

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

September 9, 2014  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue  
Clearwater, KS 67026

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**CALL TO ORDER**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was called to order on Tuesday, September 9, 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 Council Member Chris Griffin 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, Paul Clark, Council Members. Council Member Papish was absent.

The following staff members were present:

Kent Brown, City Administrator; Barbara Salinas, City Clerk and Lee Parker, City Attorney. Others staff members present were: Ernie Misak, Public Works Director; Donald Schauf, Ambulance Director; Marvin Schauf, Fire Chief.

**REVIEW OF THE MINUTES**

Council Member Griffin made a motion to approve the minutes of the August 26, 2014 City Council Meeting. The motion was seconded by Council Member Ussery. The motion passed unanimously, 4-0.

**PUBLIC FORUM**

Shaun Weaver addressed the Council. Weaver is moving back to Clearwater after living in Wichita for several years. He and his wife are buying and developing the land east of Park Glen III. Weaver would like to find a way to finish the Chisholm Trail Ridge Addition. Weaver stated that he believes growth is important and was aware of a revitalization program in Clearwater in the recent past. Weaver provided a hand out to Council with examples from a few other surrounding towns and what they are doing for Revitalization Plans for their residents remodeling or building projects. Weaver thanked the Council for their time and offered to come back at a future Council meeting for more discussion if needed.

Council Member Papish entered the meeting.

**INTRODUCTION OF USD 264 SUPERINTENDENT DR. DIANE G ROSS**

Superintendent Diane Gross stated that she was invited to the Council meeting to introduce herself. Gross provided the Council with a mission statement folder about USD #264. One of the things she learned in the hiring process was listening, learning and leading. Gross stated that she will evaluate the district and define immediate needs to be addressed. Gross would like to build on the foundation that is already in place in the Clearwater school system. Gross stated that one of the areas she would like to address is educating those outside the district about our school district. Superintendent Gross would like the district to do a better job of marketing, as we are losing students to other small communities. She stated that she would like to ensure that our strategic plan defines the district's goals, such as to ensure we are preparing them to be ready when they leave high school; college and career ready students. She stated that she encourages the students to become involved in the community and view this as a learning opportunity. She was then open to any questions from the Council.

Council Member Ussery welcomed Superintendent Gross to the community. He also shared her vision of getting our community recognized with marketing. The City Council thanked Gross for coming to the meeting.

**CONSENT AGENDA**

**Annual Membership in Kansas Rural Water Association. Membership Fee for the City of Clearwater is \$847.80**

Council member Clark made a motion to pay the Annual Membership in Kansas rural Water Association membership fee for \$847.80. Council Member Ussery seconded the motion and passed unanimously. 5-0

**NEW BUSINESS**

**Presentation and Approval of EBH, Inc. Wastewater Treatment Facility Improvement Plan for KDHE Submission and Authorization for Request for Proposal.**

Jim Kohman, P.E, EBH & Associates was present to address the Council on the improvement plan for KDHE submission. Mr. Kohman detailed the proposed submission with notated recommendations from a temporary to permanent plan.

Council Member Ussery asked where we were with regards to submission of the plan.

Mr. Kohman stated that the response to KDHE was submitted last spring with a timeline for the project.

Council Member Ussery stated that he would like to see a timeline that defines the action and cost of the approved project. Mr. Kohman stated that he could put a timeline together for the Council.

City Attorney Parker asked for some clarification of the project in general. Mr. Kohman stated that the goal is to set up an approved environment. He explained the issues with algae that develops when there is no movement causing the water to become stagnant. Mr. Kohman stated that KDHE needs a report at the end of September. We can evaluate the progress and continue to monitor until next June. The Mayor summarized that we should know before then how it is working so that we can plan, budget wise.

There was some discussion by City Attorney Parker and Mr. Kohman regarding the TSS (Total Suspended Solids) and how to deal with this issue effectively in Clearwater. Mr. Kohman gave a brief explanation of the issues facing TSS and provided an overview of how the recirculation process works.

Council Member Whitney asked if it was a possibility for the City to purchase the materials and have it installed following city policies. There was discussion between Mr. Kohman and Public Works Director, Ernie Misak on the installation requirements. City Attorney Parker stated that if we contract locally we would want an agreement and statement of work including drawings and procurement items, responsibilities and defined terms.

Council Member Whitney stated we would need someone to oversee the project and we would need to define the work requirements should we decide to bid the project. City Attorney Parker also added that a construction agreement would be necessary, separate from this item and defined types of bids we could use for project.

Council Member Ussery stated that he wants to ensure the project is done right and demonstrate to KDHE we are taking action.

Council Member Whitney made a motion to approve the submittal to KDHE for a permanent vs temporary plan and authorize the implementation of the plan. Council Member Papish seconded the motion. A vote was taken and the motion passed unanimously, 5-0.

### **Tower Lease Extension Proposal**

City Attorney Austin Parker stated the lease agreement document provided to Council is a finished agreement from another city with Cingular Wireless. Parker made the changes in the agreement for the American Tower lease. This new agreement does provide the protections that the Council wanted in an agreement with American tower.

Council Member Ussery asked if the \$775 monthly payment was the last proposal or if the City would counter another offer. Parker stated that was the last proposal.

Council Member Papish asked if this would be the finished document that Council would vote on to be sent to American Tower. Parker stated yes.

Council Member Ussery made a motion to accept the lease agreement to American Tower and submit for their approval. Council Member Clark seconded the motion and passed unanimously. 5-0

Council Member Griffin thanked City Attorney Parker for the format he provided showing the changes within the document.

### **Review of Waste Connections Franchise Agreement Clearwater**

City Administrator Kent Brown stated that the City currently has an Agreement with Waste Connections that is up at the end of 2014. One suggestion was to negotiate the current contract and not to send it out for bids. Brown stated we could receive as many as three bids and if the City does go out for bids, the result could be a higher fee. City Administrator Brown asked the Council for staff direction.

Council Member Ussery stated during a previous meeting the Council had asked Jeff Fawcett from Waste Connections about other options in the current agreement. Ussery stated that he had asked for an option to have recycling picked up more than every other week. The current charge to Clearwater Residents is \$16.75 for trash and recycle pick up. City Administrator Brown stated that Fawcett will be here the second meeting September.

City Administrator Brown stated that one of the neighboring cities negotiated with Waste Connections for a once a year residential pick up instead of City Wide spring and fall clean- up days.

Council Member Whitney stated he would like to maintain the level of service we have had in the past, but explore maybe offering more recycle pick up dates.

City Administrator Brown added that for a second trash container it is only \$3.00 and for a second recycle cart it is \$3.75.

City Attorney Parker stated that with an approximate three month window to negotiate the contract, there would still be time to send the trash contract out for bids to other trash companies, if the Council desired.

Council Member Whitney asked if Fawcett could have the proposal ready with the options already talked about by meeting in September. City Administrator Brown stated yes.

There was Council consensus to wait for the presentation from Jeff Fawcett at the second meeting in September.

### **Recommendation for Long Range Planning for the Clearwater Fire Department and EMS Services**

EMS Director Donald Schauf stated that in June he was asked by the Council to give a report on the future plans of the volunteer Fire and Ambulance Service. Schauf stated there have been several meetings to discuss the decrease in volunteers. Schauf stated one option is more involvement from city employees with encouragement from Department heads. The other option would be to hire a full time captain Monday – Friday, 8-5, and a full time EMS Director or Paramedic with the same hours. Both would be required to work for EMS and Fire Departments.

Council Member Ussery asked if city employees meant employed in the city or employees of the City of Clearwater. Schauf clarified, City Staff. Schauf stated that Clearwater is so close to Wichita that citizens may not realize that Clearwater provides a total volunteer Fire and Ambulance service. Schauf explained that residents working outside of the city during the day may have family and children related activities during the evening hours, making it harder to get volunteers.

City Administrator Brown stated that our volunteer departments provide a service to the city but also to anyone in the Ninnescah Township. Most of the volunteers are inside the community and makes it difficult to volunteer for the area of coverage outside of the city.

Council Member Whitney would like a 3<sup>rd</sup> party to come and evaluate the volunteer Fire and EMT departments. Council consensus was to proceed with a 3<sup>rd</sup> party evaluation of the EMS/Fire departments.

### **Consideration of a Request to Increase Current Credit Card Purchasing Limits**

Council Member Papish made a motion to raise the credit card limits as proposed. Council Member Ussery seconded the motion and passed unanimously. 5-0 vote.

### **Department Head Reports**

#### **EMS Director Donald Schauf**

Schauf stated he would like to replace the box TV at the EVS building. A new TV with Wi-Fi will help with teaching CPR and watching training videos. The cost is not budgeted but will be split between the Fire and EMS donation funds.

Council consensus was given to purchase the television.

Schauf also reported that the EMS will be doing stand by for the Fall Festival on Friday evening and all day on Saturday.

**Fire Chief Marvin Schauf**

Schauf responded to Council Member Whitney regarding charging for fire calls. He reported that in Sumner County if the Fire Department is not notified of intent to burn and a call goes out, they are billed. Schauf reported that it is not a problem here in Clearwater.

Schauf stated the door in the police bay was broken, but has since been repaired. All doors were serviced at that time. Schauf continued that there is no premium gas in Clearwater for the fire trucks. There is one pump at Casey's that does not have ethanol.

**Public Works Director Ernie Misak**

Misak stated that Public Works is getting ready for the Fall Festival. There has been an issue with the irrigation at the Sports Complex. There has been a power issue to run the pumps with less voltage.

Council Member Whitney found a blue water valve lid laying in ditch next to Dollar General and set it on top of water valves.

**Claims & Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of September 9, 2014 in the amount of \$44,449.37. City Clerk Salinas reported there is one change to the FCC license fees. The fee of \$198.87 was to be charged equally between the Fire, Ambulance and Police. However, the Fire Department account was debited twice. She stated that this would be corrected to reflect a charge to the Police Department.

Council Member Ussery asked about the payment made for DARE supplies and if the School District contributes to the costs. It was reported that the Police Department incurs all DARE associated costs for supplies.

Council Member Papish made a motion to authorize the payment of all Claims and Warrants with the one correction in the amount of \$44,449.37. Council Member Griffin seconded the motion. A vote was taken and the motion passed, 5-0.

**Old Business**

Council Member Ussery asked if there was an update on the original agreement with the Garvey line. Council Member Ussery asked about the sign for the Industrial Park. City Administrator Kent Brown showed the Council the sign for the Industrial Park that will be put up soon.

City Administrator Kent Brown stated the ADA Planning contract was given to him late and provided copies to the Council. The contract is for professional consulting services with Complete Access Solutions, L.L.C. of Wichita. The consultant will perform a comprehensive Americans with Disabilities Act (ADA) compliance review of facilities and properties owned by the City that provide goods and services to the public.

Council Member Ussery made a motion to accept the contract with Complete Access Solutions as written. Council Member Whitney seconded the motion and passed unanimously. 5-0

### **Staff Reports**

City Clerk Barbara Salinas reported the auditors were here this past week. Salinas reported it was a learning experience and will wait for the results.

City Attorney Austin Parker requested an executive session with Attorney Client Privilege and Personnel after the staff reports.

City Administrator Kent Brown talked to the bank personnel about the property at 142 N. Tracy. The garage should be taken down before the hearing takes place.

Brown stated that he would be attending a Workman's Comp Training Workshop in Kingman on Thursday. Brown will be gone the week of the 15<sup>th</sup> through the 19<sup>th</sup> to the conference in Charlotte, North Carolina. Brown will be back for Fall Festival on Saturday the 20<sup>th</sup>.

Administrator Brown stated that the Chief of Police gave him the Police report. The Boy Scout camp out will be this weekend in City Park. Officer Luckner gave a presentation on scams at the Senior Center. There is an officer out on medical leave for at least two weeks. The Police Chief is working on bids to finish the floor in the Police Department. The Police Department is continuing to prepare for the fall festival. The Police Department had an incident yesterday that involved tasing an individual. The Sheriff Department was involved also with this domestic situation. There were no injuries to any other family members with the incident. The incident was well within the bounds for using the taser.

Council Member Ussery commented on an incident at the High School involving the SRO Officer. He asked if there was any responsibility to let the school know about the situation when the SRO officer leaves the school. He stated he was informed of an incident where the SRO Officer exited the High School in a manner that caused some disruption and concern among the students. Council Member Ussery asked if any feedback is provided to the school after such an incident. City Administrator Brown provided a brief background on the police incident in question.

### **Council Reports**

Council Member Griffin had nothing to report.

Council Member Whitney was contacted by the developer of the Indian Lakes property. The developer wants to do some landscaping between his lots and the new cemetery. Mayor Mike York stated there is a Cemetery board meeting Wednesday evening and he will ask about a map.

Council Member Clark asked about the pot hole near the railroad crossing on North Grant. City Administrator Brown and Public Works Director Misak have looked at it and will try to come up with a solution.

Council Member Papish asked about the carnival rides in City Park on Sunday of Fall Festival. City Administrator Brown stated there will be no rides on Sunday.

Council Member Ussery asked if the 2015 completed Budget could be placed in the notebooks to look at the individual funds as issues arise during the meetings.

Council Member Papish left the meeting.

Mayor Mike York had a resident comment about the windows on the east side of the City Building. There is a crack in one of Police windows. Mayor York asked about the inspection process of buildings and permits in the City of Clearwater now that Sedgwick County has combined with the City of Wichita. City Administrator Brown stated that the combined group is now called Metropolitan Area Building Construction Department. (Metro ABCD) Brown explained in the past there was one inspector assigned to Clearwater and now there will be different inspectors at different times during the building process. During a remodel process, different permits will need to be pulled depending if it is electrical, mechanical or plumbing. Mayor York asked about having one inspector for the City of Clearwater. City Attorney Parker gave an explanation of the process if the city would like to have an inspector only for the City of Clearwater. City Administrator Brown will check the contract with Sedgwick County and investigate the relationship with the County.

Council Member Griffin stated he would like to have the Fireworks Ordinance put on Old Business so Council does not forget to revisit the ordinance with possible changes.

### **Executive Session**

At 9:00 p.m., Council Member Whitney made a motion to adjourn into Executive Session for the 30 minutes for the purpose of consultation on matters that would be deemed privileged in an attorney-client relationship and Personnel matters. Council Member Griffin seconded the motion. A vote was taken and the motion passed, 4-0.

At 9:30 p.m., Council Member Whitney made a motion to remain in Executive Session for an additional 20 minutes the purpose of consultation on matters that would be deemed privileged in an attorney-client relationship and Personnel matters. Council Member Griffin seconded the motion. A vote was taken and the motion passed, 4-0.

At 9:50 p.m., Council Member Whitney made a motion to remain in Executive Session for an additional 10 minutes the purpose of consultation on matters that would be deemed privileged in an attorney-client relationship and Personnel matters. Council Member Griffin seconded the motion. A vote was taken and the motion passed, 4-0.

At 10:00 p.m. the Council reconvened after Executive Session with no action taken.

Council Member Ussery made a motion that the City Administrator, as a representative of the Governing Body, could bid at the upcoming September sale at an amount equal to any other bid received not to exceed the amount of each property including the unpaid special assessments levied by the City and interest there of as provided by law less the costs and expenses at the proceedings of the sale as set forth of the execution of the order of the sale. Council Member Whitney seconded the motion and passed unanimously. 4-0

Council Member Whitney asked if City Administrator Brown could be at the meeting. The motion was amended to state that a representative will be at the sale, not the City Administrator. The motion was voted on again with changes. 4-0

Council Member Ussery made a motion to spend the necessary money to purchase the lots in Chisholm Ridge addition. Council Member Whitney seconded the motion and passed unanimously. 4-0

**Adjournment**

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

The Meeting adjourned at 10:45 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 September 9, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 23rd day of September, 2014.

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Barbara Salinas, City Clerk