

**MINUTES**  
**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**  
**CITY COUNCIL MEETING**  
**MINUTES**  
**May 13, 2014**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, May 13, 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, Marvin Schauf, Clearwater Fire Department; Donald Schauf, EMS Director; Esther Vanley, Assistant EMS Director; Gene Garcia, Police Chief; Pamela Riggs, Senior and Community Center Director; Beki Zook, Recreation Director. Larry Linn and Paul Rhodes were also present.

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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 April 22, 2014**

Council Member Papish made a motion to approve the minutes of the April 22, 2014 City Council Meeting. The motion was seconded by Council Member Ussery and passed unanimously.

**Mayor's Recommendations**

Mayor Mike York made the following recommendations:

Appoint Tyler Spencer, to the Clearwater Volunteer Fire Department  
Appoint Byron Bina to the Clearwater Volunteer Fire Department  
Appoint Eric Patchett as a Reserve Police Officer

The above appointments were accepted with Council consensus.

**Public Forum**

No one came forward to address the Council.

**New Business**

**Review KDHE Response to Treatment Facility Evaluation Report as Submitted and Consideration of a Contract with EBH for the Engineering Services of Jim Kohman, P.E.**

Administrator Brown stated that the EBH has received a response from KDHE regarding our Part B Treatment Facility Evaluation Report submission. He stated that portions of the plan were approved and he proceeded to review the three-phased recommendations within Part B.

Phase 1

Maintain all treatment cells at maximum water depths of 5.5 feet in cell 1 and 4.5 feet in all other cells. Provided sewage flow and water losses create a no discharge event.

### Phase 2

In addition, Phase 2 also addressed modifications to be implemented immediately and required system monitoring for one year with a summary report and recommendation submission by July 15, 2015; Eliminating flow from cell 1 or cell 2 into cell 3 and maintain maximum water level in cell 3 with backflow from cell 4. Sledge depth in Cell 3 must be re-measured in June 2015 and reported; Temporary recirculation pumping system constructed as soon as possible to take water from cell 4 and return to Cell 1. Recommendation was for electrical pump operating full time. Notification in writing when pumping system is in service; Move existing aerators as recommended, one aerator is recommended to remain on Cell 3, if possible; Provide extend of Analytical Performance Monitoring; Review for upgrade the affluent structure and provide a letter report no later than September 1, 2014; Continue to pursue contractual arrangements with existing agricultural irrigation sites.

### Phase 3

After the Analytical Performance Monitoring report in July 2015, there will be a review of effluent compliance and any enforcement needs for Phase 2 or 3 improvements as well as feasibility for implementing effluent irrigation to achieve no discharge operations.

Also for Council's consideration was the contract for the engineering services with EBH. Brown stated that staff is not recommending approval, at this time, of the proposed contract, citing cost considerations. Brown went through the sections within the contract regarding 1.1 Temporary Recirculation System, 1.2 Performance Monitoring Program, 1.3 Effluent Structure Engineering Review and 1.4, Sludge Profile and offered some options and alternatives to what was proposed. There was also some discussion as to the \$16,000 monthly cost for engineering services for the Performance Monitoring Program. Brown suggested the Sludge Profile could be arranged by staff through the Kansas Water Association, as has been done in 2012. Brown stated that we do need the engineering contract. However, he stated that staff would like some time to review the contract further. Total contractual cost for the services as presented was approximately \$47,000.

Council Member Ussery requested staff provide a ledger sheet with totals of this project. He requested this so that Council would have a better understanding of the total costs. Council Member Ussery asked if each phase of the project could be re-negotiated, to which Brown responded that it could with the proper approvals. Council Member Ussery also requested a timeline to be included with the ledger.

Mayor York added that the time of year could affect a timeline. Brown agreed.

Brown stated that we need to locate a circulation pump and get going on that phase as soon as possible and ensure that the 250 GPM pump will serve our needs.

Council consensus was to table the item to allow staff more time to review.

### **Staff Appointments for 2014-2015.**

The Mayor read into the record all appointments for 2014-2015. Administrator Brown stated that Bob Cummings was not seeking reappointment to the Public Building Commission.

Council Member Ussery asked if the training for both the Police Department and Fire Department qualified them as certified. Brown confirmed the training and certification met the requirements.

Council Member Papish requested that David Papish's name reflect either the Dr. or the D.O., but not both.

Council Member Ussery asked if those listed on the training spreadsheet were qualified to respond. EMS Director Donald Schauf stated that some are new and are not yet certified. Council Member Ussery asked if they meet all the training requirements to respond. Schauf confirmed they were qualified to respond. Schauf stated that they are certified with a Firefighter status once, but training is conducted to update on specific areas of training, i.e. CPR, pathogens.

It was the consensus of the Council to approve all appointments for 2014-2015.

Mr. Larry Linn, newly appointed City Attorney, was present and was asked to come forward and be seated at the staff's table.

#### **Aquatic Center Staff Appointments for 2014 Season**

Mayor York read into the record all Aquatic Center Staff appointments for the 2014 season.

Council Member Ussery asked Recreation Director Zook if the proposed appointments would provide adequate staff. She confirmed that it would.

It was the consensus of the Council to approve all appointments for the 2014 season.

#### **Consideration of a Request form Wholesale Fireworks Enterprises for the sale of Fireworks.**

Administrator Brown stated that the application to sell was presented to Council for their review.

Council Member Ussery made a motion to approve the request from Wholesale Fireworks Enterprises for the Sale of Fireworks. Council Member Clark seconded the motion and the motion passed unanimously.

#### **Consideration of a Contract for the Fourth of July Fireworks Show.**

Administrator Brown stated that this is the same company who has provided this service for the past few years. Staff is recommending approval.

Council Member Clark stated that he felt this company has done a good job.

Council Member Ussery made a motion to approve the contract for the Fourth of July Fireworks Show. Council Member Clark seconded the motion and the motion passed unanimously.

#### **Department Head Budget Requests**

Administrator Brown asked if Council Member Ussery wished to continue with his presentation from the last meeting. Council Member Ussery stated that he has updated the spreadsheet, but had nothing to add verbally. He stated that he did receive some comments and detail from Chief Garcia and will add those comments to the spreadsheet and provide council and update. Council Member Ussery requested that department budget presentations show operating costs vs capital or wish list requests.

Administrator Brown stated that he is still meeting with department heads on their budgets but requested to table the presentation this evening.

### **Department Head Reports**

Chief Garcia reported on a couple of upcoming events in Clearwater. The Leukemia Foundation was hosting a fund raiser that will involve touring several communities in the area. They will be stopping in Clearwater at the First and Last Bar. Garcia reported that a bus would be used for transportation and he requested blocking a portion of the parking area on Ross Avenue to accommodate the bus. The event will be held on Saturday the 17<sup>th</sup> and will begin at approximately 1:00 or 1:30 p.m. and last a few hours. It was the consensus of the Council to allow a portion of the downtown area parking to accommodate the bus.

Garcia also reported that he and another officer would be attending the Sedgwick County Memorial Service this Friday, the 16<sup>th</sup>.

Garcia stated that he is in the process of formulating a letter to educate the community of the revised backyard ordinance, as well as parking in the front and side yards. He will provide the draft to Administrator Brown who will forward to Council for their review.

Garcia stated that he will be coordinating the Farmers Market this summer and the plan is to kick off the summer on June 7<sup>th</sup>, the same day as the city wide garage sales. He requested permission to block off the city park parking lot for this event. He stated that he has visited with Recreation Director Zook and there is no conflict with events in the park. It was the consensus of the Council to approve the request.

Garcia stated that the week of May 11<sup>th</sup> – 17<sup>th</sup> as National Law Enforcement Memorial Week and requested that the City proclaim it as such for the City of Clearwater. The Mayor read the proclamation into the record.

Fire Chief Marvin Schauf reported that he had a group of school kids tour the fire station. He also reported that the department participated in the Family Fun and Fitness night at the CIC parking lot.

EMS Director Donald Schauf reported that there is a crack in the ceiling of the new ambulance. He stated that it is under warranty and they are in the process of getting it fixed. Council Member Whitney confirmed with Schauf that the next departmental meeting is scheduled for Tuesday, May 20<sup>th</sup> at 7 p.m. Schauf confirmed the date and time.

Recreation Director Zook stated that baseball will be starting tomorrow, May 14<sup>th</sup>. She also reported on a Soar into Summer special event planned for Thursday, May 22<sup>nd</sup>. It will be held at the Sports Complex and they will be giving away free kites and ice cream from 5 pm to 9 pm. Zook reported that the pool will be filled and ready to open on Saturday, May 24<sup>th</sup>. She reported that the Recreation Commission would hold their regular meeting on Wednesday, May 14<sup>th</sup>. She stated that she did get the school/city maintenance agreement signed.

Council Member Ussery asked if the recreation director job description would be discussed at the Recreation Commission meeting and suggested that it would be a good opportunity to also discuss

the pool manager job description as well. There was some clarification of the recommended changes by both the city and the recreation commission. Zook stated that job descriptions would be discussed. Zook stated that the benefit tournament would go on as planned this weekend.

An Executive Session was recommended for follow up discussion regarding Personnel Matters.

Senior Community Center Director Pamela Riggs reported that the Center will be making a change to the lunch services offered to the seniors. She stated that they will no longer use the Red Cross and utilize the services of the nursing home in Clearwater. The Red Cross suffered budget cuts and could no longer provide meals to the home bound. The nursing home will be able to provide those meals and offer lunch at the Center to those 55 and older at the same price. She stated that currently they serviced 5 home bound seniors and served lunch to a maximum of 6 seniors. The nursing home has been actively involved with the Seniors by providing cooking classes with attendance between 25-30 seniors. She hopes that the change will increase the number of those taking advantage of the \$2 lunches at the Center.

Council Member Whitney asked what the alternative is should this arrangement not work out. Riggs stated that the services of the Red Cross are always available.

#### **Committee Reports**

No meeting minutes were distributed in the Council Packets.

#### **Claims & Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of 5-13-14 in the amount of \$94,887.29.

Council Member Whitney made a motion to authorize the payment of \$94,887.29. Council Member Ussery seconded the motion and the motion passed unanimously.

#### **Old Business**

Council Member Whitney asked about the progress of the ADA Planning, citing budget concerns. Administrator Brown stated that he has visited with Mr. Mosely but we have no contract. Brown stated that we need some direction first and could utilize local resources once a plan is in place. It was suggested to invite Mr. Mosely to a Council meeting. Council Member Ussery asked if there are any other experts in this field. Brown stated that Mr. Mosely was the only suggested contact.

Council Member Papish asked about the transportation and training costs for lifeguards and questioned the \$600 fee. Brown stated that this service has been completed and we are obligated to pay. The associated costs involve gasoline and the driver's time. He stated that Ms. Stearns services extend to recruiting at the High School and locating and scheduling the training required for the lifeguards. There was some discussion regarding the training procedures and it was agreed the City was in favor of paying for the training and only the transportation costs were in question. Brown stated that next year the Recreation Director may wish to handle this differently.

Administrator Brown stated that he provided Council with an updated job description for the Museum Director position and that there could be budget implications if the structure of the

position changed from a volunteer position to a paid employee.

Administrator Brown stated that he provided Council with the original Garvey line agreement. There was discussion regarding responsibility and the validity of the contract. Council consensus to review further and explore our options.

### **Staff Reports**

City Clerk Barbara Salinas stated that the "Aztec Suns" art work on display at City Hall was provided by the Clearwater Middle School 7<sup>th</sup> and 8<sup>th</sup> grade classes. Mr. Tracy Collins is the instructor. Salinas stated staff has received several comments on the display.

Salinas stated that she received a phone call from the Rayleen Myer who is coordinating the Promotion Party for the 8<sup>th</sup> graders. They have 102 students and she has gathered donations from the community for their event. Ms. Myer is requesting a donation of a pool pass for their celebration. Council was in favor of the donation and recommended that the request go through the Recreation Director for approval.

City Attorney Larry Linn stated that he had nothing to report and was observing. He stated that he would be happy to review the Garvey line agreement, at the Council's pleasure. Mr. Linn provided a brief background of his work history, citing his service as a city prosecutor. He viewed the role as a City Attorney as a source for legal advice and to ensure the Council operates within the boundaries of the law.

City Administrator Kent Brown stated that as a part of the recycling program, it has been recommended by Hugh Williamson to haul cardboard to Wichita rather than Harper. There were some issues with payment from RC&D Sunflower Recycling.

Brown reported a sign issue at Chisolm Ridge. Currently there is a large sign on city property that was put there by the property owner advertising lots for sale. The new owner would like to change the sign to reflect the new contact information. Brown stated that he is still researching the request and will update Council.

### **Council Reports**

Council Member Burt Ussery stated that he would like to organize a group of realtors and builders focus on the housing issues facing Clearwater. Council Member Ussery would like to facilitate the group. He stated that at some point the group could also focus on the commercial growth. He stated that 80% of major businesses in Wichita are within 10-15 minutes of Clearwater and with the current road repairs Clearwater could be a viable option for commuters. Council Member Papish stated that she would like to be involved with this focus group. Council Member Griffin stated that he had a name to recommend for this group.

Council Member Laura Papish stated that she had nothing to report.

Council Member Paul G. Clark stated that he had nothing to report.

Council Member Jim Whitney stated that he would be attending the Volunteer Fire/EMS meeting on Tuesday evening. He stated that we have serious problems with responses and was notified of some issues this week. He clarified that he was not saying we need to disband the department but if response issues are not addressed, we could lose our mutual aid with the County. Council Member Griffin stated that his concern is the money spent on new uniforms for those volunteers who do not show up.

Council Member Chris Griffin stated that he would be out of town for the next Council meeting. He asked that the back-up material relating to Fire Department appointments be shredded as it contained social security numbers. Council Member Ussery stated that he would like to review the appointment process before next year.

Mayor York stated that he received a call regarding the end of the alley and the next block over behind True 2 U. He stated there was a large chunk of black asphalt in the alleyway and asked for that to be taken care of.

#### **Executive Session**

At 8:15 p.m. Council Member Ussery made a motion to adjourn into Executive Session for 25 minutes to discuss Personnel matters of non-elected personnel. Council Member Papish seconded the motion and the motion passed unanimously.

At 8:40 p.m. the Council reconvened into regular session with no action taken.

#### **Executive Session**

At 8:40 p.m. Council Member Ussery made a motion to adjourn into Executive Session for 10 minutes for Consultation with an attorney on matters that would be deemed privileged in attorney-client relationship. Council Member Papish seconded the motion and the motion passed unanimously.

At 8:50 p.m. the Council reconvened into regular session with no action taken.

#### **Executive Session**

At 8:50 p.m. Council Member Clark made a motion to adjourn into Executive Session for 10 minutes for Consultation with an attorney on matters that would be deemed privileged in attorney-client relationship. Council Member Griffin seconded the motion and the motion passed unanimously.

At 9:00 p.m. the Council reconvened into regular session with no action taken.

#### **Executive Session**

At 9:00 p.m. Council Member Ussery made a motion to adjourn into Executive Session for 30 minutes to discuss Personnel matters of non-elected personnel. Council Member Whitney seconded the motion and the motion passed unanimously.

At 9:30 p.m. the Council reconvened into regular session with no action taken.

Mayor York approved the promotion of Clint Luckner, Clearwater Police Department to the position of Sergeant/Investigator.

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.

The Meeting adjourned at 9:50 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 May 13, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 27th day of May, 2014.

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Barbara Salinas, City Clerk