

**MINUTES  
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS  
CITY COUNCIL MEETING  
January 28, 2014**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, January 28, 2014, at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike York, Mayor; Jim Whitney, Paul G. Clark, Chris Griffin, Laura Papish, Burt Ussery, Council Members; The following staff members were present: Kent Brown, City Administrator; Barbara Salinas, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Gene Garcia, Police Chief; Ernie Misak, Public Works Director; Donald Schauf, EMS Director; Marvin & Mary Schauf, Clearwater Fire Department; Rebekah Zook, Recreation Director; Karen Matzen, Janet Schauf, Nicholas Schauf, Zachary Schauf, Hank and Sherry Pate, Chad Sterrett, Kyle Matthews, Jason Templin, Carl Fry, Chrissy Terronez, Gary Berger, Fire Chief of Conway Springs, Roger Dawson, Natalie Machart, Todd Dannenberg, City Residents; Dana Benders and 5<sup>th</sup> grade Girl Scout Troop.

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Mayor York called the meeting to order at 6:30 p.m. York gave the invocation, which was followed by the Pledge of Allegiance. The Clerk called the roll to confirm the presence of a quorum.

**Approval of the Minutes of the Regular Meeting of January 14, 2014**

Council Member Griffin made a motion to approve the minutes of the December 10, 2013 City Council Meeting. The motion was seconded by Council Member Ussery and passed unanimously.

**Mayor's Recommendations**

Mayor Mike York made the following recommendations:

Bob Fleming, Clearwater Historical Museum Board  
Joshua Thomas, Park Advisory Board

It was the consensus of the Council to approve the recommendations.

**Public Forum**

Natalie Machart, city resident, stated to the Council there was money collected by a few neighbors to plant a tree on Elaine Street in a small cul-de-sac. Machart stated that she volunteered to care for the tree. Council Member Whitney stated that if this tree would die the City should not be responsible for taking it down. Council Member Papish asked about the root system and if it would affect the street. Machart stated the nursery provided a remedy. Council Member Ussery stated he was fine with the planting of the tree since Machart would be responsible for the care of the tree.

Council gave consensus for the tree to be planted.

**NEW BUSINESS****Recognition of Fire Chief Marvin Schauf for 50 years of Service and 25 years as Fire Chief**

Chief Marvin Schauf stood and received a standing ovation from the Council and the Visitors at the meeting. Mayor York presented Chief Schauf with a plaque and gift card from the City Council.

Donald Schauf, EMS Director, presented Chief Schauf with a white Fire Chief's helmet that was signed by the Fire Volunteers. Mayor Mike York thanked Chief Schauf for his years of service and everything he does for the community and the fire department.

**Consideration of a request from Girl Scout Leader Dana Benders**

Girl Scout Troop Leader Dana Benders introduced herself and her 5<sup>th</sup> grade troop. The Girls Scout Troop is interested in burying a time capsule in the City Park. Benders provided the Council with pictures of a few places that were options to bury the time capsule. The Girl Scout Troop would do this in a quiet celebration when the City Park is not populated. The Girl Scout Troop would use a small spade so as not to disturb the ground too much. After some time the troop would unbury the capsule. Council Member Ussery asked about marking the area with signage so others could use the same area of the park. Council Member Whitney asked about the size of the capsule and asked if Public Works Department could come up with a PVC pipe to encase the time capsule. After discussion, Mayor York stated Council consensus was to approve the request.

**Resolution to Designate Salaries for 2014.**

Council Member Whitney made a motion to accept the salary schedule Resolution 1-2014 as presented. Council Member Griffin seconded the motion and passed unanimously.

**Service Repair Quotation on EVS Building Generator**

Public Works Director Ernie Misak stated that he contacted Foley Equipment and received an estimate from Foley Equipment. The Serial Number on the Generator is not one that was in the recall group although the same parts are involved. There was a retro fit part that was made available but it expired in January of 2013. Public Works Director Misak stated that he is waiting on a phone call from Michael Tracy with Foley Equipment. Council Member Ussery if the problem is with Foley Equipment or with Cat. Council Member Griffin asked why the serial number on the Cat we have was not included in the recall. Misak stated that Fire Chief Schauf can start the generator manually. Council Member Whitney asked if it could be started more often which might prevent the problem from occurring. Chief Schauf replied that it couldn't be set up on the automatic controls without encountering other problems. Council Member Griffin would like the serial number issue pressed. Council Members Whitney and Ussery would like to go ahead and get the generator fixed and worry about the paper work at a later date. The quote does a standard warranty on the part. After discussion, Council consensus was to have the generator repaired. Misak stated he would continue discussing the recall notifications with Foley Equipment.

**Changes to the Rules and Regulations for the Use of City Parks in KSHAA Activities**

City Administrator Kent Brown stated that this should have been presented in total first and then changes made to the ball field maintenance agreement. The parameters of city maintenance and school maintenance could result in some changes. Council Member Ussery pointed out the issue is in Number 7 of the agreement which is maintenance. Administrator Brown deferred to the maps indicating the maintenance area. This agreement has been in place for several years.

Council Member Ussery made a motion to form a task force to develop an agreement between the City of Clearwater and the USD #264 school for use of the ball field. Council Member Chris Griffin seconded the motion and passed unanimously.

### **Options for Playground Surfacing and Proposed Grant Application**

Recreation Director Beki Zook congratulated and acknowledged Chief Marvin Schauf for his years of service and his willingness to help during Recreation events when needed.

Recreation Director Zook referred to the handouts in the Council notebooks. The pour and play with the needed concrete base or base with crushed rock would be \$58,443.50. Recreation Director Zook stated there is a grant she is applying for that will pay a portion of the material and installation cost. The grant will pay 50% of the costs associated with the material, shipping and installation. It does not include and base preparation or installation. The grant is due February 1, 2014. Council Members Papish and Whitney asked if the pour and play was fire proof. Zook stated that is what she was told. Council Member Papish asked about the difference between estimate #1 and estimate #2 on J. Martin Co. estimate. Zook stated that one is for a crushed rock base and estimate #2 is for a concrete base under the pour and play. Council Member Papish asked with the expense of the job needed to go out for bid. City Attorney Janet Amerine stated that with a city of the third class no bids are required. Council Member Ussery asked about coming up with the money that the grant will not cover. City Administrator Kent Brown stated that there is money in the budget from 2013 and 2014 and some money in the Special Parks fund and some in the Park Donation fund. Council Member Ussery suggested to the Council to go with the crushed rock for the base of the pour and play.

Council Member Ussery made a motion to have Mayor Mike York sign the grant application for the pour and play. Council Member Clark seconded the motion and passed unanimously.

Recreation Director Zook also stated in the last twenty four hours another grant has come up that is for picnic tables. Zook will apply for that grant as well.

### **Discuss Section 10.08.080 of the City Code, Traffic Rules**

Police Chief Gene Garcia stated that the police department has had some enforcement issues with this portion of the city code. This section of the city code makes it unlawful to back across any roadway marked with two adjacent yellow lines. This affects some Ross Street residents who back out from their driveways and cross the double line. It needs to be determined if this ordinance needs to be enforced or not enforced. There was some discussion on the interpretation of the current law. It was the consensus of the Council that this portion of the Code needs to be repealed. City Attorney Amerine stated that she would have an ordinance prepared by the next meeting that would repeal this section of the city code.

### **Department Head Reports**

Chief Garcia stated that one of his officers has completed the DARE training. Councilwoman Papish asked about the trailer status on Grant Avenue. Chief Garcia stated that a citation has been issued.

Public Works Director, Ernie Misak reported some repair issues with the 3 foot asphalt roller. He was given a repair cost estimate of \$1,500 to \$2,000 for a new motor. He also provided the cost for a new Honda of \$777.00. This also includes a 3 year warranty, vs a 90 day for the repaired motor. Councilman Clark made a motion to purchase the new Honda. Councilman

Whitney seconded the motion. The motion carried unanimously.

Misak reported that he has looked at the curbing in front of Bales Pharmacy as directed by Council. He stated there is a ¾" to 1" rise in the curbing. He stated that replacing the curbing could be done in sections. He provided an estimated cost of \$2,500 to replace and recommended we solicit bids for repair of problem areas.

Councilman Griffin was in favor of repairing the curbing. There was some discussion initiated by Councilman Ussery regarding the city's responsibility verses the business owners responsibility. Administrator Brown clarified that the City is responsible for the curbing only. The sidewalks are the responsibility of the business owners. He further stated that the streets are a County issue, but do effect the sidewalk/curbing height variances. It was the Council's consensus to get bids to have the curbing repaired.

Councilwoman Papish inquired about Third Street and crumbling asphalt and for concrete in an alley way to be picked up.

Misak concluded with a small water leak at Garvey that they would work on repairs tomorrow.

EVS Director Donald Schauf had a budget request from the Council. He asked that the money received from the sale of the ambulance be used for the purchase of two Mosimo Rad 57 detectors, which were cut from his 2014 budget requests. Councilwoman Papish asked what they do. Schauf stated they are carbon monoxide poisoning detectors. Councilwoman Papish asked why there was a need to have one in each ambulance. Schauf stated that if one ambulance is being used, the backup would be unequipped. Councilman Ussery was in favor of reinvesting the ambulance sale dollars into the requests by Schauf.

Fire Chief Marvin Schauf expressed his appreciation for the celebration in honor of his 50 years of service. There was a question from the Council regarding the replacement of the blades for the Jaws. Schauf report they have been replaced and stated the last time they were replaced was in 1998.

Recreation Director, Rebekah Zook reported that basketball has concluded and she had a total of 18 teams. She advised that baseball sign ups would begin in March. A "Donuts with Dad" event is scheduled for February 8<sup>th</sup> at the Middle School from 8:30 am to 10:00 am. This will include a Hot Shot basketball contest. She also reported that a photography class would be offered next week. Zook also reported that the bid had been clarified. There are two separate bids for a total of 3600 square feet. Bid one at \$17,642 with crushed rock base; Second bid was at \$22,570 for concrete base. These numbers do not affect the grant application.

### **Committee Reports**

There were no reports.

### **Claims and Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of January 24, 2014 in the amount of \$62,656.53. Additional claims and warrants came in to city office since Friday in the amount of \$531.25.

There were questions regarding the payments to the following:

True 2U – Police vehicle oil changes  
REAP - Membership  
Neighborhood Revitalization 2012 – Abatement payments  
AFLAC – Employees cost & option.

All concerns were addressed. Council Member Papish moved to authorize payment of the claims and warrants for \$63,187.78. The motion was seconded by Council Member Ussery and passed unanimously.

### **Old Business**

There was an update requested for the Water Rights Application item. Two agreements have been signed and forwarded.

### **Staff Reports**

Clerk Salinas had nothing to report.

City Attorney Amerine had nothing to report.

City Administrator Brown provided handouts to the Council. The annual publication of The Summary of Cash Receipts, Cash Disbursements, and Unencumbered Cash was provided to the Council. This will appear in Thursday's edition of the Times Sentinel. There was some discussion on the ending balances. Councilman Ussery inquired about our reserve and Brown responded that we are within those balances. He stated that our auditor's report stated a positive year's end.

Administrator Brown stated the county would be moving up the closing of 135th and it would be closed as of Monday, weather permitting. Bridge construction is expected to take longer than anticipated. Councilman Ussery stated that he visited with Commissioner Norton about suggested signage and was invited to update the Council during a regular meeting. He could not attend this evening. A follow up call to Commissioner Norton was suggested. Councilman Griffin stated that we all make an effort to utilize our local vendors.

At 9:25 p.m., Mayor York made a motion to convene into Executive Session for 10 minutes to discuss Personnel Matters. Councilman Clark seconded the motion and the motion carried unanimously.

The Council reconvened into regular session at 9:40 p.m. with no action taken.

At 9:40 pm Councilman Whitney made a motion to convene into Executive Session for 20 minutes to discuss Personnel Matters. Councilwoman Papish seconded the motion and the motion carried unanimously.

The Council reconvened into regular session at 10:00 p.m. with no action taken.

At 10:05 p.m., Councilman Ussery made a motion to convene into Executive Session for 20 minutes to discuss Personnel Matters. Councilman Clark seconded the motion and the motion carried unanimously.

The Council reconvened into regular session at 10:15 p.m. with no action taken.

**Council Reports**

Council Member Laura Papish asked if a thank you note had been sent to the Mikesell Family for their Park donation. Administrator Brown stated that it had. Council Member Papish also stated she will not be at next Council meeting. Council Member Papish had questions about the Valley Center Recreation Commission owning property and would like City Attorney Amerine to research whether Recreation Commissions can own property. Council Member Papish commented that the Power Ups had a chili cook off with 7 entries. It was also asked if the Recreation Commission had a mission statement.

Council Member Burt Ussery stated that he would like to start compiling information from the Council work session into a document for everyone to read. Ussery asked Council Members to get their information to him soon so he can provide a spread sheet to work from in meetings to come. Council Member Ussery also asked City Administrator Kent Brown for a few items to add to the spreadsheet.

Council Member Chris Griffin stated that Tee Time was having a Valentine's Dinner on February 14<sup>th</sup> from 5 pm to 8 pm. He stated this would be a good way to support local business.

Council Member Jim Whitney has a training session set up on February 18<sup>th</sup> for the Fire Department and Ambulance Service. Sedgwick County will come to Clearwater for a training session to see if the issues are radio made, man-made or not enough experience. Sedgwick County will send a Battalion Chief, a Caption and a Lieutenant to run through some scenarios on the radio and see if there are communication problems. Council Member Whitney also stated that he has been working with some water and well people and the experts think the City should go into the City Park and check the well that is already there. The City already has the water rights to the City Park. Council Member Whitney stated he will keep asking questions and see if anything can be done.

Council Member Paul Clark stated a citizen asked him about the high weeds on the spillway on Wood that runs through the City Park. Council Member Clark asked City Administrator Brown who is responsible for taking care of the weeds. Administrator Brown stated that the City sprays for weeds and then each individual resident takes care of what is by their property.

Mayor Mike York had nothing to report.

**Adjournment**

Being no further discussion to come before the Council, Council Member Ussery moved for adjournment and the motion was seconded by Council Member Clark. The motion carried unanimously.

The Meeting adjourned at 10:30 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 January 28, 2014 meeting.

Given under my hand and official seal of the City of Clearwater, this 11th day of February, 2014.

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Barbara Salinas, City Clerk

UNAPPROVED