to ensure blanket coverage in the second slot. Volunteers will be able to sign up for additional shifts if available, and trade, swap or fill-in as circumstances dictate. Not signing for the minimum requirement could lead to dismissal from the Clearwater EMS service.

**Financial:** There are no financial considerations as the on call and per run stipends are currently budgeted in the 2019 budget.

**Legal Considerations:** The City Attorney drafted the attached agreement. He can comment as necessary.

**Recommendations/Actions:** Approve the agreement.



EMERGENCY SERVICE APPOINTMENT ACKNOWLEDGMENT

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

CITY, STATE \_\_\_\_\_

The above person has requested appointment to serve as a member of the City of Clearwater Emergency Medical Services Department (EMSD), assisting as a trained emergency medical technician (EMT), advanced EMT or paramedic.

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I, \_\_\_\_\_(print full name), acknowledge and agree that my appointment so serve as a member of the City of Clearwater EMSD, is an annual appointment made by the Mayor and approved by the Governing Body of the City of Clearwater and may be terminated at any time by approval of the Governing Body. I acknowledge that to participate as a member of the City of Clearwater EMSD, I expressly agree to the following conditions;

1. I understand I am not considered an employee of the City of Clearwater and that I will receive a stipend for periods of "On-Call and Participation in Actual Response for Service". The amount will be set by the City and subject to change as deemed necessary.
2. I must obtain and maintain the necessary certifications and education required by the State of Kansas and City of Clearwater.
3. I understand I must meet specific standards of professionalism, conduct, and active participation. With respect to participation, I understand I am not limited to the number of hours I may request assignment, but that based on current staffing levels, I am subject to minimum standards. This minimum standard is currently set at serving at least two (2) six (6)-hour on-call volunteer shifts per week.
4. I understand that when on-call, I will remain readily available and respond to all calls received.
5. I further acknowledge and agree that the number and duration of said required on-call shifts may hereafter be adjusted by the Department based upon the number of staff appointed and participating in the operations of the Department.
6. Finally, I also acknowledge and agree that my failure to either (1) obtain the necessary certifications and education to serve as a member of the Department or (2) sign up and serve the number and duration of required on-call volunteer shifts will, at the option of the Department, constitute grounds for the termination of my appointment as a member of the City of Clearwater EMSD.

EXECUTED this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Member Signature

\_\_\_\_\_  
Director, EMS or Representative Signature

Date of Appointment: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**City of Clearwater  
City Council Meeting  
May 10, 2019**

**Approve 2<sup>nd</sup> Alternate Signatory for City Checks**

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**Background:** City checks require 3 signatures: currently that's the Mayor, Clerk and Treasurer. We also have 2 alternates: The Council President (Laura) and another Council person. Paul Clark had been the 2<sup>nd</sup> alternate, but after he left the Council in 2017, we have not identified his replacement.

**Analysis:** With two of our signatories indicating they are leaving the Council at the end of the year, that leaves only two signatories available to sign checks for a brief period until the new Council approves new signatories at its first meeting and signature cards with the back can be processed. It's important we have the 2<sup>nd</sup> alternate in place. Based on availability and accessibility, staff has asked Council member Shirley Palmer-Witt to be the 2<sup>nd</sup> alternate. She has graciously agreed.

**Financial:** None

**Legal Considerations:** Review and comment as necessary

**Recommendations/Actions:** Approve Shirley Palmer-Witt as the 2<sup>nd</sup> alternate for signing checks.