

City of Clearwater Council Meeting Agenda  
Tuesday January 22, 2019 at 6:30pm  
129 E Ross Clearwater, KS 67026

1. CALL TO ORDER / INVOCATION AND FLAG SALUTE
2. ROLL CALL
3. APPROVAL OF AGENDA
4. PUBLIC FORUM  
Members of the public can address the Mayor and City Council limited to not more than five minutes.
5. CONSENT AGENDA  
Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed.
  - a. [Minutes 1/8/19 Council Meeting](#)
  - b. [Minutes 1/12/19 Council Workshop](#)
  - c. [Claims and Warrants](#)
  - d. [Mayoral Appointment – Emergency Services](#)
6. [STAFF REPORTS](#)
7. BUSINESS
  - a. [DISCUSSION: ROOSTER ORDINANCE](#)
  - b. [DISCUSSION: MARKETING STRATEGY FOR CHISHOLM RIDGE](#)
8. ADMINISTRATORS REPORT
9. GOVERNING BODY COMMENTS
10. ADJOURNMENT

Next Assignment Numbers

Charter Ordinance: 21

Ordinance: 1050

Resolution: 03-2019

**NOTICE: SUBJECT TO REVISIONS**

It is possible that sometime between 6:00 and 6:30 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
January 8, 2019  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**1. Call to Order/ Invocation and Flag Salute**

Mayor Ussery called the meeting to order at 6:30 p.m. followed the invocation and flag salute.

**2. Roll Call**

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

Mayor Burt Ussery and Councilmembers; Chris Griffin, Laura Papish, Shirley Palmer-Witt, Yvonne Coon and Tex Titterington were present.

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief; Ernie Misak, Director of Public Works; Austin Parker, City Attorney.

Others present: Marvin Schauf, Justin Patrick, Don Schauf, Channing Hinkle, Nicholas Schauf.

**3. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated no.

Mayor Ussery called for a motion to approve the agenda as presented.

**Motion: *Palmer-Witt*** moved, ***Titterington*** seconded to accept the January 8, 2019 agenda as presented. Voted and passed unanimously.

**4. Public Forum**

None

**5. Approve Consent Agenda**

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve.

Minutes 12/18/18 Council Meeting  
Claims and Warrants – 12/26/2018 - \$29,258.29 and 01/09/19 - \$243,904.39  
2019 Boundary Resolution 01-2019  
Mayor Appointment o Emergency Services  
Nicholas Schauf – Cadet Firefighter

**Motion: *Palmer-Witt*** moved, ***Titterington*** seconded to approve the consent agenda as presented. Voted and passed unanimously.

**6. WAMPO Long Range Transportation Plan Update**

No Representative from WAMPO showed up.

**7. REAP Update – John Waltner**

John Waltner from the Regional Economic Area Partnership updated council on the accomplishments of REAP in 2017 and asked them to review the materials he brought and consider adopting the resolution the organization has come up with that is located in the information he supplied.

## 8. Staff Reports

- a. Emergency Services – Ron Marsh reported
  - For the period of December 22nd through January 4th, we had a total of 12 ambulance calls with 9 being completely handled by Clearwater EMS.
  - Two calls required Sedgwick County to transport due to only one Clearwater member responding. On one of those two, two members were on the duty roster but one of those did not respond to the call due to a home plumbing emergency.
  - Of the 12 calls one went completely unanswered by Clearwater.
  - Sedgwick County rendezvoused with us on one transport to provide additional ALS support.
  - Two fire calls during the last period
  - Fire Department ISO audit conducted 1/7/19; will know the results in several weeks.
  - A Storm Spotter class will be taking place on March 4<sup>th</sup> from 6:30 to 8:30 at the Emergency Service Building
- b. Police Department – Bill Hisle - Stated council had his report and asked if there were any questions.
  - i. Council asked if there was a rooster ordinance on file and staff stated there wasn't. Council asked if staff could prepare a rooster ordinance and bring it back to council.
- c. Public Works – Ernie Misak stated council had his report and he added that we passed our discharge again which makes 9 months in a row. We will be sampling again this month.
  - i. Mayor Ussery asked what the time frame on the water tower was. Misak reported they are painting now, and the cure time is 2 – 3 weeks.

**INSERT** – Mayor Ussery wanted to acknowledge Nicholas Schauf who was just appointed as a cadet to the Clearwater Emergency Services. Nick was in attendance with his father, Donald Schauf, and his grandfather, former Fire Chief Marvin Schauf. Mayor Ussery pointed out that this was a milestone for the city and family as Nicholas marked the third generation of Schauf's' to volunteer for the Clearwater Fire Department. As former Fire Chief, Mayor Ussery asked if Marvin would welcome his grandson himself into the service. Marvin shook Nick hand and welcomed him to the department and the Paul Rhodes from the local newspaper took a picture. Marvin reported he had over 50 years of service with the department and Donald had 27 years with the department.

## 9. Business

### a. Consider Fee Resolution 20-2019

The city by resolution, ordinance or other means has established fees for a variety of municipal services. These fees are spread throughout our Municipal Code and are reviewed on an annual basis.

The fees established in the resolution are reflective of current fees that the city charges and any changes required by ordinance or suggested by staff. Changes to the fee schedule are indicated in red on the backup material.

The increases in water and sewer are annual increases (1%) established by ordinance; an addition to the brush dump fees allow for owners of multiple properties to purchase annual passes at a reduced rate for each property after the first; changes to open records fees reflect what the police department currently charges and makes it consistent across City departments; dog tag fees have not been adjusted in several years and the minor changes are consistent across the area; the changes to the trash fees are reflective of Waste Connections increases to the City and these being passed on to residents.

Marsh also brought up the Commercial Brush Dump pass rate. In the resolution it was not marked to increase or decrease however with the number of trees that are already at the dump it is something the council should consider modifying. Currently the city offers a \$300 annual pass with no limit on how many dumps and there is also a \$50 per dump fee for those who do not carry an annual pass.

Last year the City spent \$6500 to bring in a commercial chipping service to help dispose of the tree stumps that could not be managed by City staff. This was accumulative of approximately 3 to 4 years of buildup. Currently it costs \$6800 to staff the brush dump per year and brush dump passes bring in approximately \$5100. Staff also pointed out that a reserve account has been set up for 2019 and the city will start putting in \$2500 into a reserve account to help pay for chipping in the future so there is not a large fee in just one year.

Council stated that the brush dump was not something the city should make money on, but it should be able to sustain itself. The council discussed an option that included doing away with the commercial pass and only having the single dump fee of \$50 per dump, increasing the dump fee to \$1000 annually, offer an annual pass with an option to pay quarterly, have a punch card system to allow "x" number of dumps per card, offer a quarterly pass and not an annual pass, or keep the rate the same and evaluate and see how it goes.

Mayor Ussery asked if there was any more discussion with the rest of the resolution fee changes. Council stated no other questions on the suggested changes.

Council stated they did not want to push any commercial business out of town by raising the rates too high but came to a consensus that having a quarterly pass was the way to proceed. As if a commercial business was not busy during a quarter, they did not have to buy a quarterly pass but instead could just pay the Per Dump rate.

**Motion:** *Papish* moved, *Palmer-Witt* seconded to cancel the \$300 annual dump pass and insert a \$250 quarterly dump fee. Quarters are to be based on calendar year only and not from date of purchase of pass. Voted and passed 4-1 (Griffin voted no).

b. **Discussion of 2019 Incentives for Park Glen Estates**

Marsh explained in 2018 the Governing Body approved incentives for the development of Park Glen Estates:

1. 50% reduction in building permits
2. 50% Water and sewer abatement
3. Cash payment to Builder at the time of closing amounting to 2% of the sale price or real-estate appraisal, whichever is lower, not to exceed \$8,000
4. Cash incentive to homeowner equal to 50% of the city's portion of the property tax bill for a period of five years.

The incentive package is subject to approval each fiscal year.

Incentives for Park Glen Estates began in 2016 at the request of the owner to "level the playing field" after incentives were approved for City owned lots in Chisholm Ridge Phase 2.

Since the incentives for Park Glen Estates must be approved at the start of each fiscal year, Council needs to decide what incentives, if any, they would like to see for Park Glen Estates and who the incentives should focus on: builder, buyer or both. For discussion purposes, City Staff presents the following options to consider:

1. Continue with current incentives. These incentives are for both the builder and buyer but favor the builder more.
2. Decide to not offer incentives (Benefits neither entity).
3. A three to five-year 50% property tax abatements on the city's portion of the property tax bill (Benefits the buyer). This would be non-transferable.
4. Offer a onetime cash incentive to the buyer upon closing (Benefits the buyer). This has been part of incentive packages in the past, usually about \$1500.

These options are not meant to be all inclusive and can be varied to meet the desires of the

Governing Body. City Staff believes the incentive package should focus on the buyer since occupied homes are more beneficial to the City than unoccupied homes. Staff reminded council that the incentives for Park Glen Estates expired 12/31/2018 and the development is currently not under any incentives right now for new builds.

Marsh pointed out that the City paid \$17,312.89 in 2018 but budgeted \$50,000, there is 1 house still available (Lot 9 Block1) to the Builder Credit and Homeowner Credit approx. \$9,500 because it fell under one of the first incentives for Park Glen Estates. To date the City is committed to approximately \$21,343 in taxes to owners of Park Glen Estates properties. This can fluctuate depending on how much City Taxes are in a year. Clearwater's commitment for 2019 incentives is approximately \$19,760 - Budgeted \$25,000. This will depend on the sale of the remaining lot 9 Block1 and how much City portion of the taxes are on each of the lots.

Council discussed the options and thought it was best to look at incentive for any buildable lot in Clearwater and get away from incentives based on additions. Council would like to entertain tax incentives for 3 to 5 years for any lots open to build in Clearwater.

Staff stated they could prepare a document that would show the different level of property values and what 50%, 75%, or 100% of taxes would look like for 3 to 5 years for council to better gauge what they would like to see.

#### **10. Administrators Report**

- Fire Department ISO audit was yesterday and seemed to go well. This is the process that establishes the fire rating that insurance companies use for determining homeowner policies. We won't know the results for a couple of weeks. Gary Berger put a lot of his time and effort into getting ready for the audit and I want to publicly thank him for his efforts.
- We have met with the insurance claims adjuster for the damage done to the library exterior, sidewalk, bench and tree from the drunk driver last week. In process of getting estimates and submitting them.
- Reminder the League of Kansas Municipalities "Local Government Day" is Wednesday, January 23<sup>rd</sup> in Topeka. It's a chance to meet with area legislators. If you would like a schedule of events and are interested in going please let me know.
- Workshop is this Saturday, January 12<sup>th</sup> from 9am – 12pm. We will be discussing the strategic plan and the direction for the EMS department. Please bring your copies of the strategic plan and your budget books.

#### **11. Governing Body Comments**

Griffin stated he will not be able to attend the Saturday Workshop

Titterington had nothing to report

Palmer-Witt had nothing to report

Papish had nothing to report

Coon had nothing to report

Mayor he will not be at the 1/22/19 meeting

#### **12. Executive Session Confidential Data Related to Financial Affairs or Trade Secrets of Second Party**

**Motion:** *Papish* moved *Titterington* seconded to recess into executive session pursuant to the financial affairs or trade secrets of a second party to include the City Administrator and the City Attorney. The open meeting will reconvene in the City Council Chamber at 8:25 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order and stated there was no action taken in Executive Session.

Mayor stated that council would like to give direction to staff that City has approved the letter of intent on the North half of lot 1 of the business park and to move forward and present the request for splitting the lot to the Planning and Zoning Commission. Also, to define the specials and taxes with the change and add the survey cost to the letter.

**13. Adjournment**

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

**MOTION:** *Griffin* moved, *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:26 PM

**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 January 8, 2019 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 22<sup>nd</sup> day of January 2019

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Courtney Meyer, City Clerk

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Workshop - **MINUTES**  
January 12, 2019  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**1. Call to Order**

Mayor Ussery called the meeting to order at 9:00 a.m.

**2. Roll Call**

Members of Council and staff present – Mayor Burt Ussery, Laura Papish, Tex Titterington, Yvonne Coon, Shirley Palmer-Witt, Chris Griffin, Ron Marsh, Courtney Meyer, Esther Harp, Justin Patrick, Gary Berger, Ernie Misak, Bill Hisle.

**3. Business**

**a. EMS Structure Discussion**

Marsh started out by giving a recap on why this discussion has to take place. He stated KBEMS Requires the following to hold an ambulance permit are as follows: no matter how large or small, private or public, paid or volunteer, each service has to meet the same requirements to hold a permit. K.A.R. 109-2-6(1); Each ambulance must be staffed with a minimum of two certified personnel; EMR, EMT, AEMT, Paramedic, etc. Must have roster showing coverage 24/7/365. Rosters are inspected during the annual state inspection. In 2017 it was noted on the inspection that we had gaps in our roster coverage; no formal action was initiated. In 2018 we again had gaps in our roster that prompted an investigation by the KBEMS as to whether Clearwater could regulatorily staff an ambulance.

Currently Clearwater has 4 paramedics, 2 AEMT's, and 7 EMT's appointed to the service. What drive our ability to maintain an ambulance permit is not the number of volunteers or types of certifications. If we cannot produce a roster that shows 24/7/365 coverage, we are in violation of K.A.R. 109-2-6(1). Currently we have 7-8 certified EMS personnel who consistently sign up on the duty roster. There are 5-6 who continually refuse to sign up. Whether or not volunteers sign up, most of the time, we are able to get two certified personnel on calls. If the roster continues to not be filled 24/7/365 by volunteers, the state will shut down the ambulance service. (We will lose our license to transport). The state will NOT take into account that most of the time we have 2 people respond. They are basing the permit violations strictly on the roster

The following are the steps the department has taken to get roster filled. \$2/ hour on call pay, persistent calling volunteers to ask them to commit to the roster – multiple times, relying on a handful of people to make sure most shifts are covered – this is not sustainable because people will get burned out. Numerous meetings with volunteers have been held to explain the situation the department is in. It has been decided that moving forward we need to implement mandatory sign ups and have penalties for non-compliance i.e. not signing up or failing to respond to calls while on shift. This still needs to be developed.

Moving forward staff and leadership from Emergency Services has come up with 3 different options.

- Option #1 - Continue as we are – Hire a FT Director – Hope that volunteers will step up and fill the roster
- Option #2 - Contract with Sedgwick County ems to take over our ems function - no longer be a city of clearwater responsibility
- Option #3 - Hire full time staff to help ensure roster coverage

**OPTION #1**

- Hire a FT Director

- 2019 We started paying for On Call Pay
- Hope that this will encourage volunteers to write their names in
- Still not getting complete roster coverage
- Financial impact as follows

<b>Option #1</b>	
711.001 SALARIES	\$ 30,000.00
711.001 SALARIES FT PARAMEDIC	
711.001 SALARIES FT AEMT	
711.001 SALARIES FT EMT	
SALARIES OVERTIME	
711.011 VOLUNTEER - EMS	\$ 40,000.00
712.000 SOCIAL SECURITY	\$ 4,340.00
712.100 MEDICARE	\$ 1,015.00
713.000 KPERS	\$ 3,144.00
714.000 HEALTH INSURANCE	\$ 10,000.00
715.000 WORKMEN'S COMPENSATION	\$ 2,975.00
716.000 UNEMPLOYMENT TAXES	\$ 315.00
WELLNESS CENTER	\$ 180.00
<b>Personnel Services</b>	<b>\$ 91,969.00</b>
<b>Supplies and Materials</b>	<b>\$ 35,125.00</b>
<b>Contractual</b>	<b>\$ 33,925.00</b>
<b>Capital Outlay</b>	<b>\$ 14,675.00</b>
<b>Transfer Out (Equip Res)</b>	<b>\$ 5,000.00</b>
<b>TOTAL</b>	<b>\$ 180,694.00</b>
<b>Budgeted</b>	<b>\$ 184,198.90</b>
<b>Variance</b>	<b>\$ 3,504.90</b>

While review option #1, all in attendance of the meeting were asked to write down pros and cons of option #1 and put them on the board. Pros and cons are as follow:

Pros	Cons
Better Cost	Lack of volunteers – that will not change
FT Director can fulfill a lot of roster requirement	You cannot expect the full-time employee to be available 24/7/365
Cost is lower	Long term sustaining volunteers
Lower Cost	Volunteers will not step up stand sign up on the roster
	It hasn't worked in the past. Past performance is the best predictor of future performance

**OPTION #2 – CONTRACT WITH SEDGWICK COUNTY – CITY WOULD HAVE NO EMS RESPONSIBILITY**

- #'s are approximate subject to adjustments by county HR and Finance
- The ambulance maintenance cost is based on avg. motor pool cost for ambulances in august of 2018 and a Kansas license for both units currently owned by Clearwater
- The facility estimate is simply utility estimates pending an inspection of our facility and what furnishings we have.
- There are incremental costs not included in the overall cost presented such as Telestaff as that is based on numbers to be scheduled and Ninth Brain based on use of online training.



	Option #2
711.001 SALARIES	
711.001 SALARIES FT PARAMEDIC	
711.001 SALARIES FT AEMT	
711.001 SALARIES FT EMT	
SALARIES OVERTIME	
711.011 VOLUNTEER - EMS	
712.000 SOCIAL SECURITY	
712.100 MEDICARE	
713.000 KPERS	
714.000 HEALTH INSURANCE	
715.000 WORKMEN'S COMPENSATION	
716.000 UNEMPLOYMENT TAXES	
WELLNESS CENTER	
<b>Personnel Services</b>	
<b>Supplies and Materials</b>	
<b>Contractual</b>	\$ 522,102.00
<b>Capital Outlay</b>	\$ 11,000.00
<b>Transfer Out (Equip Res)</b>	
<b>TOTAL</b>	\$ 533,102.00
<b>Budgeted</b>	\$ 184,198.90
<b>Variance</b>	\$ (348,903.10)

While review option #2, all in attendance of the meeting were asked to write down pros and cons of option #2 and put them on the board. Pros and cons are as follow:

Pros	Cons
State regulations covered	Higher cost
City would have a set budget	No local ambulance
County manages all changes	Ambulance not always located in Clearwater
No issue with managing turnover	Paying for a service that is covering other towns.
No longer a city problem	Response times increase
	Loss of control of department
	Sumner county not covered

**OPTION #3 – HIRE FULL TIME STAFF**

- Hire three full time personnel, EMS and Fire certified, to run 24/48-hour shifts
- 24 hours on, 48 hours off
- Hire a full time or part time Director to provide direction and handle the administrative side of both fire and EMS
- Volunteers will fill the second slot on the duty roster, still required to sign up

	Option #3 PT	Option #3 FT
711.001 SALARIES	\$30,000.00	\$60,000.00
711.001 SALARIES FT PARAMEDIC	\$38,000.00	\$38,000.00
711.001 SALARIES FT AEMT	\$32,500.00	\$32,500.00
711.001 SALARIES FT EMT	\$28,500.00	\$28,500.00
SALARIES OVERTIME	\$15,500.00	\$15,500.00
711.011 VOLUNTEER - EMS	\$40,000.00	\$40,000.00
712.000 SOCIAL SECURITY	\$11,439.00	\$13,299.00
712.100 MEDICARE	\$2,675.25	\$3,110.25

713.000 KPERS	\$14,988.60	\$18,132.60
714.000 HEALTH INSURANCE	\$57,600.00	\$76,800.00
715.000 WORKMEN'S COMPENSATION	\$7,841.25	\$9,116.25
716.000 UNEMPLOYMENT TAXES	\$ 830.25	\$ 965.25
WELLNESS CENTER	\$ 540.00	\$ 720.00
<b>Personnel Services</b>	\$280,414.35	\$336,643.35
<b>Supplies and Materials</b>	\$32,375.00	\$32,375.00
<b>Contractual</b>	<b>\$25,925.00</b>	<b>\$25,925.00</b>
<b>Capital Outlay</b>	<b>\$14,675.00</b>	<b>\$14,675.00</b>
<b>Transfer Out (Equip Res)</b>	<b>\$5,000.00</b>	<b>\$5,000.00</b>
<b>TOTAL</b>	<b>\$358,389.35</b>	<b>\$414,618.35</b>
<b>Budgeted</b>	<b>\$234,980.00</b>	<b>\$234,980.00</b>
<b>Variance</b>	<b>\$(123,409.35)</b>	<b>\$(179,638.35)</b>

Possible pay structures are as follows for FT staff – FT Director: \$55,000 - \$60,000, PT Director: \$27,500 – 30,000, Paramedic \$12.00 - \$16.00/hour (based on experience), AEMT: \$11.00 - \$15.00/hour (based on experience), EMT: \$10.00 - \$14.00/hour (based on experience).

Proposed Budget Cuts to support options

<b>Account</b>	<b>Budgeted</b>	<b>Use FOR Option #3</b>	<b>Left for Budget</b>
Admin Discretionary	\$ 10,000.00	\$ 3,000.00	\$ 7,000.00
Admin City Hall Control Access	\$ 3,000.00	\$ 3,000.00	\$ -
Admin City Hall Office Improvements	\$ 3,000.00	\$ 3,000.00	\$ -
Admin Update recording software	\$ 3,000.00	\$ 3,000.00	\$ -
Admin Transfer to Sp Parks	\$ 40,000.00	\$ 20,000.00	\$ 20,000.00
Admin Business Park Incentives	\$ 10,000.00	\$ 10,000.00	\$ -
PD Control Access	\$ 5,000.00	\$ 5,000.00	\$ -
PW Garage Door Openers	\$ 2,000.00	\$ 2,000.00	\$ -
Fire SG County Fire Agreement	\$ 10,000.00	\$ 10,000.00	\$ -
Fire Replace SCBA's	\$ 30,000.00	\$ 10,000.00	\$ 20,000.00
Park UTV	\$ 2,000.00	\$ 2,000.00	\$ -
Admin Increase Sewer Transfer		\$ 4,000.00	
Fire Target Solutions Removed	\$ 2,750.00	\$ 2,750.00	\$ -
EMS Target Solutions Removed	\$ 2,750.00	\$ 2,750.00	\$ -
Admin PGE Incentives	\$ 25,000.00	\$ 25,000.00	\$ -
Admin Abatements	\$ 15,000.00	\$ 10,000.00	\$ 5,000.00
EMS Medical Billing	\$ 15,000.00	\$ 8,000.00	\$ 7,000.00
Admin Reserve	\$ 418,000.00	\$ 56,500.00	\$ 361,500.00
<b>TOTAL</b>		<b>\$ 180,000.00</b>	

Housing Full Time Personnel with current building

- No Structural Changes needed at EVS Building
- Will have to purchase and install the following – Price Approx. \$2500
- Stove, Bunk beds, Couch and Recliner, Lockers, refrigerator
- Need to purchase 3 sets of bunker gear approx. \$7500 – Have budgeted \$6000 already for 2019

Marsh also explained FLSA rules for positions Full Time EMS/ Fire staff. They are as follows:

- Fire protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:
  1. are trained in fire suppression;
  2. have the legal authority and responsibility to engage in fire suppression;
  3. are employed by a fire department of a municipality, county, fire district, or State; and
  4. are engaged in the prevention, control and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.
- There is no limit on the amount of nonexempt work that an employee employed in fire protection activities may perform. So long as the employee meets the criteria above, he or she is an employee “employed in fire protection activities” as defined in section 3(y) of the FLSA.
- Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a “work period” basis.
- A “work period” may be from 7 consecutive days to 28 consecutive days in length.
- For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) or 171 (police) as the number of days in the work period bears to 28.
- For example, fire protection personnel are due overtime under such a plan after 106 hours worked during a 14-day work period, while law enforcement personnel must receive overtime after 86 hours worked during a 14-day work period.

Marsh explained it is important that the full-time positions be able to cover both Fire and EMS since FLSA rules apply to fire protection for 24-hour coverage. All full-time personnel will have responsibility to both Fire and EMS.

While review option #3, all in attendance of the meeting were asked to write down pros and cons of option #3 and put them on the board. Pros and cons are as follow:

Pros	Cons
We continue with current staff and resources that we’ve invested in	Volunteers still in question – Sustainability
Local staff and ambulance	Other funds are being used to support the change in 2019
Less stress and strain on volunteer staff – could increase participation	Option is not budgeted
Less cost than Sedgwick County	Might be a loss of volunteers to fill paid positions
Better response time	Not convinced its affordable for long term
This plan is very workable and the only option that shows any promise of success	Managing hire staff
Keeps coverage in Clearwater	

It was discussed that it will be recommended to budget for full-time director position, but it is possible we will be able to fill the position with a part-time person. The full-time director will have the responsibility of setting expectations for both fire and EMS, set up for success and build up to it, financial, budgeting, etc. The Director will still have under him/her a volunteer Fire Chief that will be head of fire and a volunteer EMS Captain. A part-time person could help us be successful until the full-time person is found.

It was discussed that the volunteers will need to re-commit to the department by signing an agreement acknowledging a set of expectations that will need to be met for the volunteer service. The City plans to continue to pay volunteers for on call pay as well as for runs that are made by them.

Mayor Ussery stated that within the next two weeks at least two meetings need set up to inform

the public as well as a letter to go out to all residents in the area. A meeting with the volunteers will also need to be held informing them of the changes that are being discussed.

Mayor Ussery then went around the table and asked individually which option each person was in favor of. All in attendance were in favor of option 3 as it was able to keep service local, utilize volunteers, satisfy the state regulations, and have a lesser impact on the budget.

Mayor Ussery called for a motion to approve funding for 4 full-time EMS positions to include 1 director and 3 paid positions at the financial plan given by staff plus funds to ready the station to house 24-hour staff also to recruit to hire the full-time positions.

**Motion:** *Griffin* moved, *Titterington* seconded the motion to approve funding for 4 full-time EMS positions to include 1 director and 3 paid positions at the financial plan given by staff plus funds to ready the station to house 24-hour staff also to recruit to hire the full-time positions. Voted and passed unanimously.

**4. Adjournment**

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

**MOTION:** *Papish* moved, *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 12:00 PM

**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 January 12, 2019 City Council workshop.

Given under my hand and official seal of the City of Clearwater, Kansas, this 22<sup>nd</sup> day of January 2019

\_\_\_\_\_  
Courtney Meyer, City Clerk

Check Register Report

Date: 01/18/2019

Time: 2:31 pm

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City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>EMPRISE BANK Checks</b>							
44666	01/23/2019	Printed		APS1	AAA PORTABLE SERVICES, INC.	RENTAL 12-9-2018 - 1-5-2019	70.00
44667	01/23/2019	Printed		BH01	BECKY C. HURTIG	STATEMENT	915.00
44668	01/23/2019	Printed		CGSI	CASEY'S GENERAL STORES, INC.	STATEMENT	1,425.71
44669	01/23/2019	Printed		CCC2	CLEARWATER AREA CHAMBER	LIBRARY MEMBERSHIP	50.00
44670	01/23/2019	Printed		CYBER	CYBERTRON INTERNATIONAL, INC	HARD DRIVE UPDATE/LABOR	445.00
44671	01/23/2019	Printed		DORM	DORMAKABA USA INC	EAST DOOR REPAIR	170.00
44672	01/23/2019	Printed		EMP1	EMERGENCY MEDICAL PRODUCTS INC	SUPPLIES	56.95
44673	01/23/2019	Printed		HM1	HOSPITALITY MINTS, LLC	MINTS	75.89
44674	01/23/2019	Printed		LA LI	J. LARRY LINN	STATEMENT	885.00
44675	01/23/2019	Printed		KACM	KANSAS ASSOC FOR COURT MGMT	2019 DUES	50.00
44676	01/23/2019	Printed		KDR1	KANSAS DEPARTMENT OF REVENUE	WATER PLAN FEE	844.87
44677	01/23/2019	Printed		KDR1	KANSAS DEPARTMENT OF REVENUE	LIBRARY SALES TAX	1.19
44678	01/23/2019	Printed		KEMSA	KANSAS EMS ASSOCIATION	MEMBERSHIP	150.00
44679	01/23/2019	Printed		KMA01	KANSAS MAYORS ASSOCIATION	MEMBERSHIP DUES	50.00
44680	01/23/2019	Printed		KMIT	KANSAS MUNICIPAL INS. TRUST	2019 WORKMAN'S COMP	21,457.00
44681	01/23/2019	Printed		KMU1	KANSAS MUNICIPAL UTILITIES	KMU MEMBERSHIP DUES	995.00
44682	01/23/2019	Printed		KPOA	KANSAS PEACE OFFICERS ASSOC	2019 DUES x 5	100.00
44683	01/23/2019	Printed		KST1	KANSAS STATE TREASURER	LEO TRAINING	319.50
44684	01/23/2019	Printed		AOM1	KATHLEEN KINKAID BRINKERHOFF	SPV TAGS/STICKERS	100.00
44685	01/23/2019	Printed		KHE1	KS DEPT OF HEALTH & ENVIRON.	WATER ANALYSIS	30.00
44686	01/23/2019	Printed		LOK1	LEAGUE OF KS MUNICIPALITIES	MODEL PERSONNEL POLICIES	1,397.37
44687	01/23/2019	Printed		LCS1	LOWE'S	STATEMENT	37.81
44688	01/23/2019	Printed		MED	MEDEXPRESS URGENT CARE KANSAS	PRE EMPLOYMENT SCREEN	57.50
44689	01/23/2019	Printed		MERI	MERIDIAN ANALYTICAL LABS, LLC	WATER ANALYSIS	45.00
44690	01/23/2019	Printed		METRO	METROPOLITAN AREA BUILD & CONS	B/E/M/P PERMITS DEC 2018	297.83
44691	01/23/2019	Printed		MIG1	MIZE'S THRIFTWAY	STATEMENT	123.05
44692	01/23/2019	Printed		MC05	MULVANE COOP	STATEMENT	216.85
44693	01/23/2019	Printed		NOP1	NAVRAT'S OFFICE PRODUCTS	CALCULATOR RIBBONS	45.45
44694	01/23/2019	Printed		NICOLE K	NICOLE KAKOULIAS	OVERPAYMENT	68.98
44695	01/23/2019	Printed		NELS	NORTHEAST KS. LIBRARY SYSTEM	COURIER SERVICE JAN -DEC 2019	1,050.00
44696	01/23/2019	Printed		OR	O'REILLY AUTO PARTS	ROAD GRADER/SPOT MIRROR	39.98
44697	01/23/2019	Printed		PEI	PERSONNEL EVALUATION INC.	DECEMBER BILLING	40.00
44698	01/23/2019	Printed		PB03	PITNEY BOWES	COPIER LEASE	305.91
44699	01/23/2019	Printed		PSY1	PRINTING SYSTEMS	TAX FORMS	87.90
44700	01/23/2019	Printed		RON	RON MARSH	MILEAGE/EVS MEETING	48.14
44701	01/23/2019	Printed		SAM1	SAM'S CLUB	MEMBERSHIP FEE	20.00
44702	01/23/2019	Printed		SCDF	SEDGWICK COUNTY	PRISONER HOUSING	1,301.34
44703	01/23/2019	Printed		0004	SEDGWICK COUNTY ELECTRIC COOP	STATEMENT	1,662.80
44704	01/23/2019	Printed		STANLEY	STANLEY STEEMER	CARPET CLEANING	260.00
44705	01/23/2019	Printed		TCI1	TERRACON CONSULTANTS, INC.	CHISHOLM RIDGE PHASE 3 STREETS	726.00
44706	01/23/2019	Printed		THE RAD1	THE RADAR SHOP	SERVICE RADAR UNIT	177.50
44707	01/23/2019	Printed		TSN1	TIMES-SENTINEL NEWSPAPERS	YEAR SUBSCRIPTION	30.00
44708	01/23/2019	Printed		TCE1	TRI-COUNTY ELECTRIC CORP.	RUN WIRES TO 4 DOORS	550.00
44709	01/23/2019	Printed		T2UL	TRUE2U AUTOMOTIVE, LLP	RADIATOR/THERMOSTAT	1,045.99
44710	01/23/2019	Printed		UNI	UNIFRIST CORPORATION	SUPPLIES	29.55
44711	01/23/2019	Printed		VER	VERIZON WIRELESS	STATEMENT	479.33

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City of Clearwater

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Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>EMPRISE BANK Checks</b>							
44712	01/23/2019	Printed		VISA	VISA	BATTERIES/REPAIR SR CTR LIGHTS	1,323.38
44713	01/23/2019	Printed		WAMPO	WAMPO	2019 ASSESSMENT FEE	252.00
44714	01/23/2019	Printed		WCI1	WASTE CONNECTIONS, INC.	TRASH/RECYCLE	13,133.25
<b>Total Checks: 49</b>						<b>Checks Total (excluding void checks):</b>	<b>53,044.02</b>
<b>Total Payments: 49</b>						<b>Bank Total (excluding void checks):</b>	<b>53,044.02</b>

# Check Register Report

Date: 01/18/2019

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City of Clearwater

BANK:

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
<b>Checks</b>							
69	01/23/2019	Printed		CLA1	COLONIAL LIFE & ACCIDENT	STATEMENT	163.20
70	01/23/2019	Printed		ETS	ETS CORPORATION	CONVENIENCE FEE	345.54
71	01/23/2019	Printed		J. MAR	J. MARTIN CO.	CONCRETE WORK KS/3RD	3,680.00
72	01/23/2019	Printed		KDR1	KANSAS DEPARTMENT OF REVENUE	DECEMBER SALES TAX	224.14
73	01/23/2019	Printed		KGS1	KANSAS GAS SERVICE	401 W. ROSS	1,620.08
74	01/23/2019	Printed		STA	STAPLES	ENVELOPES	867.74
75	01/23/2019	Printed		0001	WESTAR ENERGY	100 E. ROSS	5,620.92

**Total Checks: 7**

**Checks Total (excluding void checks):**

**12,521.62**

**Total Payments: 7**

**Bank Total (excluding void checks):**

**12,521.62**

**Total Payments: 56**

**Grand Total (excluding void checks):**

**65,565.64**

**City of Clearwater  
City Council Meeting  
January 22, 2019**

**Item: Emergency Services Mayoral Appointment**

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**Background:** Per City Code all volunteers are to be appointed by the Mayor with approval of the City Council.

**Analysis:** The Mayor is presenting the following individual for appointment to Clearwater Emergency Services:

Hank Pate - Firefighter

**Financial:** There is no financial consideration

**Legal Considerations:** Review and comment as necessary

**Recommendations/Actions:** Approve the appointment of Hank Pate as a volunteer Firefighter



To: Mayor and City Council

From: Bill Hisle  
Police Chief

Date: Jan. 22, 2019

Re: Police Department Staff Report

01/13/19 Case# 19-00032 & 33 - On 01/18/19 Mize's reported that on a couple of occasions a silver colored Ford Focus had been driving through their lot at a high rate of speed, jumping the sidewalk, and then going into the Mimosa Apt. parking lot. We were able to locate the car and registered owner, but not the driver. On 01/13 Ofc. Heiar located the vehicle/driver jumping the sidewalk from Mimosa into Mize's lot, stopped the vehicle and arrested the driver for driving while suspended & no proof of insurance. While on the traffic stop, a Domestic Violence call came out from the driver's girlfriend in Mimosa. After investigating this call, the driver was arrested for battering/choking the girlfriend. Both were evicted from Mimosa shortly thereafter for failure to pay rent. A few days later we got a call from the driver's Parole Officer who advised Wichita PD arrested him for DV up there as well. She requested our reports and will be revoking his parole.

01/13 - 01/14/97 Case# 1900034, 35 36, & 37. We had 4 auto burglaries occur Saturday night into Sunday morning. Two vehicles suffered no loss. Another vehicle had a handgun and a shotgun stolen out of it, while the 4<sup>th</sup> vehicle had numerous tools stolen out of it. All 4 vehicles were left unlocked.

And again, my crime prevention tip is that Nationally, 84 percent of all auto burglaries occur to unlocked cars.

01/17/19 Case# 19-00046 Officer Heiar was able to find and charge another driver who was trying to evade him with driving while suspended/no proof of insurance.

You may recall that on 04/11/18 we arrested two subjects for auto theft, possession of a controlled substance, and felon in possession of a firearm (18-00387). Sgt. Harp, Lt. Gearhardt and I recently went to District Court where the convicted felon agreed to plead guilty on all charges. He'll do a minimum of 5 years on the weapons charge alone. Excellent police work by Lee and Jason! I was fortunate to be along for the ride on this one.

To: Mayor and City Council Members

From: Ernie Misak, Public Works Director

Date: January 22, 2019

Subject: Public Works Summary

1. Repaired water leak at 5415 W. 63rd. St. S.
2. Plumbed in ice machine at EVS Building.
3. Changed ballast at the Museum.
4. Water tower painting has been completed with the exception of some touch up on the outside. Sanitizing will be scheduled within the next three weeks, then we should be able to put it back into service. Time schedule has not been determined due to the curing process of the paint.
5. Removed white post at the west side of sports complex and installed galvanized steel post for yellow chain consistent with previous installation.
6. Water and wastewater samples have been collected and transported to the lab. Results are not available as of Friday, Jan. 18<sup>th</sup>.
7. Monthly meter reading has been completed. Rereads also completed.
8. Continuing to work on alleys.
9. Drainage at Chisholm Ridge has been worked and grass has been seeded. Curb areas within the Third Edition of Chisholm Ridge have also been seeded and erosion matt has been installed.

## Clearwater Senior & Community Center

### Staff Report

January 18, 2019

To: Mayor & City Council

From: Sonja Froggatte, Director

1/19/19 – Biscuits & Gravy from 7:00-11:00 am

1/28/19 – Sherry Lewis from the K-State Research and Extension office will present “Eating Smart Moving More” class from 1:00-2:00 pm

02/12/19 – Carry-In Luncheon: Police Chief, Bill Hisle will speak about SCAMS

02/13/19 – Hermes Foot Care will be at the Center all day to provide a foot clinic. They will bill Medicare. Check Medicaid’s coverage if appropriate. The first visit is \$90 and they are here every 63 days. They will bill according to the service provided.

02/16/19 – All you can eat biscuits and gravy will be served from 7:00-10:00 am for adults it’s just \$4 and only \$2 for children 10 and under.

02/16/19 – Family Empowerment at 1:00 primarily for grandparents caring for grandchildren. I spoke with Tina at the Library about the Family Empowerment meetings and it is for any parent At 9:00 every Tuesday and Friday Marlene leads an exercise class for individuals over 55.

API serves up a pretty good lunch at the Center weekdays and volunteers deliver lunch to homebound or recovering individuals

**City of Clearwater  
City Council Meeting  
January 18, 2019**

**Consider a Rooster Ordinance**

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**Background:** Council members have asked staff if Clearwater has a Rooster Ordinance. Several citizens have called to ask if roosters are allowed in town or if we had an ordinance banning said birds.

**Analysis:** Staff has researched and there is no current ordinance specifically pertaining to roosters. The following is the City Code that pertains to fowl (roosters) and City Code would include rooster under the definition of animal:

**Sec. 6-1. - Definitions.**

*The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:*

*Animals means all vertebrate and invertebrate animals such as, but not limited to, dogs, cats, cattle, horses and other equine, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.*

*Fowl means all animals that are included in the zoological class Aves.*

*Livestock means horses, cattle, sheep, swine, goats, llamas, alpacas and other similar domesticated animals but does not include fowl, bees, rabbits, dogs and cats.*

Section 6-27 covers running at large prohibitions for fowl:

*(c) Fowl; except for racing pigeons. Any owner of any fowl (except racing pigeons) found at large within the corporate limits of the city shall be deemed guilty of a misdemeanor. Knowledge or intent on the part of the owner shall not be elements of this offense.*

Section 6-28 covers prohibited acts, specifically noise:

*(4) Keep or harbor any animal which, by loud, frequent or habitual barking, howling, yelping or other noise or action, unreasonably disturbs any person or neighborhood within the corporate limits of the city to effect legal relief; persons so affected directly may sign a complaint in the municipal court;*

These are the sections of City Code staff found that does or might pertain to roosters.

**Financial:** Currently there are no financial considerations

**Legal Considerations:** The City Attorney has drafted a rooster ordinance for your review and discussion.

**Recommendations/Actions:** If the intent behind enacting a rooster ordinance is due to noise, staff would not recommend having a rooster ordinance. If roosters are banned because of noise, a legitimate case could be made for enacting a stricter dog ordinance, which are much louder and more prevalent than roosters.

(Summary Published in the Times-Sentinel  
on the \_\_\_\_ day of January, 2019.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. \_\_\_\_

AN ORDINANCE PROHIBITING THE HARBORING OF ROOSTERS WITHIN THE CITY OF CLEARWATER, KANSAS BY AMENDING SECTION 6-28 OF THE CLEARWATER MUNICIPAL CODE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS IN CONFLICT HEREWITH.

WHEREAS, the Governing Body of the City of Clearwater, Kansas has determined it to be in the best interests of the public health, safety and welfare to prohibit the harboring of roosters within the corporate limits of the City of Clearwater, Kansas.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS.

SECTION 1. AMENDMENT. Section 6-28 of the Clearwater Municipal Code is hereby changed and amended to read as follows:

**“Section 14-19 – Prohibited Acts.**

It is unlawful for any person to:

(1) Kill any squirrel or songbird within the corporate limits of the city; provided, that it shall be permissible for the animal control officer to kill squirrels, skunks or birds that have become so numerous as to cause destruction or nuisance to property or in the event of disease occurring among such squirrels, skunks or birds that may be considered contagious to human beings;

(2) Interfere with or molest an animal used by the police department of the city in performance of its lawful functions and duties or interfere with the handler of such animal in such a way that the handler is deprived of or inhibited in his control of such animal;

(3) Promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animals;

(4) Keep or harbor any animal which, by loud, frequent or habitual barking, howling, yelping or other noise or action, unreasonably disturbs any person or neighborhood within the corporate limits of the city to effect legal relief; persons so affected directly may sign a complaint in the municipal court;

(5) Allow any un-spayed female dog in season to be in an area where there is access by an unconfined male dog;

(6) Allow an unconfined male dog in an area where there is access to any un-spayed female dog in season;

(7) Keep or harbor a dog over six months of age within the corporate limits of the city without such dog having a current vaccination against rabies performed by a veterinarian. Rabies vaccination is considered current for twelve months following the date of vaccination, provided that vaccination may not be required if the owner of such dog shall exhibit to the license collector a statement from a veterinarian certifying that such vaccination would be injurious to such dog due to its health;

(8) Keep hives or colonies of bees, provided that bees may be kept on any property during the months from November through May, and provided further, that bees may be kept at any time on properties for which a current agricultural classification permit is held and such permit has been issued for the purpose of keeping bees;

(9) Keep or maintain, sell or offer for sale, barter or give away exotic animals; provided, this section shall not apply to: tropical or other fishes; birds, except those prohibited by federal or state law; small rodents such as gerbils, rats, mice, hamsters, guinea pigs, chinchillas, mink, nutria and similar fur-bearing mammals; nonpoisonous amphibians and reptiles, not including pythons, anacondas, boa constrictors, monitor lizards, iguanas, alligators, caiman, crocodiles and turtles; provided further that this section does not apply to educational or zoological institutions;

(10) Keep or maintain livestock in a number that exceeds more than one animal per every half acre of property occupied by livestock.

(11) Keep, maintain or harbor any rooster within the corporate limits of the city."

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in force and effect after publication of its summary in the official City newspaper.

Adopted by the City Council this 22nd day of January, 2019.

Approved by the Mayor this 22nd day of January, 2019.

\_\_\_\_\_  
MAYOR, BURT USSERY

SEAL

ATTEST:

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CITY CLERK, COURTNEY MEYER