

**MINUTES**  
**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**  
**CITY COUNCIL MEETING**  
**March 11, 2014**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, March 11, 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, Burt Ussery, Laura Papish, 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; Beki Zook, Recreation Director; Marvin Schauf, Fire Chief; Donald Schauf, EMS Director; Art Gentry, Resident; David Reynolds, Michael Hewitt, Will Snyder, Cainan Spellman-Sak, Kenzie Gannaway, Amanda King, Logan McFarland, Kasey Crubaugh, Clayton Youngers, Cheyenne Yoakum, Kim Decker; Clearwater High School Government Students.

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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 February 25, 2014**

Council Member Ussery made a motion to approve the minutes as written. The motion was seconded by Council Member Clark and passed unanimously.

**Mayor's Recommendations**

No Recommendations at this time.

**Public Forum**

No one from the public came forward at this time.

**NEW BUSINESS**

**Discussion of Proposed Ordinance Pertaining to Storing Vehicles on Private Property in the City of Clearwater**

Police Chief, Gene Garcia stated to Council that he had worked with City Attorney Amerine to clean up this Ordinance and make it more enforceable. This Ordinance is for Council to review and see if this is the right direction. Chief Garcia stated this is his recommendation. As part of his staff report Chief Garcia was going to let Council know that the trailer has been moved. Moving of that particular trailer has been a 2 year adventure. Chief Garcia further stated that he had received little to no feedback from the public. Garcia had 3 contacts with limited input and this Ordinance is what has developed.

Council Member Griffin asked about a family with 4 cars if this was a violation. Chief Garcia stated it would not as long as the cars are not parked in the front yard. Council Member Griffin asked about page 2 Item 4 that the number of vehicles shall not exceed three on the property. Chief Garcia explained this item refers to the back yard storage of vehicles and cannot park in the front yard.

Council Member Papish questioned driveway “paved” parking “dustless”. Chief Garcia described several Ordinances that address these questions.

Council Member Ussery asked about the wording “inoperable” “not used” or “used” in the Ordinance. Council Member Ussery asked about the word “dustless” used in the Ordinance. Chief Garcia stated these words are what made the Ordinance so hard to interpret.

Council Member Papish stated that when there is a problem the Council could discuss the issue at that time on a case by case basis. Chief Garcia stated that had been the policy before and had been working quite well until this trailer incident.

Council Member Ussery stated the intent of this Ordinance is for residents to maintain their back yards and not have several inoperable cars with grass growing around them. Ussery stated that privacy fences help the issue but are not solutions. Council Member Ussery asked if this would be enforceable or too vague of a word to be used in the Ordinance. Chief Garcia stated that you cannot leave any leeway because it is too hard to comply with vague laws.

Mayor Mike York asked about Section 3 Item 4 and the words “seasonal vehicles” but only listed 3 items. City Attorney Amerine stated that she used the definition of the word “vehicle” from the standard Traffic Ordinance.

Council Member Whitney stated that he would like to have this Ordinance be very specific so it can be enforced. Council Member Whitney also stated that this Ordinance should require a written complaint to the Council or Police Department. The complaint could be discussed at a Council meeting.

Council Member Ussery stated that the Council has to be in agreement that if a member of City Council receives a complaint the first thing they need to do is direct that person to write a formal complaint. The complaint has to be in writing and then action can be taken.

Council Members Ussery and Griffin asked about having one Ordinance that addresses the condition of the resident’s property.

Council Member Ussery asked when the City Council gets the final language to this Ordinance and is published in newspaper does that mean it is effective on that date. Chief Garcia stated the he and the police officers work hard at the complaints and are accommodating with citizens. Garcia tries to work with citizens on the complaints if they are working to clean up the yard or property.

City Attorney Amerine stated that the first thing is a written complaint, the second thing is Chief Garcia or an officer will look at the address on the complaint. The third thing is in Section 3 that Chief Garcia will send a 30 day notice to comply. If after 30 days, nothing has been done then a ticket will be issued.

**Follow up on Request from the Historical Museum for furnaces and air conditioners.**

Public Works Director, Ernie Misak stated that he talked to Steve McMillen about the furnace and air conditioner at the Historical Museum. The proposal from Decker is higher because it is for the front and back unit. The other proposal was just for the front unit. It is very important to have a humidifier included in the bid because of the wood, paper and artifacts in the museum.

Steve McMillen stated that the \$4500 was to replace the front unit. It would be Public Works Director Misak's recommendation to fix the front unit at this time if there is room in this year's budget. City Administrator Kent Brown stated it was not budget but there is money to fund this heat and air unit for the museum from reserves.

Council Member Papish asked about responsibility to maintain and service new heat and air unit. City Administrator Brown stated that it is the City's responsibility to maintain.

Council Member Ussery would like to discuss the Historical Museum and the agreement with the Museum at budget time. Council member Ussery would like the agreement to be updated to current year and all responsibilities laid out for future reference.

Council Member Whitney asked about insurance on the contents of the museum. City Administrator Kent Brown stated that is covered under the city policy. Historical Museum Director Glenda Gladfelter stated that one item at the museum is valued at \$20,000 and is covered by the individual owners of the display.

Council Member Whitney made a motion to send the Historical Museum heat and air project out for bid. Council Member Griffin seconded the motion and passed unanimously.

### **Ordinance Repealing Ordinance 923, Section 3, and 2.40.045 of the City Code Concerning Overtime wages for Certain Employees**

City Attorney Amerine recommended approval of the Ordinance and removing it from the City code. Amerine further recommended that once the exempt and non-exempt status is determined it should be defined in the employee job descriptions only. Once the job descriptions have been reviewed, the Council may take action with a motion and vote to approve each job description. Council Member Ussery agreed. City Attorney Amerine stated that this action could be done at any time.

Council Member Ussery made a motion to approve Ordinance No. 981 as written. Council Member Griffin seconded the motion. A roll call vote was taken.

Ussery, yea; Papish, yea; Clark, yea; Whitney, yea; Griffin, yea

### **Review Job Descriptions**

City Administrator Kent Brown stated the job description for Fire Chief was provided by Council Member Whitney. The first sheet in the notebook is a job description for a volunteer Fire Chief and the second sheet is the job description that the City currently uses.

Council Member Whitney went over both sheets with Fire Chief Marvin Schauf. Whitney further stated that the job description lists some skills and qualifications that can be implemented into the description the City already has in place. Whitney does recommend that the education and experience should be looked at when looking for a Fire Chief.

### **Department Head Reports**

Public Works Director Ernie Misak stated that the water samples that were high at 45 are down to 35 now. The very cold winter has helped the algae die off. The 90 degree elbow that was leaking has been replaced at Well #7. Crack sealing work has been started in Chisholm Ridge. Salt Creek Court has been the worst. Public Works will start in Park Glen on March 12<sup>th</sup>. The

scoreboard at the sports complex is up and looks good with the LED lights and is operational.

Misak reported that at Well #3 there has been some meter research on the electric meters. There are two meters, one for demand and the other for the rest of the electricity. The meters at City Park are backwards. This has been fixed but when the Westar Energy bills were coded wrong numbers were used. Misak stated that a Westar representative helped find the bad meter and now will be treated as a demand meter. When the well was shut off a year and a half ago no electric heater was needed.

Council Member Ussery stated there is standing water in the ditch at 63<sup>rd</sup> and Hoover. Public Works Director Misak stated he would check into it.

Council Member Whitney stated there is a broken off street sign at the end of Janet by the Senior Center. Public Works Director Misak stated he would remove the post.

Police Chief Garcia stated they sold the old patrol car and would like to request that the proceeds go towards a speed monitor. The car sold for \$1,600 and the monitor is \$2,700. By Council consensus the money earned from the car can be put towards the purchase of a speed monitor.

Police Chief states that the DA is working on 2 major cases in court and combining with other jurisdictions so small towns do not have to pay for jail fees.

Council Member Ussery asked if the vandals in the City Park had been found. Chief Garcia stated no. Garcia is going to move some of the cameras around in the Park.

Fire Chief Marvin Schauf reported that at the last fire training some of the devices used were not in good condition. The PASS devices were \$40 when purchased and now the devices are \$240. Some were ordered and waiting for them to come in. Schauf also reported that Squad 72 needs new tires.

Recreation Director Beki Zook reported that baseball sign-ups are due March 12<sup>th</sup>. The season will go through July. The Easter egg hunt will be at City Park on Saturday April 19<sup>th</sup>. Everything at the Sports Complex is rolling along. The schools will need to get the fields ready but the first game is not until April 14<sup>th</sup>.

Recreation Director Zook stated that at the last meeting Council wanted some information about sharing the Westar Energy bill with the School during the time the School used the fields. City Staff could find no information since 2009. In 2009 there was a bill divided between the Recreation, City and School for the fence project. There also have been bills sent for the spraying of weeds and maintenance. This year there is 4 scheduled ball game home dates and JV games for a total of 10 nights. Zook has talked to Haysville and they charge \$40 per hour. Council Member Ussery stated since there is no data to go from to keep record for the 2014 season and then when the season is finished, evaluate if this should be added to the agreement between the City and the School.

Council Member Whitney asked if the baseball coach was going to have a summer team this season. Recreation Director Zook stated yes. The coach will provide a schedule when the field will be in use. Whitney would like a copy of the schedule to work around for watering the fields this summer.

EMS Director Donald Schauf stated that he has been pricing bunker gear and the bid would be ready for the next Council meeting.

Public Works Director stated that Steve Swift will start on the sidewalk, curb project on March 12<sup>th</sup> or 13<sup>th</sup>.

### **Committee Reports**

No Committee reports at this time.

### **Claims & Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of March 11, 2014 in the amount of \$51,518.88. City Clerk Salinas and Deputy Clerk Reitberger will be out of office the rest of the week, so checks have been printed. This total is a little different than the notebooks but a sheet was at each Council Member chair.

Council Member Ussery asked about Southern Kansas Telephone bills and what each department is paying for each month. Public Works Director Misak stated that all that is billed is for phones and data. The cell phones are billed separately.

After discussion, Council Member Ussery moved to authorize payment of the claims and warrants for \$51,518.88. The motion was seconded by Council Member Whitney.

### **Old Business**

Council Member Ussery asked if Recreation Director Zook could put together the maintenance part of the agreement between the School and the City and give each a copy for this season.

Council Member Papish asked about the transportation of lifeguards to the training class. Council Member Papish would like to know what the \$600 paid to Linda Stearns is for. City Administrator Kent Brown stated it is for setting up the training dates and transportation and staying with the lifeguards during the training. Council Member Papish also asked about the Recreation Board taking over the operation of the Aquatic Center. Council Member Papish asked about setting up a joint meeting with the Recreation Board and the City with this being an agenda item.

### **Staff Reports**

City Clerk Barbara Salinas stated that she and Deputy Clerk Reitberger will be at the Clerks Conference in Wichita on Wednesday through Friday.

City Attorney Amerine requested an executive session for legal for 10 minutes and invited Donald Schauf.

Council Member Clark made a motion for executive session for legal. Council Member Ussery seconded the motion and passed unanimously. The council entered executive session at 8:24 p.m.

Council returned from executive session at 8:34 p.m. with no action taken.

Clearwater High School Student T.J. Layton addressed the Council about a school project for his Leadership Class at the High School. The small group of 3 would like to pour concrete around the benches at the basketball court and repaint the lines. The pad would be 10 X 10 and 5 or 6 feet long. There will be a cost for the concrete and Layton is asking Council for a \$250 donation to help with the project. Chad Berntsen with Triple B Construction will oversee the project. Triple B will pour concrete and then strap the park benches to anchor to the concrete. Triple B will coordinate with other jobs to use leftover concrete.

Council Member Ussery asked about getting a name plate to recognize the students doing the project. City Administrator Brown stated that would cost \$40 - \$50. Council would like a plaque put in the concrete by the benches.

Council Member Ussery made a motion to donate \$250 to the student project. Council Member Clark seconded the motion and passed unanimously.

### **Council Reports**

Council Member Ussery asked City Administrator Brown for a monthly budget report be given to the City Council at the next meeting so the Council can see where the budget is so far this year. Council Member Ussery attended the WAMPO meeting. Ussery would like to have a representative from WAMPO come to a Council meeting and do a presentation. Council Member Ussery would like to talk to the WAMPO group about possibly redoing the rough railroad tracks at Grant, Tracy and Ross Streets. Ussery has heard so many complaints about the roughness of those railroad crossings. The other idea he would have is a bike path in town or possibly has sidewalks from the bus barn to the high school or redoing what we already have in place. Ussery asked Council for input before the April WAMPO meeting. City Administrator Brown stated that the rough tracks are the responsibility of the railroad and they have been contacted again recently.

Council Member Papish had nothing to report.

Council Member Clark stated that he wanted to complain about the railroad tracks but that topic has already been discussed.

Council Member Whitney had nothing to report.

Council Member Griffin reported there is still no stop sign at 63<sup>rd</sup> St S.

Council Member Ussery commented on the project on 135<sup>th</sup> and the lack of additional signs as requested on K-42.

### **Resolution authorizing the Bond Sale**

City Administrator stated the Resolution from Gilmore and Bell authorizing sale of bonds was provided today.

Council Member Ussery made a motion to accept Resolution 3-2014 authorizing the sale of the general obligation bonds. Council Member Whitney seconded the motion and passed unanimously.

**RESOLUTION NO. 3-3014**

**RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION BONDS, SERIES 2014, OF THE CITY OF CLEARWATER, KANSAS.**

City Administrator Brown stated that he received a phone call today from the family that ran the Snow Zone last year. The family would like to do the Snow Zone again this season. City Administrator would like to know if Council would like to renew contract. The family paid \$250 a month in rent. The contract was from May through September last year. Council consensus was to let the family run the Snow Zone again this year. The official agreement will be ready for the next meeting for approval.

City Administrator Brown reported to the Council that this Thursday March 13 he will meet with the ADA group. The group will be working with the Wichita Schools and will come to Clearwater after that meeting.

City Administrator Brown asked the Council about setting the date for the joint meeting with the Recreation Board. The meeting date was discussed for March 27<sup>th</sup> at 6:00 p.m.

**Adjournment**

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

The Meeting adjourned at 9:15 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 March 11, 2014 meeting.

Given under my hand and official seal of the City of Clearwater, this 25th day of March, 2014.

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Barbara Salinas, City Clerk