

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
October 13, 2020
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor Burt 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, Councilmembers; Chad Pike, Chris Griffin and Justin Shore were present.

Shirley Palmer-Witt and Yvonne Coon were absent.

The following staff members were present:

Ron Marsh, City Administrator, Courtney Zollinger, City Clerk, Jared Dinwiddie, Chadd Posch (phone), Cole Hollis, Kirk Ives.

3. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated yes, item 9d approve quote from Emergency Fire Equipment for brush truck needs to be added. Mayor Ussery called for a motion to approve the agenda as modified.

Motion: Shore moved, **Pike** seconded to accept the agenda as modified. Voted and passed unanimously.

4. Public Forum

None

5. Mayor's Citizenship Award

Mayor Ussery awarded the 2020 Citizenship Award to Yvonne Coon. Recognizing her for her contributions to Clearwater since 1971. Mayor Ussery also revealed the new street that will be coming out of Park Glen Estates will be named Yvonne Dr in honor of her. Yvonne was also awarded a lifetime membership to KACM this year.

Palmer-Witt enters the meeting

6. Approve Consent Agenda

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve. Griffin stated he had a question on Claims and Warrants.

Minutes: 09/22/20

Minutes 09/29/20

Annexation Request 8438 133rd St W

Annexation Request 8019 Butterfly Ct

Motion: Pike moved, **Shore** seconded to approve the consent agenda minus claims and warrants. Voted and passed unanimously.

Griffin asked if the F350 was for the police department. Marsh stated no it was not it was for public works. Griffin wanted to know if he would have been able to decipher that himself and Zollinger answered yes

from the Invoice Approval list that goes out.

Motion: *Shore* moved, *Palmer-Witt* seconded to approve the claims and warrants. Voted and passed unanimously.

7. Staff Reports

- a. Police Department – Kirk Ives – Council had no questions.
- b. Fire Department –Jared Dinwiddie – Council had no questions.
- c. Public Works – Cole Hollis –Council had no questions.
- d. Parks & Maintenance – Chadd Posch –Palmer-Witt asked if there was vandalism to the flag pole and that why it needed repaired? Posch stated no, the pulley system broke and needed repaired.

8. 3Rd Quarter Financials

Marsh stated the 3rd quarter financials were in the packet and asked if Council had any questions. Council asked if there were any concerns at this point. Zollinger and Marsh stated no there was not.

9. Business

a. Consider Ordinance Amending Chapter 34 of the Clearwater City Code Article IV, Special Purpose Vehicles

Marsh stated the ordinance that was in the packet contained the redlined changes that was discussed from the previous council meetings. He informed council that once this was approved the City would put the information out on the web and create a trifold information document very similar to the Parking and Nuisance brochures we have created.

Council reviewed the redlined changes to the ordinance. Griffin brought up the number of people to a golf cart should be based on manufacturers recommendations and staff stated that the state statutes says not more than 4 person and we cannot increase the state statute. Council also discussed visibility issues with work-site utility vehicles. Shore stated he thought all Special Purpose Vehicles without a lid or top should have a flag on the back Council discussed the topic and agreed that a flag on a golf cart only was good, if golf cart didn't have a lid.. Council decided to move forward with a motion to approve the changes but exclude, at this time, the section amending golf carts can be driven at night with lights.

Motion: *Shore* moved, *Griffin* seconded to adopt ordinance 1061 as amended excluding Section 34-110 paragraph (f). Voted and passed unanimously.

Council then discussed whether golf carts should be able to be operated at night even with lights. After discussing what the phrase “unless equipped with lights as required by law for motorcycles, K.S.A. 8-15,108”, Council concluded that referencing K.S.A. 8-15,108 was not sufficient and the ordinance should reference the statute that outlines motorcycle lights K.S.A. 8-18. The paragraph for work-site utility vehicles that references the motorcycle light statute needs to be changed as well.

Motion: *Pike* moved, *Palmer-Witt* seconded to approve Section 34-110 paragraph (f) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise unless equipped with lights as required by law for motorcycles, as outlined in Chapter 8, Article 18 of the Kansas Statutes Annotated. Voted and passed 3-1 (Shore voted no).

Motion: *Pike* moved, *Shore* seconded to approve the rewording of Section 34-111 paragraph (b) No work-site utility vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights as required by law for motorcycles, as outlined in Chapter 8, Article 18 of the Kansas Statutes Annotated. . Voted and passed unanimously.

b. Discussion on an Ordinance Amending Chapter 30-1 of the Code Obstruction by adding a new article, Article V, to authorize the issuance of permits to operate sidewalk cafes.

Marsh explained that Councilmember Shore requested staff look at the possibility of allowing restaurants have an outside eating area for patrons from the curb line to the adjacent property line, commonly referred to as a sidewalk café.

City Code prohibits obstructions on sidewalks, etc. and this would amend City Code by removing sidewalk cafés as obstructions.

The restaurant owner would be required to submit an application for a sidewalk café permit to City Hall and pay a non-refundable annual fee of \$25. The application will be reviewed by the City Clerk or Administrator, Fire Chief and Police Chief to ensure the sidewalk café will not unduly burden or endanger the public. The City would establish an annual permit fee of \$25.

The City Attorney has drafted and reviewed the amendment to the ordinance.

Council discussed and would like staff to review if ADA requirements would still be able to be met if tables were put out, equipment should be removed during non-business hours and to review liability insurance for having cafés on the sidewalk.

c. Approve Notice of Award for Street and Storm Sewer Improvements in Park Glen Estates and the Secondary Entrance Road.

At the June 23, 2020 City Council meeting the Governing Body Approved Resolution 08-2020 authorizing street, water, and sanitary sewer for Park Glen Estates Phase 2.

Street and Storm Sewer bids were opened Thursday, October 8, 2020 at 1:30 pm. Four responses were received with Kansas Paving being the low bid at \$569,558.90

The engineers estimate for the water and sewer improvements was \$634,637.30. The Developer will pay for the improvements within Park Glen Estates and the City is paying for the secondary entrance road.

Marsh explained there are two motions that need to happen for approval: Motion 1: would be to approve the Notice of Award to Kansas Paving for street and storm sewer improvements to Park Glen Estates Phase 2 and the secondary entrance. And motion 2: would authorize the Mayor to sign the construction documents when ready.

Motion: *Griffin* moved, *Shore* seconded to award the bid to Kansas Paving. Voted and passed unanimously.

Motion: *Shore* moved, *Griffin* seconded to authorize the Mayor to sign the construction documents. Voted and passed unanimously.

d. Approve Quote from Emergency Fire Equipment for Brush Truck

In October 2019 the Clearwater Fire Dept took possession of a 2013 International truck through the US Forestry Service program that allows local units to acquire equipment scheduled for replacement by the Forestry Service. Clearwater Fire requested the truck to use as a brush truck, reducing the workload of the current brush truck.

There was no cost for the truck however there is a cost to outfit the truck to make it a

serviceable brush vehicle.

The Fire Chief received 3 quotes to outfit the vehicle, including install a 600-700 gallon tank, pump and hose system and ancillary parts:

Emergency Fire Equipment Inc.	\$31,370.05
Hays Fire & Rescue Sales	\$36,660.00
Feld Fire	\$75,350.00

The funds to outfit the brush truck would come from the proceeds from the sales of the ambulances. Staff recommends approving the quote from Emergency Fire Equipment Inc. in the amount of \$31,370.05.

Mayor Ussery questioned why Feld Fire was so much higher. Dinwiddie stated he believes the only difference is they were quoting diamond tread sheet metal which is a more expensive material and not necessary for what they need.

Shore asked if the quote included the radios that was discussed during the budget meetings. Dinwiddie said that the truck will be equipped with the standard 800 radios as the dual band is too expensive at this time.

Griffin questioned radio capabilities, in general, when in buildings. He stated he was told that there have been reports of “dead spots” in building and asked if there were those spots in the middle school that was just remodeled. He questioned who would do the inspections for that. Dinwiddie stated that the building inspections are done by Sedgwick County and it is very typical for radios to have dead spots in buildings depending on your location. There are buildings in the middle of Wichita where police, fire and EMS will not be able to call out of the radio and have to switch to talk around. It is a standard procedure.

Motion: *Shore* moved, *Pike* seconded to approve the quote from Emergency Fire Equipment for the amount of \$31,370.05. Voted and passed unanimously.

10. Administrators Report

- City Wide Cleanup is scheduled for Nov 7th as well as the Chamber of Commerce sponsored Shred It day
- City Council was signed up to received notifications of agendas and minutes for the Planning Commission and Park Advisory Boards. You would have received an invitation to accept the invitation from listserv@civicplus.com
- The audio and video improvements for Council chambers have been approved by Sedgwick County to use the CARES Act funds. We are moving forward with this.
- The General Contractor for PCCA is expected to begin pouring the footings for the warehouse on Monday.
- Anderson and Forrester open house is October 17th from 11 – 3pm.

11. Governing Body Comments

Griffin questioned Chief Ives about why when he dialed 911, his call was routed to Sumner County and not Sedgwick. Chief Ives stated that being so close to the County that is normal. Sumner County dispatch will still be able to route the call to Sedgwick County without issue.

Palmer-Witt had nothing to report

Shore thanked Ron Marsh, Chief Ives and Jennifer Hill for their work on the Special Vehicle Permit ordinance.

Pike had nothing to report

Ussery had nothing to report

12. Adjournment

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

MOTION: *Shore* moved; *Pike* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:29 PM

CERTIFICATE

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

I, Courtney Zollinger, 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, 2020 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of October 2020

Courtney Zollinger, City Clerk