



City of Clearwater Council Meeting Notice

Tuesday, June 28, 2016 at 6:30pm

129 E Ross Clearwater, KS 67026

www.clearwaterks.org

Please call the Clerk's office at 620-584-2311 or the Kansas Relay Service 800-8766-3777 at least 48 hours in advance if you require special accommodations to participate in this meeting. We make every effort to meet reasonable requests.

AGENDA

[Please note that the meeting agenda is subject to change during the meeting.]

1. Call meeting to order and welcome

Burt Ussery, Mayor

2. Invocation and flag salute

3. Roll Call

Courtney Meyer, City Clerk

Burt Ussery, Mayor

Laura Papish, Councilmember President

Austin Wood, Councilmember

Paul Clark, Councilmember

Ron Marsh, Councilmember

Chris Griffin, Councilmember

4. Action: Approve June 28, 2016 meeting agenda

5. Public Forum

Pursuant to Ordinance No. 917 and Section 2.08.010 adopted by the governing body and approved by the Mayor on November 24, 2009, members of the public are allowed to address the Mayor and City Council for a period of time limited to not more than five minutes.

6. Action: Approve Consent Agenda

a. Minutes 06/14/16 Council Meeting

b. Minutes 06/16/16 Special City Council Meeting

c. Appoint Brit Robertson – Part Time Police Officer

7. Action: Adopt Ordinance #1012, Authorizing the Establishment of Court Costs and Fess Within the Clearwater Municipal Court by Resolution of the Governing Body of the City of Clearwater, KS and Amending Section 1.24.012 of the Clearwater Municipal Code.

8. **Action:** Adopt Resolution #5-2016 Establishing Court Costs and Fees Within the Clearwater Municipal Court.
9. **Action:** Approve a Change Order for the Ross and Tracy Intersection Work
10. **Action:** Chisholm Ridge Lot Transfers – Lots 37 & 38
11. **Discussion:** Chisholm Ridge Lot Transfer Process
12. **Action:** Approve a Maintenance Agreement with Itron
13. **Action:** City Hall Renovations
14. **Report:** KDOL Inspection Update
15. **Discussion:** 2017 Budget
16. **Action:** Claims and Warrants
Courtney Meyer, City Clerk
17. **City Administrator Report**
Justin Givens, City Administrator
18. **Council Reports**
19. **Executive Session:**
20. **Adjournment**

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.

Honorable Mayor and City Council

**From: Justin S. Givens,
City Administrator**

Re: Agenda Summary 06 28 2016

- Item 6:**
- a. Approval of Minutes as submitted 06/14/16
 - b. Approval of Minutes as submitted 06/16/16
 - c. Appoint Brit Robertson – Part Time Police Officer
Mr. Robertson is a certified police officer that lives in the Chisholm Ridge Addition. He has recently left the Mulvane Police Department to return to work as a Respiratory Therapists, but would like to continue to work part time as a policy officer.

-----end of Consent Items

Item 7: As per our discussion at the last meeting, the City Attorney has crafted an ordinance that reflects the changes in court cost to \$3.00.

Item 8: A resolution has also been crafted by the City Attorney to complete the changes in the court costs.

Item 9: A change order has been presented to the Council for approval for the work at the Ross and Tracy Intersection. The change order is for approximately \$25,000 and will move the area inlet as well as enclose the open trench in front of True To You Automotive.

Item 10: An application has been presented for Lots 37 and 38, Block 1 of the Chisholm Ridge Addition. These lots are for a previous applicant. The lots initially approved by the Governing Body did not work when the house was designed on them.

Item 11: As we are working through the process of the lot transfers we have the application in place but builders have requested that we review the time delay in the application submittal to the actual transfer of the lots to them. The possible two to three-week delay between the time an application is submitted until it is approved by the Governing Body could be considered cumbersome and delays the start of construction.

Item 12: The Itron Maintenance Agreement has been submitted to legal for review and comments have been submitted to Itron. Depending on the response this item may be removed from the agenda for further study.

- Item 13:** Staff will present an update on City Hall Renovations at the meeting on Tuesday.
- Item 14:** Staff will present the Inspection Report from KDOL and provide feedback on items that were listed as corrections.
- Item 15:** Staff will present any follow up information from the Budget Workshop.
- Item 16:** A full list of Claims and Warrants will be presented for review at the meeting on Tuesday.
- Item 17:** A full City Administrators report will be presented at the meeting on Tuesday.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
June 14, 2016
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

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

2. Invocation and Flag Salute

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

3. Roll Call

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

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

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Ernie Misak, Public Works Director; Donald Schauf, EMS Director; Chuck Reitberger, Pool Manager; Bill Hisle, Police Chief; Taylor Wilkens, Library Director; Nate Sizemore, lifeguard.

Others present: Scott Lucas, Library Board; Rusty Sizemore, Leigh Sizemore, Ivy Sizemore, Luke Sizemore, Jerry Hershey, Tracey Hershey, Alyssa Hershey; Ryan Peck, Morris Lange Law Firm;

4. Approval of the Agenda

Mayor Ussery called for a motion to approve the June 14th agenda as presented.

Motion: *Griffin* moved, *Papish* seconded to accept the June 14, 2016 agenda as presented. Voted and passed unanimously.

5. Public Forum

None

6. Mayoral Recognition: Lifeguard Nathan Sizemore

Mayor Ussery and the Council recognized and thanked Nathan Sizemore for his lifesaving skills after Nathan pulled a toddler out of the pool hat was submerged and performed CPR to resuscitate.

7. Consent Agenda

Mayor Ussery called for a motion to approve the consent agenda.

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

8. Special Event Permit – Block Party

A resident requested to have a portion of a roadway closed for multiple days during set hours. After discussion, Council asked staff to check with the individual to see if they would be willing to pick one night and be able to meet the requirements for insurance for closing the road. Council wanted to be clear that if an individual does not obtain insurance does not prevent them from having a party or shooting off fireworks. No action was taken.

9. 2016 Employee Personnel Manual Adoption

Administrator Givens explained that staff gathered all suggestions for the new personnel manual and sent them to an HR attorney, Ryan Peck with Morris Lange, for review and compilation.

Council asked Peck if he was comfortable with the manual as presented and if it was consistent with the law.

Peck stated he was very comfortable with the personnel manual as presented. He then stated that there were two conflicts with city code that need to be addressed either with an amendment to the city code or personnel manual. Chapter 2.50 and 2.40 are the chapters that need reviewed.

Council asked Mr. Peck if he could review the manual and city code one more time to see if there were any more conflicts and at the next meeting have suggestions on how to alleviate the conflict.

10. Mayor Appoints Members to the 2016 Clearwater Strategic Planning Committee

Name	Group Represented
Shawn Weaver	Business Interest
Shirley Palmer-Witt	Business Interest
	Business Interest
Pam Riggs	Chamber of Commerce
Becky Schivelbein	Community at Large
Peggy Brockman	Community at Large (Senior)
Gene Eason	Ministerial Alliance / Other Community Group
Bob Mellen	School
Jennifer Clark	Planning Commission
Justin Givens	City
Bill Hisle	City

Motion: *Marsh* moved, *Wood* seconded for the Mayor to appoint these members to the 2016 Clearwater Strategic Planning Committee. Voted and passed unanimously.

11. Consider Amending the Court Costs for the Municipal Court for the City of Clearwater

Givens explained on every municipal ticket the Clearwater Municipal Court collects a fee that goes to the state. A small portion of that fee goes to training of judges while the majority of the fee goes to support the Law Enforcement Training Fund. At the December 22, 2015 meeting the Governing Body approved a change in the court fee’s collected by the Municipal Court to reflect an increase in the amount of monies collected by the state. That fee increase was \$.50 from \$20.50 to \$21.00.

The Court Clerk was informed by the state that the fees collected would once again increase. Starting on July 1, 2016, the state will now collect an additional \$2.50 per ticket. To date, the Municipal Court has received \$10,700 in court fines and has submitted \$1,158 to the state for judicial and law enforcement training.

These fines are paid by those who are found or plead guilty to a municipal violation or enter a

plea of no contest to a municipal offense.

The Governing Body could:

- 1) Adopt an Ordinance that would cover only the cost of the increase;
- 2) Adopt an Ordinance that would cover the cost of the increase as well as an additional \$.50 to create a whole dollar amount;
- 3) Leave the fines at their current level and subsidize the increase from the state.

Based on projecting and additional 55 tickets for 2016, the total cost of the increase would amount to \$137.50.

After discussion Council directed staff to amend the Ordinance for an increase of \$3.00.

12. 2017 Budget

Scott Lucas and Taylor Wilkens presented the Library budget. The Library is asking for a .8 mill increase or a onetime donation to the library in the amount of \$50,000 for next year. The library would like to do some renovations and increase staff for more programming.

Chief Bill Hisle presented the Police and Court budget.

Donald Schauf presented a suggestion for the 2017 EMS budget. He proposed hiring a full time EMS director and compensating EMS drivers for "runs". The could be justified by charging for ambulance rides. He suggested using a third party for billing.

13. Claims and Warrants

Meyer presented the claims and warrants in the amount of \$74,975.33.

Motion: *Wood* moved, *Griffin* seconded to pay the claims and warrants in the amount of \$74,975.33. Voted and passed unanimously.

14. City Administrators Report

- Public Works
 - Installed a Welding Curtain at the City Shop as per our KDOL inspection
 - Remarking fixtures in advance of the 4th ST Road Project
 - Built and installed a new grate around a back yard drainage fixture in Chisolm Ridge to help keep debris from clogging the inlet.
 - Is catching up with mowing
 - Assisted the Rec. Department with field maintenance while the equipment used to drag the field was down.
 - Based on the road work in the area, staff is looking at alternative locations for the storage of millings.
- Parks and Recreation
 - There are 8 nights of summer baseball/softball left (weather dependent)
 - Clearwater will host a 13-15-year-old district tournament after the 4th of July.
 - Hosted Ballet at the Park last Friday with approximately 300 people in attendance.
 - The heavy rains caused some of the fresh mulch to float away from the tree house. Staff is looking into replenishing the mulch in the area.

- Library
 - The Summer Reading program is in full swing. There are 136 K – 6th graders signed up. 30 teens and 29 adults in this year’s program.
- Community Center
 - Staff meet last week with Sed. Co. Department on Aging and received the mill levy funding application this week. The application will be turned in with a request for funding at the next higher level. Staff is also looking at additional alternative funding sources including Sumner Co and other agencies in the area.
 - Hosted the Carry in Lunch today
 - Biscuits and Gravy is on Saturday
- Police
 - PD has done some extra enforcement at Tracy and Diagonal while the construction is ongoing. Some motorists are not expecting traffic to be coming out of Diagonal and we have had several near wrecks in the area.
- Administration
 - Alongside Public Works went thru training and orientation on new hand held meter reading devices and software
 - Collected and assembled MSDS books for required locations
 - Library, Community Center and Administration staff met with researchers from the University of Texas, Oklahoma and Oklahoma State on the Wi-Fi Check Out project. The project is wrapping up this year and the researchers are assessing the program to see if it is a viable program to model for other rural areas.
 - The City had its Annual Audit from KMIT. KMIT provides Workmen’s Comp Insurance for the City. The City received enough points to move from the Bronze Level to the Gold Level and will receive an additional reduction in our Workmen’s Comp Insurance Rate. All staff should be commended for working hard to be conscious about safety in the work place and especially the City Safety Committee of; Courtney Meyer, Carol Reitberger, Cole Hollis, and Jo Johnson.

15. Council Reports

Wood reported that the residents requesting the road block for the block party would like it blocked off just on July 3rd and he reported that there is a large pothole that needs filled at Gorin and Hellar.

Papish requested the parking stall lines on Lee by City Hall and Emprise Bank be repainted. She also noted the tree at Kansas and Byers was still there.

Clark asked for an update on the Park Usage board. Givens stated he still needed to send the draft report out to the committee for their approval.

Marsh had nothing to report.

Griffin mentioned he noticed that on 135th street that the entire road is a passing zone. Marsh said he would talk with the Sedgwick County Engineers about that.

Ussery asked staff to share with the council any report from an outside government agency was given to the City.

16. Executive Session

Mayor Ussery called for a motion to recess into executive session pursuant to non-elected personnel to

discuss specific personnel matters, to include the City Administrator. The meeting is to reconvene in the City Council Chamber at 9:56pm

MOTION: *Papish* moved, ***Marsh*** seconded to recess into executive session. Voted and passed unanimously

Mayor Ussery called the meeting back to order at 9:56 p.m. and stated there was no action taken.

Mayor Ussery called for a motion to recess into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship, to include the City Attorney and the City Administrator. The meeting is to reconvene in the City Council Chamber at 10:17 p.m.

MOTION: *Clark* moved, ***Griffin*** seconded to recess into executive session. Voted and passed unanimously

Mayor Ussery called the meeting back to order at 10:17 p.m. and stated there was no action taken in executive session.

MOTION: *Clark* moved, ***Wood*** seconded to authorize the Mayor to execute two deeds for the Chisholm Ridge lots. Voted and passed unanimously

17. Adjournment

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

MOTION: *Marsh* moved, ***Clark*** seconded to adjourn the meeting. Voted and passed unanimously
The meeting adjourned at 10:20 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 June 14, 2016 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 28th day of June 2016.

Courtney Meyer, City Clerk

City of Clearwater, Kansas
Sedgwick County
Special City Council Meeting - **MINUTES**
June 16, 2016
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

Mayor Burt Ussery called the meeting to order at 6:00 p.m.

2. Roll Call

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

Mayor Burt Ussery, Councilmembers Ron Marsh, Chris Griffin, Laura Papish and Austin Wood were present.

Paul Clark was absent.

The following staff members were present:
Justin Givens, City Administrator.

3. Approval of the Agenda

Mayor Ussery called for a motion to approve the June 16th agenda with the modification.

Motion: *Papish* moved, *Marsh* seconded to accept the June 16, 2016 agenda as presented. Voted and passed unanimously.

Council Member Paul Clark entered the meeting (6:05 pm)

4. Action: Amend Resolution #4-2016: Chisholm Ridge Housing Incentive Program

The Mayor stated that the purpose of the discussion was to incentive program for the Chisholm Ridge Addition and clarify whether or not the program would apply to single homes on multiple lots. Givens stated that there was nothing that prohibited a single home on multiple lots and that the way the program was set up a homebuyer would only be given one \$1,500 Homebuyer Credit independent on the number of lots that they had purchased.

Council Member Chris Griffin excused himself from the meeting (6:15 pm)

Considerations and discussions centered around the intent of the program and if multiple lot purchases for a single home would be desirable.

Motion: *Marsh* moved, *Clark* seconded to amend Resolution #4-2016 allowing for a maximum of two lots to be purchased for one home under the incentive program. Voted and passed unanimously.

5. Action: Authorize the Mayor to transfer Lots 31 and 32, Block 1 in the Chisholm Ridge Addition

Givens stated that a request for two lots for one home had been made by Don Schauf.

Motion: *Papish* moved, *Clark* seconded to authorize the Mayor to transfer Lots 31 and 32, Block 1 in the Chisholm Ridge Addition. Voted and passed unanimously.

6. Adjournment

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

MOTION: *Papish* moved, *Marsh* seconded to adjourn the meeting. Voted and passed unanimously
The meeting adjourned at 6:25 p.m.

CERTIFICATE

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

I, Justin Givens, City Administrator 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 June 16, 2016 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 28th day of June 2016.

Justin Givens, City Administrator

Brit Scott Robertson



A highly motivated and seasoned law enforcement professional offering 15 years of patrol, investigations, K9 and special operations experience. Additional experience in healthcare and healthcare related investigations.

Employment

City Of Mulvane

211 N. Second Mulvane, KS 67110

June 2011 to Present

Police Officer with the Mulvane Police Department in Mulvane, KS. Assigned to the patrol division and acts as the departments handler for its narcotics detection K9 from April 2013 to March 2016. Member of the Southern Kansas SWAT multi jurisdictional team from April 2014 to July 2015.

Kansas State Board of Healing Arts

800 SW Jackson Topeka, KS 66612

May 2007 to June 2011

Special Investigator with the Kansas State Board of Healing Arts. Investigate licensee's of the Board for violation of state and federal laws. Aid in prosecution of licensee's by assisting in the gathering of evidence through subpoena, interviews and collection of physical evidence.

St. Vincent Healthcare

1233 N. 30th Billings, MT 59101

April 2005 to May 2007

Respiratory Therapist with St. Vincent Healthcare Billings, Montana. Perform all of the functions of a respiratory therapist in an acute care hospital. Member of Help Flight air transport team.

Lubbock Heart Hospital

4810 N. Loop 289 Lubbock, TX 79416

December 2003 to March 2004

Director Respiratory Care Department at Lubbock Heart Hospital in Lubbock, Texas. Assisted in the establishment and staffing of the respiratory care department in a newly built specialty hospital.

Via Christi Health Systems

929 N. St. Francis Wichita, KS 67214

October 2002 to December 2003

Respiratory Therapist with Via Christi hospitals in Wichita, Kansas. Perform all of the functions of a respiratory therapist in an acute care hospital.

Wesley Medical Center

550 N. Hillside Wichita, KS 67214

December 2001 to September 2002

Respiratory Therapist with Wesley Medical Center in Wichita, Kansas. Perform all of the functions of a respiratory therapist in an acute care hospital.

June 2001 to November 2001

Unemployed during final semester of college clinicals.

City of Augusta

2100 N. Ohio Augusta, KS 67010

June 2004 to May 2001

Police Officer with the Augusta Department of Safety in Augusta, Kansas. Assigned to the patrol division and acted as the departments handler for its narcotics detection K9. Attained rank of Sergeant and was assigned to plain clothes multijurisdictional narcotics unit.

Education

Mulvane High School graduate 1988 general education high school diploma.

Kansas Law Enforcement Training Center 1995 certified Kansas Law officer.

Newman University 2001 graduate with Associate of Health Science in Respiratory Therapy.

**City of Clearwater
City Council Meeting
June 28, 2016**

TO: Mayor and City Council
SUBJECT: Consider a Resolution and Ordinance Amending the Court Fees of the Municipal Court of the City of Clearwater, Kansas
INITIATED BY: Court Clerk
PREPARED BY: City Administrator
AGENDA: New Business

Background: The Court Clerk was informed by the state that the fees collected would once again increase. Starting on July 1, 2016, the state will now collect an additional \$2.50 per ticket. At the June 14, 2016 meeting, staff presented several options to the Governing Body on addressing the changes in the Court Fees from the State.

Analysis: Based on Direction from the Governing Body, the City Attorney crafted an Ordinance and Resolution that would increase the court costs collected by the municipal court to reflect the \$2.50 increase as well as an additional \$.50 increase for a total increase in Court Costs by \$3.00.

Financial: Based on projecting and additional 55 tickets for 2016, the total cost of the increase would amount to \$165.00, of that \$137.50 would be remitted to the state.

Legal Considerations: The Resolution and Ordinance have been crafted by the City Attorney.

Recommendations/Actions: It is recommended the City Council:

- 1) Approve Ordinance #xxx as submitted;
- 2) Approve Ordinance #xxx as modified;
- 3) Not Approve Ordinance #xxx;
- 4) Table the Action for further study;
- 5) Take No Action;

Recommendations/Actions: It is recommended the City Council:

- 1) Approve Resolution #xxx as submitted;
- 2) Approve Resolution #xxx as modified;
- 3) Not Approve Resolution #xxx;
- 4) Table the Action for further study;

5) Take No Action;

Attachments: Ordinance #xxxx (2-pages) Resolution x-2016 (2-pages)

(Summary First Published in the Times-Sentinel
on the _____ day of _____, 201__.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF COURT COSTS AND FEES WITHIN THE CLEARWATER MUNICIPAL COURT BY RESOLUTION OF THE GOVERNING BODY OF CLEARWATER, KANSAS BY AMENDING SECTION 1.24.012 OF THE CLEARWATER, KANSAS MUNICIPAL CODE.

WHEREAS, on September 15, 1981, the governing body of the City of Clearwater, Kansas adopted Charter Ordinance Number 6 exempting the City of Clearwater, Kansas from the provisions of K.S.A. 12-4112 concerning municipal court costs and fees; and

WHEREAS, Section 2 of said City of Clearwater, Kansas Charter Ordinance Number 6 adopts Section 1.24.011 of the Clearwater, Kansas Municipal Code relating to municipal court costs and fees; and

WHEREAS, said section 2 provides that "Costs may be assessed against accused persons for the administration of justice in any municipal court case where the accused person is found guilty, or where the accused person pleads guilty. The costs shall be assessed as provided by the terms contained in Section 1.24.012." of the Clearwater, Kansas Municipal Code.

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

Section 1. Amending Section 1.24.012 of the Clearwater, Kansas Municipal Code.

Section 1.24.012 of the Clearwater, Kansas Municipal Code is hereby amended to read as follows:

"1.24.012 - Costs and Fees in Municipal Court.

- A. Municipal court costs and fees may be established by resolution of the governing body of the City of Clearwater, Kansas.
- B. These charges shall be assessed in addition to and not in lieu of the fees and mileage of witnesses which may be assessed in accordance with K.S.A. 12-4411.
- C. The municipal court judge may, upon appropriate findings that the interests of justice would be best served, abate all or a portion of the costs imposed pursuant to this Ordinance except those costs specifically identified by said resolution.”

Section 2. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Effective Date.

This Ordinance shall take effect and be in force from and after July 20, 2016 and publication in the official city newspaper.

Adopted by the City Council this 28th day of June, 2016.

Approved by the Mayor this 28th day of June, 2016.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

THE CITY OF CLEARWATER, KANSAS

RESOLUTION NO. ____

A RESOLUTION ESTABLISHING COURT COSTS AND FEES WITHIN THE CLEARWATER MUNICIPAL COURT.

WHEREAS, on September 15, 1981, the governing body of the City of Clearwater, Kansas adopted Charter Ordinance Number 6 exempting the City of Clearwater, Kansas from the provisions of K.S.A. 12-4112 concerning municipal court fees; and

WHEREAS, Section 2 of said City of Clearwater, Kansas Charter Ordinance Number 6 adopts Section 1.24.011 of the Clearwater, Kansas Municipal Code relating to municipal court fees; and

WHEREAS, said section 2 provides that "Costs may be assessed against accused persons for the administration of justice in any municipal court case where the accused person is found guilty, or where the accused person pleads guilty. The costs shall be assessed as provided by the terms contained in Section 1.24.012." of the Clearwater, Kansas Municipal Code; and

WHEREAS, the governing body of the City of Clearwater, Kansas adopted Ordinance Number ____ authorizing the establishment of court costs and fees for the Clearwater Municipal Court by resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS:

Section 1. Court Costs and Fees Established.

The following costs and fees are established for the Clearwater Municipal Court:

A. Court Costs:

1. A cost of seventy-three dollars (\$73.00) shall be assessed against each accused person who enters a plea of guilty or nolo contendere, or enters a plea of not guilty or nolo contendere, if subsequently found guilty in all cases involving traffic infractions, nuisance adjudications, and violation of dog or sound amplification ordinances. A cost of one hundred twelve dollars (\$112.00) shall be assessed against each accused person who enters a plea of guilty or nolo

contendere, or enters a plea of not guilty or nolo contendere; if subsequently found guilty in all other cases, unless otherwise provided under state statute; and

2. Additional court costs and fees are imposed by the state of Kansas to be collected by the municipal court, including costs and fees for the judicial branch education fund, law enforcement training center program, protection from abuse fund, crime victims' assistance fund and the department of corrections forensic psychologist fund; and

3. A fee of twenty-five dollars (\$25.00) for warrant service fee; and

4. A fee of twenty-five dollars (\$25.00) for administrative costs for Failure to Appear; and

5. A non-refundable fee of one hundred dollars (\$100.00) for an application for expungement of any municipal case entry.

B. A fingerprinting fee in the amount of ten dollars (\$10.00) shall be assessed against a defendant in each case in which the defendant has been convicted of violating municipal ordinance provisions that prohibit conduct comparable to a class A or B misdemeanor or assault as defined in K.S.A. 21-3408 and amendments thereto under the Kansas criminal statutes.

C. A booking fee in the amount of twenty-five dollars (\$25.00) shall be assessed against any defendant in each case in which said defendant has been booked into jail.

D. These charges shall be assessed in addition to and not in lieu of the fees and mileage of witnesses which may be assessed in accordance with K.S.A. 12-4411.

E. The municipal court judge may, upon appropriate findings that the interests of justice would be best served, abate all or a portion of the costs imposed in this Resolution except those costs referred to above in A (1) and (2).

Section 2. Effective Date.

This Resolution shall take effect and be in force from and after July 20, 2016.

Adopted by the City Council this 28th day of June, 2016.

Approved by the Mayor this 28th day of June, 2016.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

**City of Clearwater
City Council Meeting
June 28, 2016**

TO: Mayor and City Council
SUBJECT: Consider A Change Order for the Ross and Tracy Intersection Work
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: In 2015, the Governing Body approved bonds for street and drainage work on 4th Street as well as at the intersections of Ross and Lee and Ross and Tracy. As the plans developed a significant portion of the drainage improvements were removed from the 4th Street area as it was determined that the improvements would not have the desirable affect especially in relationship to the expense of the project.

During discussions and field meetings an opportunity was presented to use excess funds from the original cost of the project to extend the range of stormwater drains especially in the northwest corner of Ross and Tracy that would allow to enclose open trench.

Analysis: Following the direction of the Governing Body staff asked the project engineer to look into the costs associated with extending the stormwater drain so as to close the open trench in the northwest corner of the intersection.

Based on the new design the project engineer has presented a change order to the Contractor and that change order has now been submitted to the Governing Body for approval. The plan would move a storm inlet west and fill in the existing trench that is in front of True To You Automotive.

Financial: The change order as presented shows a cost of \$25,433. The original bonded amount was for \$347,488. Because of the change in work, the total cost of the project was approximately \$80,000. If approved there would be approximately \$242,000 in the project account.

Legal Considerations: Review and Comment as Necessary.

Recommendations/Actions: It is recommended the City Council:

- 1) Approve the Change Order as Submitted;
- 2) Approve the Change Order with Modifications;
- 3) Not Approve the Change Order
- 4) Take No Action;

Attachments: Change Order Request (2-pages)

CERTIFIED ENGINEERING DESIGN, P.A.

1935 West Maple Street
Wichita, KS 67213
(316) 262-8808 Office
(316) 262-1669 Fax

DATE: June 3rd, 2016

SUBJ: R299 Change Order Plans 06-03-16
Sedgwick County, KS

FROM: Harlan D. Foraker, P.E.

The City of Clearwater requested revisions to the northwest part of the intersection of Tracy and Ross. The project limits were extended to the west to fix some deteriorating concrete and completely eliminate the open trench drainage box. The inlet at STA 20+00 was extended to the west and the difference in the rim elevation and 24" flowline elevation was matched when designing the inlet at the new location. This will eliminate the need for building a new inlet, as the one that was changed will work in the new location.

Shown below is a recap of the revised plan notes and quantities:

Revised Plans

Sheet No.	Revision
10R	Changed improvements in NW corner of Tracy and Ross Intersection
10.001	Added new sheet showing revised improvements in NW corner of Tracy and Ross
11R	Removed SWS No. 2 from this sheet
11.001	Added new sheet showing new layout of SWS No. 2 plan and profile. Inlet at STA 20+00 was moved approximately 100' to the west. The same difference between rim elevation and 24" invert elevation was used in the new layout so that a new inlet structure will not have to be made.
12R	Updated SWS No. 2 Alignment
24R	Updated stationing of Type 10 curb inlet at STA 22+86.58
25R	Updated stationing of SWS No. 2 inlets. Revised elevation information for inlet at STA 20+00. Revised 24" RCP pipe quantity.
29R	Revised all quantities for NW intersection of Tracy and Ross
51R	Added 3 "Type III Barricades 1-R11-2" to NW corner of Tracy and Ross. Updated location of 1-G20-2 Sign located west of NW corner Tracy and Ross Improvements. Added note for True To You Automotive access during construction.

Revised Quantities

Bid Item	Units	Original or Previous Quantity	Revised Quantity June 3, 2016
Rock Excavation	Cu. Yd.	860	884
Storm Sewer (24")(RCP)	Lin. Ft.	93	185
Fill Sand(Flushed and Vibrated)	Lin. Ft.	315	407
Curb & Gutter, Combined(AE)	Lin. Ft.	68	80
Concrete Pavement(6" Uniform)(AE)	Sq. Yd.	171.2	303.4



APAC Kansas, Inc. • Shears Division

Wichita Branch

3511 S. West Street
P.O. Box 17470
Wichita, Kansas 67217-0470

Telephone (316) 524-5200
Fax (316) 524-3851

June 22, 2016

Daniel Schrant
Sedgwick County
Dept. of Public Works
1144 S. Seneca
Wichita, KS 67213

**Re: 135th Street West – 95th to 103rd Streets South
Sedgwick County Project No. (R299)**

Subject: Change Order Request – Changes at Ross & Tracy Intersection

Dear Mr. Schrant:

As requested, please see below amount for Change Order #1 for the above referenced project due to design changes in the intersection of Ross & Tracy in Clearwater, KS.

Total - \$25,433.00

Please see page 2 for a breakdown of the increased quantities of items of work.

If you have questions or need additional information, please call me at 316-524-5200.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom W. Castor'. The signature is written in a cursive style with a long horizontal line extending to the right.

Tom W. Castor
APAC-Kansas, Inc., Shears Division

**135TH WEST 95TH TO 103RD
SEDGWICK COUNTY, KS**

Description	Plan Quantities	Unit	Contract Unit Price	Extension	Quantity Increase	Revised CO #1 Quantities	Extension
7 ROCK EXCAVATION	860	CY	\$ 30.00	\$ 25,800.00	24	884.0	\$ 26,520.00
15 STORM SEWER (24") (RCP)	93	LF	\$ 95.00	\$ 8,835.00	92	185.0	\$ 17,575.00
17 FILL SAND (FLUSHED & VIBRATED)	315	LF	\$ 8.00	\$ 2,520.00	92	407.0	\$ 3,256.00
21 CURB & GUTTER COMBINED (AE)	68	LF	\$ 75.00	\$ 5,100.00	12	80.0	\$ 6,000.00
24 CONCRETE PAVEMENT (6" UNIFORM) (AE)	171.2	SY	\$ 85.00	\$ 14,552.00	132.2	303.4	\$ 25,789.00
XX EXTRA WORK - TRAFFIC CONTROL, MAINTENANCE OF TRAFFIC, DEVICES	0	LS	\$ -	\$ -	1	1.0	\$ 3,100.00
				\$ 56,807.00	1.44770891	TOTAL	\$ 82,240.00

TOTAL CONTRACT PRICING FOR ITEMS \$ 56,807.00

TOTAL OF INCREASED QUANTITIES \$ 82,240.00

TOTAL CHANGE ORDER REQUEST \$ 25,433.00

Respectfully Submitted,



Tom W. "TJ" Castor
APAC-Kansas Inc., Shears Division



CITY OF CLEARWATER, KANSAS

www.clearwaterks.org

P.O. Box 453 • 129 E. Ross Ave. • Clearwater, KS 67026 • Phone: 620-584-2311 • Fax: 620-584-3119

Memorandum of Understanding & Application

City Owned Chisholm Ridge Lots

Between the City of Clearwater and

Don Klausmeyer Construction LLC
Applicant

The Governing Body of the City of Clearwater, Kansas has approved the following Residential New Home Construction Incentive Program

Under the Residential Construction Incentive Program, fees associated with new home construction will be reduced or abated as follows:

- 50% reduction of building permit fees,
- Abatement of the City sewer connection fee,
- Abatement of the City water connection fee,
- Transfer of City-owned lots for prices established in EXHIBIT "A" to this document, and
- Abatement of all currently levied special assessments against all transferred city-owned lots

In addition to the above-listed reductions and abatements, the City agrees to provide builder rebates for City-owned lots as established in EXHIBIT "A" to this document and make a one-time payment of up to \$1,500.00 at closing to the first ten (10) eligible first-time homebuyers in each calendar year.

The applicant, understand and agrees to the following guidelines and qualifications:

- 1) The properties listed in EXHIBIT "A" to this document are eligible to participate in this Program so long as a New Home Building Permit is issued prior to December 31, 2016.
- 2) All ad valorem property taxes and special assessments, if any, on the property for which an application is submitted may not be delinquent. If any ad valorem property taxes or special assessments are delinquent, such property will not be eligible for the program until such time as all taxes and special assessments due and owing are paid in full and proof thereof is provided to the City of Clearwater City Clerk.
- 3) The minimum livable square footage of a newly constructed home must be 1,000 square feet as determined and approved on the building permit application. It must include a front façade composed of at least 25% stone, brick or other masonry material.



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- 4) Only single family residential structures are eligible for this program.
- 5) Only one homebuyer payment to a person or couple will be granted in a single calendar year. Corporations are not eligible for the homebuyer payment.
- 6) Construction must be completed within the standard 180-day construction window. Extensions of this time frame may only be granted in writing at the discretion of the City Administrator. The applying homeowner may be required to pay all or part of a previously discounted or abated fee before resuming construction.
- 7) For the purposes of this program only two lots maybe purchased for one single family residence.
- 8) The applicant must provide within 15 days of this agreement financial commitment of purchase, which may consist of a pre-qualification letter, letter of credit, or similar documents. Failure to submit required documents in the 15 day timeframe could result in the applicant forfeiting the requested lot(s)
- 9) All land transfers must be approved by the Governing Body of the City of Clearwater. Upon completion of this application and submittal of all required documents, the transaction will be submitted for approval to the Governing Body at the next regularly scheduled City Council Meeting.

As the applicant, I attest that I have read the City of Clearwater Memorandum of Understanding and Application for City Owned Lots in Chisholm Ridge and agree to the terms and conditions of it.

For the purpose of building a single family residential home I am requesting:

<u>37 + 38</u>	<u>1</u>	<u>Chisolm Ridge</u>	<u>1152 E. Red River Drive</u>
Lot (s) #	Block #	Addition	Address (if available)

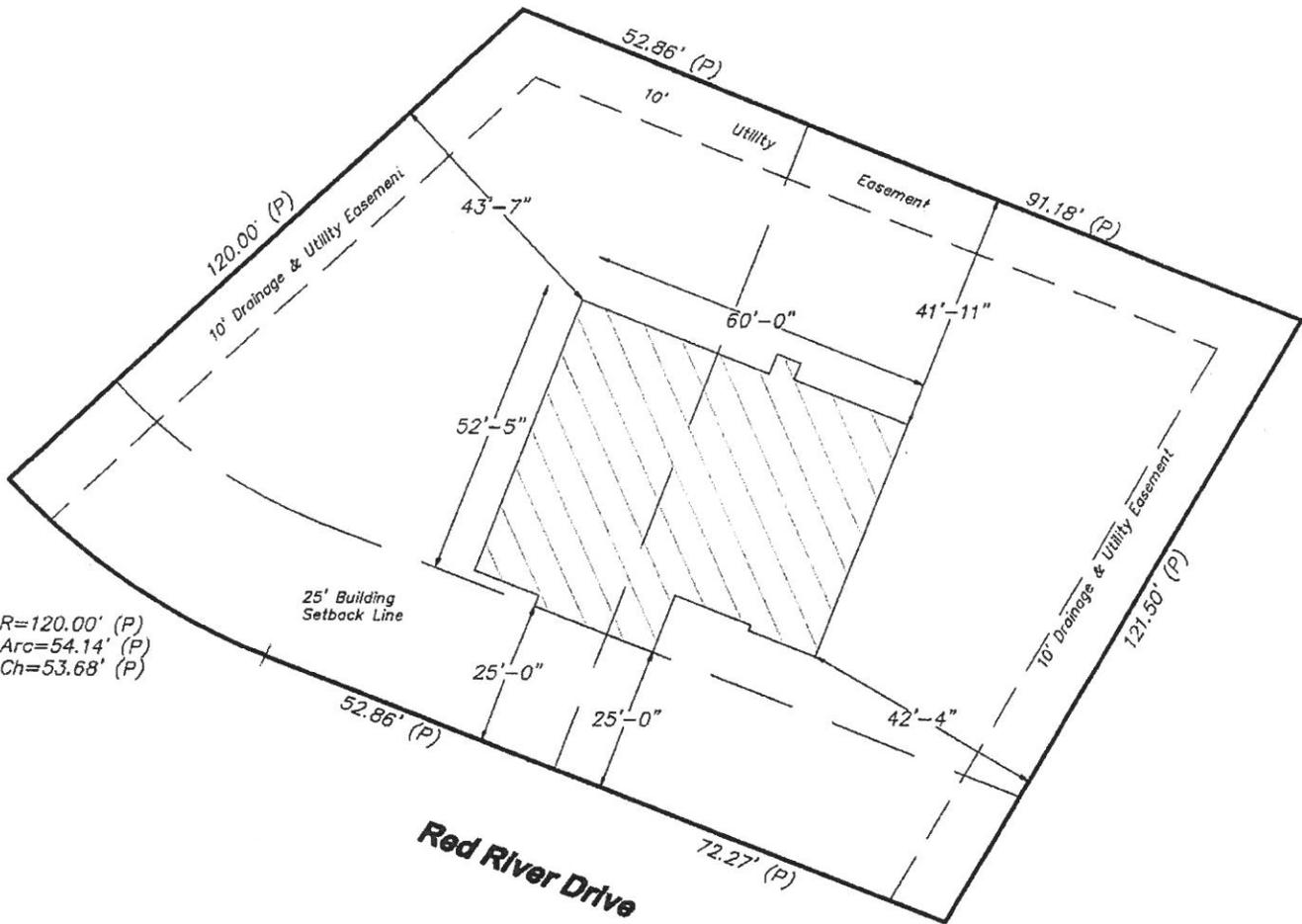
Don Klausmeyer
Signature of Applicant (s)

Don Klausmeyer
Printed Name

6/17/16
Date

Plot Plan
 1152 Red River Dr.
 House Plan: Braxton 1836
 Lots 37 & 38, Blk. 1, Chisholm Ridge
 Builder: Klausmeyer Construction

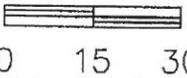
Notes:
 1. - drawing does not represent a boundary survey or mortgage title inspection. Easement and Building Setback information shown is from the recorded plat unless otherwise indicated.
 - Utilities shown are for information only and builder shall verify depths and locations prior to construction. Builder will be required to provide a minimum advance notice of seventy-two (72) hours to utility companies prior to starting any excavation as follows: Kansas One Call 1-800-344-7233 or 687-2470 (local Wichita).
 2. All Elevations shown are per Engineers Drainage Plan.
 3. All Lot Dimensions & Bearings are per recorded plat.



R=120.00' (P)
 Arc=54.14' (P)
 Ch=53.68' (P)

NOTES:

1) Unplatted Easements of Record
 If any, are not shown hereon



Dwn. By: AMF	Date: 6-21-16	Aprvd. By: CRA
Dwg. No. A14924	Rev:	Scale: 1" = 30'

NOTES

* SOIL TREATMENT

* FLOOR IRUSSES

* TANKLESS WATER HEATER

* FRAMING ALL WALLS

* BSMT BATH READY TO ROCK

W I N D O W S

MARK	QTY	SIZE	R.O.	STYLE
(A)	2	48"x24"		SLIDER
(B)	1	80"x40"		XOX

D O O R S

MARK	QTY	SIZE	STYLE
(1)	2	2'-6"x6'	MECHANICAL ROOM DOOR
(2)	3	2'-6"x6'	LOW VENERE JAMB COLONIAL STOP
(3)	2	2'-6"x6'	PRE-FINISH CORNER PARTITION DOOR
(4)	1	3'-6"x6'	LOW VENERE JAMB COLONIAL STOP
(5)	1	3'-6"x6'	3' FULL VIEW DOOR

5.23.16 6.20.16 @ 8:38 A

CREATED REVISED

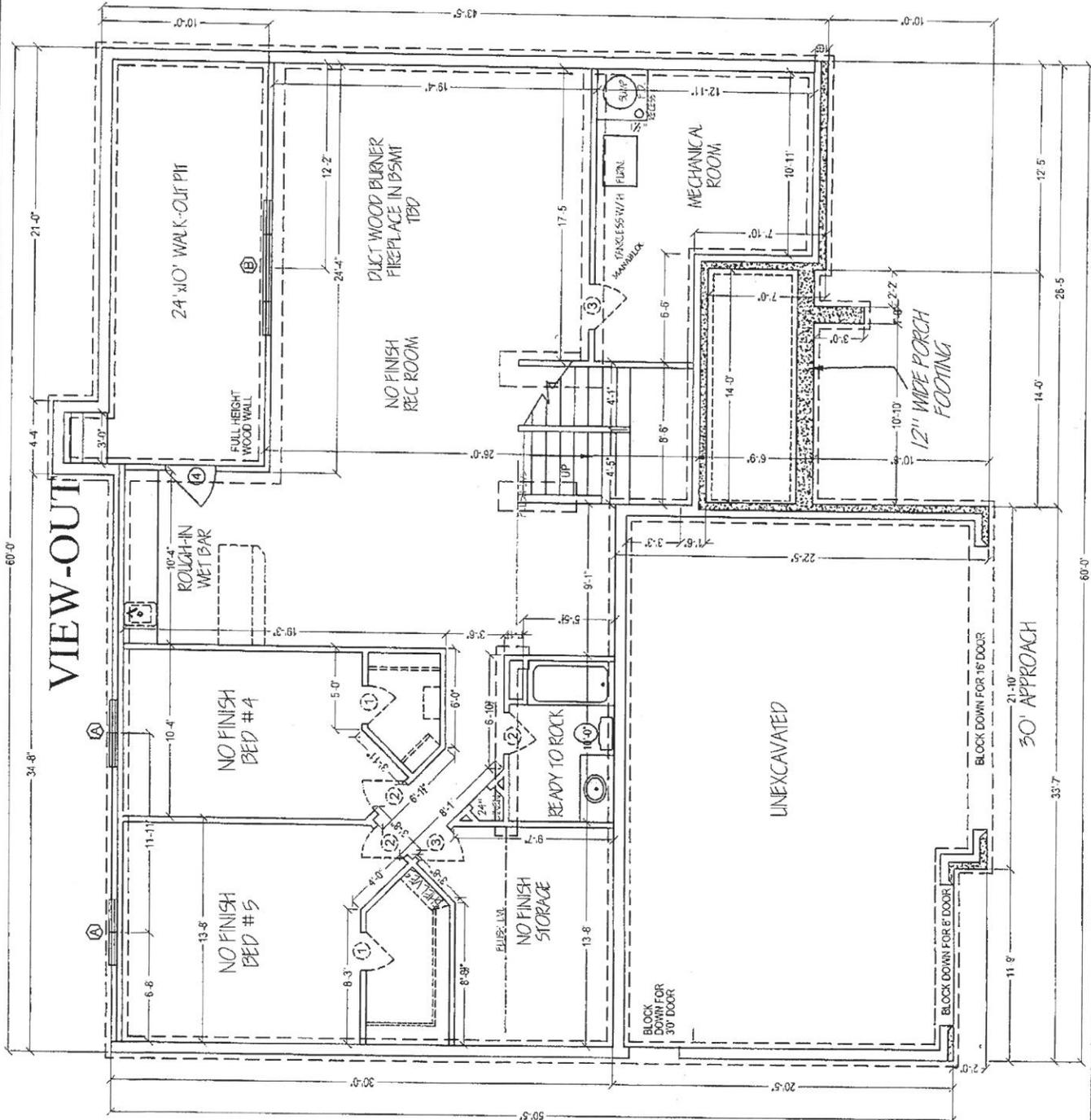
Don Klausmeyer
 C O R P O R A T I O N
 DRAWN BY WESK
 SHEET 1 of 3 FOUNDATION SCALE: 1/4"=1'-0"
BRAXTON 1836
 PLAN SQUARE FEET

DRAWN ESPECIALLY FOR

DON & JANET SCHAUF

1152 E. RED RIVER DRIVE
 CLEARWATER, KS

CHISHOLM RIDGE ADDITION



NOTES

FLOOR LUKESSES

- COFFERED MASTER CLG
- SIDE GARAGE DOOR w/PAD & LIGHT
- MASTER CF
- SPACESAVER MICROWAVE
- WOOD WRAP WINDOWS
- ADDRESS BLOCK

* COACHLIGHTS - 3

W I N D O W S			
MARK	QTY	SIZE	STYLE
(A)	3	56"8"	80"x50" SLIDER
(B)	2	28"8"	26"x50" S.H.
(C)	2	54"8"	50"x50" PICTURE
(D)	1	66"8"	80"x50" XOX
(E)	1	48"8"	42"x42" OBSCURE
(F)	1	40"8"	40"x10" TRANSOM

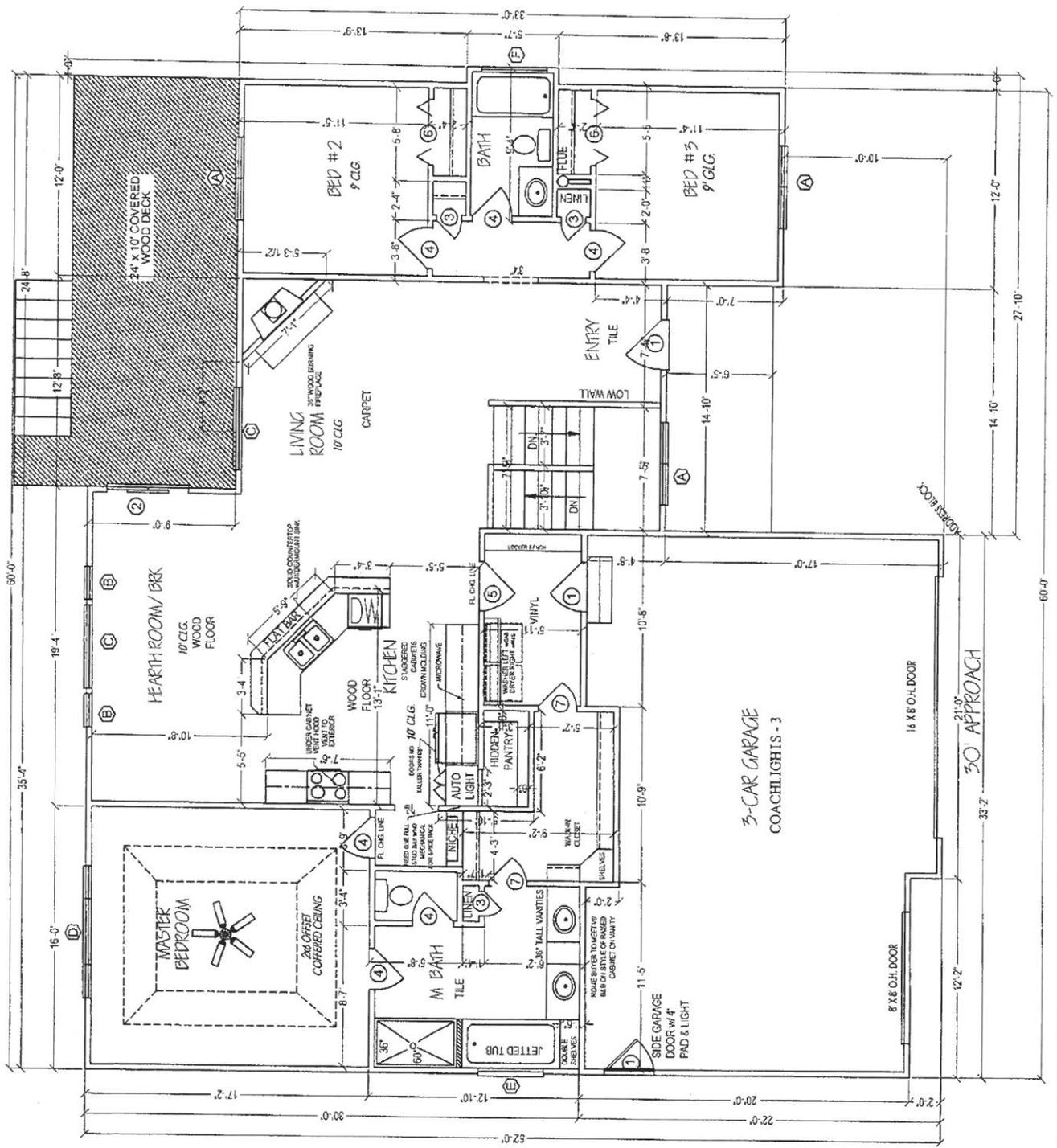
D O O R S			
MARK	QTY	SIZE	STYLE
(1)	1	36"8"	6 PNL STEEL ENTRY
(2)	1	56"8"	5' SLIDING PATIO
(3)	3	15"8"	15" W/VEILER JAMB. COLORED S.T.P.
(4)	6	24"8"	PRE-HUNG DOOR STARTING LOW COOR.
(5)	1	36"8"	PRE-HUNG DOOR STARTING LOW COOR.
(6)	2	48"8"	PRE-HUNG DOOR STARTING LOW COOR.
(7)	2	24"8"	COM. W/VEILER JAMB. COLORED S.T.P.

5.23.16 6.20.16 @ 8:38 A

CREATED REVISED

Klausmeyer
 CONSULTING ARCHITECTS
 P.L.L.C.
 1836 BRAXTON SQUARE FEET
 SHEET: 2 of 3 MAIN SCALE: 1/4"=1'-0"

DRAWN ESPECIALLY FOR
DON & JANET SCHAUF
 1152 E. RED RIVER DRIVE
 CLEARWATER, KS
 CHISHOLM RIDGE ADDITION



NOTES

* SOIL TREATMENT
 * SIDE GARAGE DOOR w/PAD & LIGHT

* COACHLIGHTS - 3
 * ADDRESS BLOCK
 * SPRINKLER & WELL

* LAMINATE SHINGLES

5.23.16 6.20.16 @ 8:38 A

CREATED REVISED



SHEET: 3 of 3 ELE SCALE: AS NOTED

BRAXTON

1836

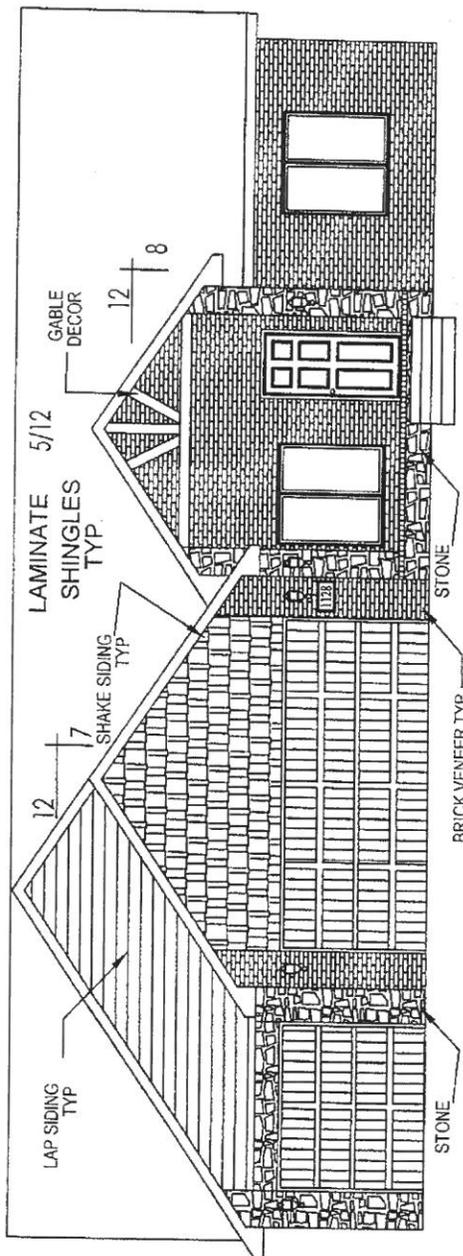
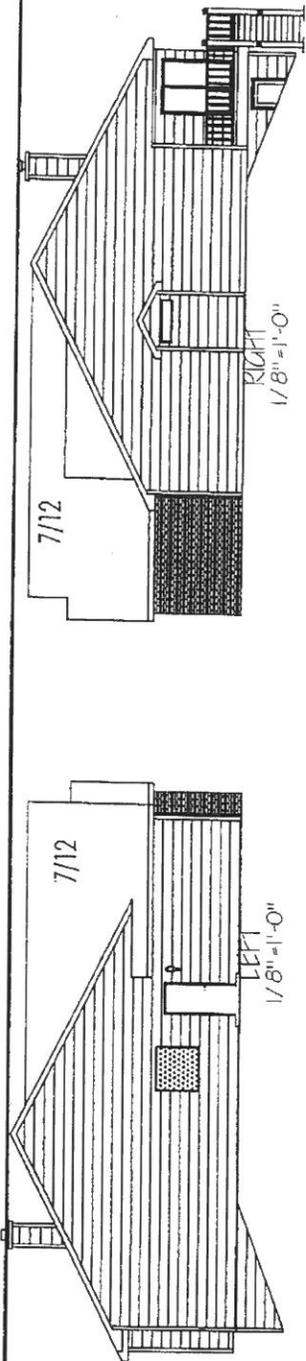
PLAN SQUARE FEET

DRAWN ESPECIALLY FOR

**DON & JANET
 SCHAUF**

1152 E. RED RIVER DRIVE
 CLEARWATER, KS

CHISHOLM RIDGE ADDITION



FRONT
 1/4" = 1'-0"

