

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING

August 12, 2014
Clearwater City Hall – Council Chambers
129 E. Ross Avenue
Clearwater, KS 67026

CALL TO ORDER

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was called to order on Tuesday, August 12, 2014 at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

INVOCATION & PLEDGE OF ALLEGIANCE

The Mayor gave the invocation which was followed by the pledge of allegiance and flag salute.

ROLL CALL

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

Mike York, Mayor; Jim Whitney, Chris Griffin, Burt Ussery, Laura Papish, Council Members. Council Member Paul Clark was absent.

The following staff members were present:

Kent Brown, City Administrator; Barbara Salinas, City Clerk and Austin Parker, City Attorney. Others staff members present were: Donald Schauf, Clearwater EMS Director; Marvin Schauf, Clearwater Fire Chief; Mary Schauf, Clearwater Fire Department; Gene Garcia, Police Chief and Ernie Misak, Public Works Director.

REVIEW OF THE MINUTES

Council Member Griffin made a motion to approve the minutes of the July 22, 2013 City Council Meeting. The motion was seconded by Council Member Whitney. The motion passed unanimously, 4-0.

PUBLIC FORUM

No one came forward to address the Council.

CONSENT AGENDA

There were no items on the consent agenda.

NEW BUSINESS

Public Hearing for 2015 Budget

The Public Hearing was opened at 6:35 p.m.

City Administrator Brown reviewed the budget as published and the steps that were taken to reach this point. Brown stated that the Council had approved a budget of 54 mills which projects for 2015 including playground surfacing at City Park, sidewalks, ADA set aside for facilities, consultant for the Fire and EMS departments and policy manual review. In addition, Brown reviewed the executive summary which listed the capital improvements for all the departments within the city. Included in that list was the replacement heart monitor for the EMS, 5 sets of replacement bunker gear for the Fire Department, replacing air conditioning units at the Historical Museum and the Library, 2 mobile data terminals, an additional taser, interviewing room requirements, shooting range enhancements for the police department; engineering and project costs for the sewer lagoon project, street project and security upgrades for water infrastructure.

The Mayor stated the Public Hearing would remain open for comment and moved on to the next item on the agenda.

Consideration of a Request for Funding for a 2017 Celebration Marking the 150th Anniversary of the Chisholm Trail.

Lonnie Stieben, Community Economic Development Manager came forward to address the Council. Mr. Stieben provided the Council with information on the upcoming 150th anniversary of the Chisholm Trail Celebration that will take place in 2017. This event marks the historic journey that spanned from Abilene, Texas to Abilene, Kansas and celebrations will take place along the same trail. Seven Kansas communities participated in the 130th celebration in 1997. The same communities, in addition to others, plan to participate in the 2017 celebration.

Mr. Stieben stated that this group is in the planning stages for the 2017 event and one project is the creation of 100,000 brochures to be distributed as early as 2015. Clearwater has an opportunity to become one of the cities offering the brochures, if we raise our portion of the cost. Mr. Stieben stated that our cost for the brochures is \$1,000, as they have already secured a commitment for the additional \$1,000 within Clearwater.

Mr. Stieben listed several additional events that are tentatively planned for the 2017 celebration, including rodeo events, a cowboy camp similar to what occurred on the actual trail, a cowboy gunfight and a re-enactment of Abby Bright diary stories. The celebration will take place from April 2017 through October 2017.

The Council unanimously favored supporting the event.

A motion was made by Council member Ussery to make a \$1,000 commitment for the 2017 Celebration marking the 150th Anniversary of the Chisholm Trail. Council member Whitney seconded the motion.

A vote was taken and the motion passed unanimously on a 4-0 vote.

Consideration of a Request by Fall Festival Committee

Sherri Thomas, President of the 2014 Fall Festival Committee was present to make a request of the Council to extend the number of days for the Fall Festival carnival. The request would include a few hours on Sunday afternoon. Currently, the festival carnival runs from Thursday through Saturday.

City Administrator Brown stated that the current restrictions on the park area include language that would not allow an organized activity, or the collection of money on Sundays.

Councilmember Whitney asked Ms. Thomas if the Sunday hours were conveyed to the carnival owners. Ms. Thomas had not contacted the carnival with the additional hours of operation request. There were also some concerns expressed regarding interference with the church services and activities that are conducted in the park on Sunday morning. There was some discussion as to the precedence that could be set with Sunday use of the park.

Cheryl Wright came forward to address the Council. Ms. Wright read a prepared statement regarding the usage of the donated park area that outlined the acceptable usage on Sundays. The statement read there was to be “no organized activities to include baseball games, tournaments or any activity where there is an exchange of money”. It further stated that “if any activities of this category where to be held in the park then the land would revert back to the existing ancestors.” She stated that the Harrington family had gathered recently and voted that their wishes of the donated park area be honored.

Yvonne Coon came forward to address the Council. She stated that the Harrington family has voted unanimously to keep the agreement as written.

Councilmember Whitney expressed some concern regarding the property lines, and the City’s investments in the land. Administrator Brown stated the land is divided into two parcels and referenced the map. After some discussion regarding the park usage and stated restrictions, the Council was advised by City Attorney Parker that a vote on the request of Sunday’s proposed carnival hours was required.

Councilmember Ussery made a motion to deny the request by Sherri Thomas, President of the Fall Festival Committee, to extend the carnival’s days of operation to include Sunday, September 21, 2014. Councilmember Griffin seconded the motion. A vote was taken and the motion passed with a 3-1 vote. Councilmember Whitney voted in opposition.

Discuss and Consider a Donation Request to the Wichita School District.

Marvin Schauf, Fire Chief addressed the Council regarding the request by the Wichita School District. He stated the he learned of a donation opportunity for the Clearwater Fire Department to donate its old bunker gear to the Wichita School’s Firefighting I and

II classes. He stated there are 13 sets of unusable gear that could be donated.

Councilmember Ussery asked for some clarification as to the number of sets to be donated and the number of new sets recently received. Chief Schauf and EMS Director Schauf concluded there are 25 sets of usable gear, including the newly purchased gear. It was also clarified that the donation of old gear will only include bunker gear, pants and coats.

Councilmember Ussery made a motion to approve the donation of 13 sets of old bunker gear to the Wichita School District. Councilmember Papish seconded the motion. A vote was taken and the motion passed unanimously, 4-0.

Approve 2015 Budget

There were no participants in the Public Hearing on the 2015 budget. At 7:25 p.m., the Mayor closed the Public Hearing.

Councilmember Ussery made a motion to approve the 2015 Budget as presented. Councilman Whitney seconded the motion. A vote was taken and the motion passed unanimously on a 4-0 vote.

Approve Publication of Notice

Administrator Brown stated that the publication of a Notice of Vote is now required by the state legislature upon approval of the budget. He offered the Council two formats of publication.

It was by Council consensus to use the publication form that offered the total property tax levied dollar amounts.

Department Head Reports

Gene Garcia, Police Chief made a request of Council to purchase of Getac S400 Laptop (mobile data terminal for one of the police vehicles) and provided Council with an handout with a cost breakdown on the expenditure. Councilmember Ussery asked where the money will come from to make this purchase. Chief Garcia stated that funds for this purchase will be taken from this year's budget. It was by Council consensus to approve the purchase.

Chief Garcia reported that the school lights will be operating on Monday. He reported that the scheduled Scorcher Run went well. There will be a Farmers Market on Saturday and Heather's Run is scheduled for the 17th of this month. On the 31st there will be a motorcycle run and the Council had previously approved the group to have a portion of the street blocked off at the Masonic Lodge. Garcia reported on a dog incident that involved three animals. He stated that one of the dogs was fatally injured in the attack.

Councilmember Papish inquired about the Tricycle event sponsored by the Recreation Commission. Chief Garcia stated that there was a large crowd and was well attended.

Donald Schauf, EMS Director updated the Council on the minor repairs to the new ambulance and reported that all repairs were under warranty and completed. Donald stated that there was an opportunity presented by Sedgwick County to bid on heart monitors. It was determined that funding was budgeted in the 2015 budget.

Fire Chief Marvin Schauf reported completion status for vehicle and equipment certification process and repairs to fire equipment.

Ernie Misak, Public Works Director reported on repair work to South Grain and North Tracy.

Misak reported that the 17th is the last day for the pool to be open but it will remain open for High School water classes. He stated they will track chemical expenses for the additional time period.

Misak reported that Sewer pond wastewater samples did not pass and that Jim Coleman would be working on this. He stated there are algae issues again.

Misak reported that they are having problems with the Land Pride mower, specifically the clutch is still slipping. He will get bids for repair. Councilmember Whitney recommended Rhino brand. Misak stated he will get bids from John Deere, Land Pride and Rhino.

Misak asked the Council to review his credit card limit. He stated it is currently \$500 per month and it has caused some issues recently when attempting to pay for essential items that are needed quickly. Councilmember Ussery asked City Administrator Brown to look at this situation and make appropriate decisions on resolve.

City Attorney Parker suggested that the city may wish to adopt a purchasing policy. He stated that he could provide a copy of the policy currently used by the City of Andale. Administrator Brown stated that we do currently have a purchasing policy but increased limits have previously been approved by City Council.

Administrator Brown stated that he could increase the credit card limit for Misak to \$1,000. He stated that he will bring this to the Council for a vote.

Councilmember Whitney inquired about the mowing of vacant lots, specifically, the Chisolm Ridge area. Administrator Brown stated that the property owners have been notified. Councilmember Whitney stated that for approximately \$2,000 the city could rent a mower for one week to take care of this area. This would not include the cost of fuel. He stated the property owners could then be billed for the mower rental, fuel and hourly rate.

There was some discussion regarding the use of weed killer, but it was determined by City Attorney Parker that if the weed killer used by the city destroyed the ground cover, we could be billed for those damages.

A motion was made by Councilmember Ussery to authorize an expenditure of approximately \$2,000 for the rental of a mower to mow the area at Chisolm Ridge. Councilmember Whitney seconded the motion. A vote was taken and the motion passed, 4-0.

Claims & Warrants

City Clerk Barbara Salinas presented the claims and warrants as of 8-12-13 in the amount of \$87,835.18.

Councilmember Ussery had a question regarding the payment to MABC. Administrator Brown stated that this was a combination of several permits for the Wal-Mart building.

Councilmember Papish had questions regarding the payment to Fall Festival payable to Air Products. In addition to the grant to the fire department, Brown stated that Air Products sent a check to the Fall Festival in care of the City of Clearwater due to a miscommunication with their corporate office in Pennsylvania. They requested that the city receive the check and then send the appropriate funds to the Fall Festival committee.

There was some question regarding a charge to Mulvane Co-Op that was taken from an account that read, "Drugs & .. ". The entire account name was not printed in its entirety and actually reads, "Drugs and Chemicals".

A motion was made by Councilmember Ussery to authorize the payment of \$87,835.18 for all claims and warrants as presented. Councilmember Papish seconded the motion. A vote was taken and the motion passed, 4-0.

Old Business

Councilmember Ussery asked about an update on the Historical Society item. Administrator Brown stated that he would provide an update at the August 26th meeting.

Staff Reports

City Clerk had nothing to report.

City Attorney Parker reported that he has been visiting with Administrator Brown on several pending issues and projects. Councilmember Griffin asked if the cell tower agreement is one of the issues. City Attorney Parker stated that they have begun some discussions on this issue and it is in the review process.

City Administrator Kent Brown stated that he had nothing to report.

Council Reports

Councilmember Burt Ussery reported that he attended the WAMPO meeting and they discussed the work scheduled for 13th Street and 235. He stated the ramp will be closed for approximately 8 weeks as they need to tie into 235. Work is scheduled to begin next weekend.

Councilmember Ussery also mentioned concerns of city policy on social media, i.e., non-specific complaints/comments on Facebook by city employees. He asked that staff share guidelines with all employees.

Council Member Laura Papish inquired about the tree limbs that were down after the recent storm. Administrator Brown stated that the City did not provide services for minor storms. He stated that the City does not have the manpower to provide that services, but would follow Council direction. Councilmember Ussery stated that we need to stay consistent with our policies for tree limb pick up. Council consensus was to not offer free limb pick up at this time.

Council Member Jim Whitney had nothing to report.

Council Member Chris Griffin stated that he had nothing to report.

Executive Session

At 8:38 p.m., Council Member Whitney made a motion to enter into executive session for Personnel Matters of non-elected personnel and Consultation with an attorney on matters that would be deemed privileged in attorney-client relationship for 30 minutes. The motion was seconded by Council Member Griffin and passed, 4-0.

At 9:05 p.m., the Council extended the stated executive session for an additional 30 minutes for Personnel Matters of non-elected personnel and Consultation with an attorney on matters that would be deemed privileged in attorney-client relationship.

At 9:30 the Council reconvened into regular session with no action taken as a result of the Executive Session.

Adjournment

With no further discussion to come before the Council, Council Member Ussery moved for adjournment. The motion was seconded by Council Member Whitney and passed unanimously, 4-0.

The Meeting adjourned at 9:30 p.m.

CERTIFICATE

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

I, Barbara Salinas, 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 August 12, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 26th day of August, 2014.

Barbara Salinas, City Clerk