

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
October 13, 2015
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

Call to Order

Mayor Burt Ussery called the meeting to order at 6:30 p.m.

Invocation and Flag Salute

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

Roll Call

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

Mayor Burt Ussery, Laura Papish, Ron Marsh, Paul Clark, Chris Griffin, Austin Wood were all present.

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Austin Parker, City Attorney; Jason Gearhardt, Interim Police Chief; Ernie Misak, Public Works Director; Don Schauf, EMS Director; Marvin Schauf, Fire Chief.

Others Present:

Immanuel Powell, Mary Schauf, Chad Sterrett.

Approval of the Agenda

Administrator Givens asked to strike item number 7 from the agenda because all quotes were not in.

Mayor Ussery called for a motion to approve the October 13th agenda.

Motion: *Griffin* moved, *Wood* seconded to accept the October 13, 2015 agenda as modified. Voted and passed unanimously.

Public Forum

None

Consent Agenda

Mayor Ussery asked to move item b out of the consent agenda and move it to item number 7. He then called for a motion to approve the consent agenda.

Motion: *Papish* moved, *Wood* seconded to approve the consent agenda as presented. Voted and passed unanimously.

Consent for Annexation - Roubideaux

Mayor Ussery wanted clarification on how annexations are handled in the Prairie Meadow Addition. Why are they annexed in one at a time and how are specials handled at this point before they are annexed in.

Givens stated when the property was purchased an agreement was signed by the City and the land owner to offer city water when developing. The new property owner would then pay a connection fee to hook up to the city water line. That fee helps pay to pay for the costs it took to run a water line out to Prairie Meadow Addition. It is up the land owner and/or real estate agent to inform the buyers of the costs that go along with building on the land.

Council asked staff to find out if the buyers of the lots in Prairie Meadow Addition are aware of the charges it takes to hook up to city water.

Motion: *Papish* moved, *Wood* seconded to approve the consent for annexation for Roubideaux. Voted and passed unanimously.

Authorize the City Administrator to sign an agreement with EMPAC

Givens stated in discussion with department heads it was identified that a gap in services existed between staff covered under the city's health insurance plan and those volunteers and part time staff that received no benefits. The overall wellness of all employees and especially the volunteers that make up our Fire and EMS service should be a priority, especially as we seek ways to promote volunteerism and service.

He explained that EMPAC is an employee assistance program that provides services designed for personal, family, substance, financial and legal issues that may arise for employees. The program will also provide training and assistance to the city in terms of human relations, supervision and wellness. The group started in 1977 and has grown significantly from the three initial companies it was created to help serve.

The total cost for the agreement based on 65 employees is \$156.00 per month or \$1,872.00 per year. The cost for the program will be split among General Government, Police, Fire, EMS as well as the Sewer and Water departments resulting in a 312.00 charge for each on a yearly basis.

Marsh asked if this would be immediate and Givens stated yes.

Mayor Ussery asked legal if it was okay to authorize the Administrator to sign a contract? Legal stated technically yes but usually the Mayor signs them.

Motion: *Marsh* moved, *Clark* seconded to authorize the Mayor to sign an agreement with EMPAC. Voted and passed unanimously

Approve bids for Roofing Repairs

Givens stated in August, the city was struck by a hailstorm and city buildings were not immune. Most city facilities suffered some damage. The metal roofed buildings did not suffer any damage more than cosmetic. However, most of the city's other buildings sustained some damage due to the hailstorm. Staff worked with EMC to assess the damage and then solicited bids from local area contractors for repairs.

He explained that Eaton Roofing was the lowest bid among the five companies that bids were received from. The bids were below EMC's estimates for the repairs. Eaton has proposed all roofing repairs to cost \$21,197.01. This does include a new roof for the concession stand at the Sports Complex (\$5,698.47). There has been some discussion of replacing this building or changing the roof to metal to be more in line with other city buildings. If an upgraded roof is eminent staff would recommend retaining these proceeds and applying them to a new roof system.

The total estimate for the repairs was \$27,157.22. The city has been reimbursed for approximately \$19,542.95. Additional funds will be provided by EMC once the repairs have been completed. There should be no out of pocket costs for the city for the roofing repairs.

Motion: Marsh moved, **Wood** seconded to approve Eaton Roofing bids for roofing repairs.
Voted and passed unanimously

Clarification of Ordinances #965 and #979

Givens explained on January 22, 2013, the Governing Body adopted Ordinance #965 which made it unlawful to park a motor vehicle in a front yard of a residential zone, if that portion of the yard is a nonconforming parking area (in the grass). Police Staff has had several complaints recently about recreational vehicles being parked in these areas, but based upon the language in the ordinance it only applies to motor vehicles.

Staff is seeking clarification if the ordinance was intended to apply to any and all vehicles (motor, recreational, non-moving) or if this change was specifically made for motor vehicles only. A motor vehicle is defined in the section of code as: "any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motor homes, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, dune buggies and other off the road vehicles." Section 10.20.110 of the Clearwater Municipal Code. A similar ordinance (#983) was adopted to regulate storing of vehicles in rear yards and applies to "any vehicle" which is defined to cover recreational vehicles as well as motor vehicles. If the intent or desire of the Governing Body was to regulate all vehicles from parking in front yards staff would recommend that an ordinance modifying section 10.20.110 be crafted to include all vehicles.

Council discussed that the intent was to include all vehicles in the ordinance and not just motor vehicles. They asked staff to prepare an ordinance that would dictate the proper phrase.

The second ordinance in question was approved on February 11, 2014, the Governing Body adopted Ordinance #979 which struck backing across double yellow lines from the code. Turning across double yellow lines outside of turning into or from an intersection, alley, private road, parking lot or driveway remained illegal.

Staff sought clarification if the ordinance was intended to apply to all backing across double yellow lines or if the intent of the ordinance was to allow residents to leave private property in this manner but continue to outlaw the practice in on street parking areas, specifically the downtown area. Backing across a double yellow line can be dangerous, especially in the downtown area where more cars are parked and traveling creating higher hazards and opportunities for collisions. If the intent of the ordinance was to allow the traveling public to leave private access points in either direction but continue to forbid the practice in the downtown area staff would recommend that an ordinance be crafted that would include the language similar to the turning across double yellow lines that excludes backing from or into private roads, parking lots or driveways.

Council discussed and agreed that backing out of any public property where there is a double yellow line should be illegal. It does not apply however to private property. Council asked if staff would come back next meeting with a revised ordinance with the proper wording.

Final Fire/EMS Report

Givens stated the final fire/ EMS report has been distributed for review from WSU with training information and answers to questions that were asked. The report gives a basis to work through for 2016

to look at different aspects with the Fire and EMS department and the community for the 2017 budget that may include paid positions or paid volunteers. Givens also thought it would be a good idea to speak with local businesses about EMS volunteers being allowed to leave and respond to calls without having them use personal time or vacation leave to make runs.

Mayor Ussery stated he would like to sit down and have a strategic planning discussion and one of the topics being Fire and EMS. He suggested having Misty Bruckner with WSU come back out at that time to discuss different approaches.

Donald Schauf, EMS Director, mentioned getting the youth involved would be a good idea. Some communities are getting schools involved with EMT, Firefighter 1 and Firefighter 2 training. The city could see if the high school would be interested in getting involved with a program like that.

Papish suggested getting information together and taking it to a school board meeting.

Claims and Warrants

Meyer presented the claims and warrants in the amount of \$60,427.48 and asked Council if they had any questions.

Motion: *Papish* moved, *Griffin* seconded to pay the claims and warrants in the amount of \$60,427.4868 Voted and passed unanimously.

Receive and File Financial Report

Givens presented the financial report for September 2015. He stated all accounts are on target except for Administration. There were special assessment for the Business Park and Chisholm Ridge lots that were not budgeted for 2015 and also the interim City Administrator as well. Without those items the administration account would be on target as well.

City Administrators Report

- Administration
 - Staff spoke at the carry in lunch for the Senior Center today.
 - Open enrollment is ongoing for employees eligible for health insurance. The current contract with the State of Kansas expires at the end of 2016 so staff will be soliciting bids later next year to present to the Council.
 - Staff will be meeting together to re-organize and finish the Emergency Operations Plan for presentation at the October 27th meeting.
 - Financial reports were distributed to the department heads for monitoring.
 - Staff is working with two property owners for the extension of sewer services in the 200 block of S Grant. The properties will require a grinder system and pressurized main.
 - KOMA/KORA WSU training date: WSU has suggested approximately two hours for the open records and meetings as well as general management training and has suggested that a workshop would probably work best for this type of training.

Council stated Tuesday November 3rd at 6:30 pm will work for them

- Sewer rate open house: staff will be scheduling open houses to discuss the possible sewer rate increase. We are looking at a date during the last week in October and then again in November with anticipation of bringing the matter to the Governing Body at the last meeting in November

Mayor Ussery would like a letter mailed out on City letterhead with information about the rate increase.

October 29th at 7:00pm was the decided date for the 1st meeting.

- **Public Works**
 - The bid opening for street work for the Park Glen Estates is October 22nd at 2:00 in City Hall. Once the roads are completed construction of homes may begin.
 - Staff is looking at options for road work on Nancy. Alligator cracking is becoming an issue and the road may require to be rebuilt at the base.
 - Work on the lagoon project is proceeding. The field that contractors will be using to dispose of sludge has been harvested so sludge removal can begin. Staff has been discharging and draining lagoon basins to reduce the excess amount of liquids that will need to be pumped.
 - Staff will be working on Charles Engineering water line in the next two weeks.
- **Parks and Recreation**
 - Sign up for basketball closes tomorrow.
 - There is a Recreation Board meeting tomorrow at 6:30pm. The board is still working towards an improvement list to be presented to the governing body for future park improvements.
- **Library**
 - Staff moved pre-school story time to Wednesday, which helped increase the number of participants.
 - Approximately 80 new books in all genres are available for check out. These books were acquired thru a grant.
 - Staff will be working on grant applications with our new grant software this week.
 - Staff will also be meeting with representatives from the Workforce Alliance in the coming weeks with the thought of hosting a point of access for job seekers. Similar programs have been developed in libraries in Goddard, Haysville and Andover.
- **Community Center**
 - Staff will be attending a Hoarding training this week.
 - Open enrollment for Medicare starts on Friday. Staff has been trained and is a reference spot for those seeking guidance for plan options.
- **Police**
 - Staff has continued to work traffic accidents over the past several weeks. There have been 5 accidents during the past two weeks.
 - Patrol Officer Interviews will take place October 20th and 21st. Four applicants will be initially interviewed. One is a certified law enforcement officer already. The other applicants would be required to attend the academy. The most likely next class would be in February 2016.
 - Interviews for the Chief position are ongoing. Two interviews took place last week with two more rounds upcoming. It is anticipated that a selection will be brought to the Governing Body at the first meeting in November.
- **City Wide Clean Up** will be Friday, October 16th from 8-4 and Saturday, October 17th from 8 to noon.
 - Senior and Junior community service hours will be logged by helping with the clean up as well as white washing the poles at the sports complex
- **Fire**
 - Engine 71 has a fuel leak somewhere on the engine. It will be up at Inland Truck getting fixed.

Tender 71 will be first truck out on house fire in the in the City.

Council Reports

Wood had nothing to report.

Papish mentioned a citizen has requested a handicap ramp be put up at the Chisholm Ridge ponds. Staff mentioned this was a topic of discussion right after the budget discussion and staff was looking into grants to help with the cost of putting one in.

Papish also asked if the city was continuing to maintain the Garvey water line.

Misak stated that the city is but there is another leak out there now.

Clark had nothing to report.

Marsh had nothing to report.

Ussery asked if the City had a policy on fire hydrants being painted.

Griffin noticed that the Fall Festival meeting was not in the old business and wanted to know when the meeting between Fall Festival committee, Recreation Commission and council was going to take place.

Given stated he still needs to schedule that meeting.

Ussery wanted to see if it would be advisable to have legal counsel look at the carnival agreement to make sure the City and Fall Festival committee are covered appropriately.

Griffin also asked if the construction workers working on Park Glen Estates are using the Sports Complex entrance instead of Park Glen to move the equipment.

Misak stated yes they were.

Ussery mentioned that in previous meeting council explicitly said not to go through the Sports Complex. If it needs to be changed for heavy equipment then it needs to come back to council for approval.

Ussery mentioned he attended the Monday night fall fest committee meeting and he see an opportunity for the City to be a little more involved.

He also attended the WAMPO meeting last month and the ozone air quality for the Wichita and surrounding areas air quality will be determined in one year. If any area is to fall below standard in air quality that area will be deemed poor for a minimum of four years

Executive Session

Givens requested an executive session to non-elected personnel.

MOTION: Griffin moved, **Papish** seconded to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters to include the City Administrator and the City Clerk. The City Council will reconvene the open meeting in the City Council Chambers at 8:37pm. Voted and passed unanimously

Mayor Ussery called the meeting back to order at 8:37 and stated no binding action was taken in executive session.

MOTION: Papish moved, **Clark** seconded to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters to include the City Administrator and the City Clerk. The City Council will reconvene the open meeting in the City Council Chambers at 8:47pm. Voted and passed unanimously

Mayor Ussery called the meeting back to order at 8:47 and stated no binding action was taken in executive session.

Adjournment

With no further discussion Ussery called for a motion to adjourn.

MOTION: Clark moved, **Marsh** seconded to adjourn the meeting. Voted and passed unanimously

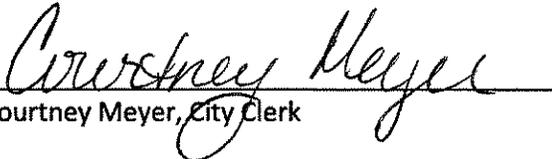
The meeting adjourned at 8:50 p.m.

CERTIFICATE

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

I, Courtney Meyer, 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 October 13, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of October, 2015.



Courtney Meyer, City Clerk

