

City of



## City of Clearwater Council Meeting Notice

Tuesday, October 11, 2016 at 6:30pm

129 E Ross Clearwater, KS 67026

[www.clearwaterks.org](http://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

Paul Clark, Councilmember

Ron Marsh, Councilmember

Chris Griffin, Councilmember

**4. Action: Approve October 11, 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 09/27/16 Council Meeting](#)

b. Re-Classify T.J. Ohlemier to Part-Time Officer

**7. Action: Indian Lakes Engineering Agreement**

**8. Action: [Safety Manual Adoption](#)**

9. **Action:** Return to Work Resolution
10. **Action:** Waste Connections Contract Extension
11. **Action:** EMS Billing Services
12. **Discussion:** Request for Proposals, Qualifications and Informal Bid Process
13. **Action:** Claims and Warrants  
Courtney Meyer, City Clerk
14. **City Administrator Report**  
Justin Givens, City Administrator
15. **Council Reports**
16. **Executive Session:**
17. **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 10 11 2016**

- Item 6:**
- a. Approval of Minutes as submitted 09/27/16
  - b. Re-Classify Officer T.J. Ohlemiller as a Part-Time Officer – T.J. is taking a job in Caldwell but has asked and Chief has recommended that he be moved to a part-time officer. He started as a part-time officer for the department.

-----end of Consent Items

- Item 7:** Indian Lakes Agreement – CED should have an Engineering Agreement for us to consider for the next phase of Indian Lakes. This agreement will allow them to begin work and have that work be included in the development costs. Petitions for the improvements will follow at the next meeting. The next phase of the project will be extending Copperhead Road south from Silverado approximately 530 feet. This will open up 8 new lots for development. The engineer is requesting the ability to solicit bids directly with contractors for each phase of the sewer, water and streets. The belief is that this method based on the small size of the job and the timing could result in cost savings for the developer. The traditional method would be for a single bid from a general contractor that would have mark-ups for each portion of the project. With the direct bids the mark-ups would be less.
- Item 8:** The Safety Committee has been working on a Safety Manual that is now complete and ready for adoption. This is something that will help with our Work Comp Rates and has been reviewed by EMC and our City Attorney.
- Item 9:** Return to Work Policy Resolution – again this is something that is suggestion by KMIT to help with our Work Comp rates and something that they suggest that we have in place.
- Item 10:** In discussing options with Waste Connections for the spring and fall clean-ups they provided the city with an option of discounted costs to do the two clean-ups. Generally, they only provide one curbside clean-up for each city that they work with. If we agree to a contract extension they would do a curbside clean-up for free and then offer a reduced rate for 5 dumpsters for a second clean-up.
- Item 11:** EMS Billing Services – We received two bids from companies for billing services. Staff has included the proposals and will provide more information at the meeting.

**Item 12:** We will provide an overview of the purchase policy and info for bidding and RFP and RFQs.

**Item 13:** Claims and Warrants – a full list of payables will be presented for approval at the Meeting.

**Item 14:** A full City Administrators report will be presented at the meeting on Tuesday.

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
September 27, 2016  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**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, Laura Papish, Chris Griffin and Paul Clark were present.

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Jason Gearhardt, Lieutenant Police Officer; Ernie Misak, Public Works Director.

Others present: Paul and Jared Zier, Ed Mikesell, Nina Cramer, Ethan and Adrian Mauk, DJ Madsen, Mason Skiles, Josh and William Thomas, Robert Pugh, Jason Martin.

**4. Approval of the Agenda**

Administrator Givens stated he would like to strike Item 14 as he did not have time to prepare for that discussion.

Mayor Ussery called for a motion to approve the September 27<sup>th</sup> agenda with the modification.

**Motion: *Papish* moved, *Clark* seconded to accept the September 27, 2016 agenda with the modifications. Voted and passed unanimously.**

**5. Public Forum**

None

**6. Consent Agenda**

Mayor Ussery called for a motion to approve the consent agenda. On the consent agenda there is the minutes from September 13, 2016.

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

**7. Consider an Ordinance Rezoning Lots 7-14 Block 1 and Lots 12-14 Block 2 Indian Lakes Addition from R-2 to R-3.**

Givens stated at their September 6, 2016 meeting the Clearwater Planning Commission held a public hearing to consider a request from the property owner of the Indian Lakes Addition to re-zone 11 lots

from R-2, Two and Three-Family Dwelling District, to R-3, Multiple-Family Dwelling District. During the Public Hearing, the property owner appeared on his behalf and no person from the public appeared to speak against the re-zoning and no person filed a protest petition during the statutory 14-day protest period.

The Indian Lakes Addition to the City of Clearwater was approved in 2011 and construction on duplex homes began in 2012. Currently, there are 19 units that have been built within the addition. The property when platted was zoned R-2 and all housing units have been built under the R-2 District Regulations.

Since being built the units have enjoyed a higher than expected occupancy rate, to the point that the developer is looking at options to move forward on more units. One option that is being considered is the extension of Silverado CT. south opening up Copperhead ST. Another option is the development of Mesa CT. The properties that are included in this request for rezoning are situated on Mesa CT and the three lots directly to the east on Indian Lakes Drive.

Based on the success of the development and the current housing stock as well as anticipated future housing needs in the community, the developer has requested a change of zoning from the current R-2 Two and Three Family Dwelling Units to R-3 Multiple Family Dwelling Units.

The R-2 regulations allow for up to a three unit dwelling to be built. The R-3 district would allow the developer to have more options in building combined units before getting into requirements for fire suppression and sprinklers.

When considering a request for a Re-Zoning, the Board of Zoning Appeals considers the following as factors for rendering its recommendation to the Governing Body: **(Staff commentary follows in bold)**

Whether the change in classification would be consistent with the intent and purpose of these regulations; **The regulations are set up for multiple dwelling units based on a scale of 2 or 3 units presently. The change in zoning would allow for the continued use of 2 or 3 unit dwellings but would also allow for the use of 4 to 5 unit buildings. The consistency in the district would remain while allowing the density to increase.**

The character and condition of the surrounding neighborhood and its effect on the proposed change; **The development itself is intended to be a multi-family development with two and three family dwellings. The change in the district in this specific area would allow for the option of an increased number of units to be built in a confined area. Surrounding property to the north is zoned R-3 and the suburban nature of the lots to the west lessens the impact of increased density.**

Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; **The traditional housing market is changing with home ownership becoming less of a factor and more trends in multi-family renting seeing a growth. Clearwater is not isolated in this trend as seen by the success of the first phase of the development. The requested change from R-2 to R-3 allows for flexibility in design on the number of units that could be built within a specific area.**

The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;

**North – the property to the north is currently zoned R-3. It is vacant but serves as a transition to the R-3 zoned independent living units.**

**South – the property to the south is part of the Indian Hills development. It is a large tract of land that could see any number of buildings that would be compatible with the R-3 zoning district.**

**East – Property to the east is within the Indian Hills Development and contains two family dwelling**

units.

**West – the properties to the west are large tract single family properties that enjoy more than normal distance between residential structures and the proposed development. Staff would say that the impact difference between an R-2 based development and an R-3 based development would be very minimal.**

Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity; **The area is designed as a multi-family dwelling unit development and this would only increase the density of the development in considering the compatibility of those neighboring properties.**

The suitability of the applicant's property for the uses to which it has been restricted; **The applicant's property is suited for both R-2 and R-3 zoning.**

The length of time the subject property has remained vacant or undeveloped as zoned; **Based on discussions with the developer, the cost benefit analysis for the needed infrastructure is higher for the R-2 District than that of the R-3 District. By increasing the density, it allows for the cost of the improvements necessary to be spread over a larger number of units.**

Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified; **All utilities are in the general vicinity of the development. The road, as well as sewer and water would be required to be extended but are within an easy distance. All utilities are sized to handle the development if the density was to be increased.**

The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development; **There is only one current property in the area that has been R-3 that is vacant but staff anticipate that property being developed in a similar manner as the senior independent living units to the north.**

The recommendations of professional staff; **Based on the information available at the time of this report, staff would recommend the approval of the re-zoning.**

Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **Housing options were identified as a need in the last Comprehensive Plan and as stated earlier, the traditional housing market has changed and opening up new developments such as this with an increased density provides an option for housing in the community.**

Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and, **Staff would state that this is not necessarily a change in the intent of the district but rather a change that would allow for an increase in the density to the area. As such, the any negatives to the public health, safety and general welfare would be minimal to the surrounding property.**

Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application.

Upon conclusion of the public hearing the Planning Commission did recommend unanimously the approval of the request for Re-Zoning from R-2 to R-3 Multi-Family Dwelling District to the Governing Body.

**Motion: Clark moved, Papish** seconded to adopt Ordinance 1016. Clark, yea; Griffin, yea; Marsh, yea; Papish, yea; passed unanimously.

**8. Consider an Amendment to the Standard Traffic Ordinance Section 175.1 Regulating the Use of Compression Engine release Braking Systems**

Givens explained that a Compression Engine Release Braking System is the new term for “jake braking” or the use of exhaust systems to reduce speeds in large trucks. As trucks enter the city at a higher rate of speed than the posted speed limit or in an effort to reduce their speed to the posted speed this type of braking is used. This system of braking creates long, loud and sustained noise mostly in areas that abut residential areas.

As it currently stands within the City’s STO, Section 175.1 does not outlaw the use of such Compression Engine Release Braking Systems, it merely limits their use to vehicles equipped with mufflers in accordance with the provisions of K.S.A. 8-1761. A separate ordinance would be required to effectively deal with the issue of “jake braking” within the city limits. If approved, once the ordinance becomes effective staff will place signs on the edge of town informing motorists that the practice is against the law within the City Limits.

Givens stated there is a small fee for the publication of the ordinance and a cost, estimated to be less than \$500 for the purchase and placement of signs on the entrances to the city.

**Motion:** *Griffin* moved, *Clark* seconded adopt Ordinance 1017. Clark, yea; Griffin, yea; Marsh, yea; Papish, yea.

**9. Consider a Request for the Purchase of Sod on the Baseball Field at Chisholm Trail Sports Complex**

Givens mentioned that Jess Tracy was requesting assistance in converting the baseball field into a total Bermuda field with dirt sliding areas and base paths. Givens said the Recreation Commission has agreed to assist with the project. They have pledged \$5,000 to the \$12,000 project. The school is not going to put money directly to the project but would buy a new mower, tarps and continue to provide year-round maintenance for the infield. There are some long term cost savings projected with the transition from fescue to Bermuda.

Since the initial request by Mr. Tracy has decided to put this request off until next year because at this time of season it is too late to put in sod.

There was Council consensus that they were amenable to the project provided a funding source could be identified when represented.

**10. Consider options for Repair and Replacement for the Backstop at the Chisholm Trail Sports Complex**

In 2016, the backstop at the baseball field of the Chisholm Trail Sports Complex was damaged. Insurance granted approximately \$20,000 in repairs based on submitted bids from various fence contractors. Initially, the repairs were slated to have occurred prior to the 2016 baseball season. Manufacturing delays caused the repairs to be postponed until after the season. During that time an alternative repair was proposed by a local contractor.

Staff did reach out to the school district and recreation commission to ask about the increased cost of repairs. The district stated that they would not be able to participate based on ownership issues and the recreation commission stated that they would consider a proposal if necessary at their next meeting.

Based on previous discussions there are several options available.

- 1) Use the initial repair estimate and supplied bid; \$20,000

- 2) Use the alternative proposal and secure the cost overages from other general fund lines; \$36,900
- 3) Use a hybrid which would use the original plan of repair for the poles and then purchase and retro fit a new net onto the repaired poles. \$25,000 (based on net price and cost estimates for attachments)

After discussion council would like to proceed with the alternative proposal at \$36,900 and asked staff to approach the insurance company to see if they would cover the cost of replacing the net even though it was not in the original bid.

**Motion:** *Marsh* moved, *Clark* seconded to approve the repairs of the baseball field backstop at the Chisholm Trail Sports Complex not exceeding \$39,000. Voted and passed unanimously.

### **11. Chisholm Ridge Drainage Issues**

Chris Bohm with Ruggles and Bohm is doing the drainage calculations but has not as of yet provide the numbers for review. City Staff, the original engineer, as well the builder and others including Don Schauf were on hand at a meeting earlier this week to discuss the issues and review drainage in the area. The hope was to have this information available for review along with suggestions for any mitigation as well as other drainage information at the meeting on Tuesday, but Chris Bohm was not able to get that information over to us.

This discussion was tabled until the next meeting.

### **12. ADA Fishing Dock for Chisholm Ridge Community Fishing Ponds**

In 2015, the city received a donation in the amount of \$3,000 for an ADA Fishing Dock for the Chisholm Ridge Fishing Ponds. The donation was made to allow access to the ponds for those in wheel chairs or citizens who might have a difficult time accessing the ponds due to the steep banks and grass areas.

Preliminary estimates for a 12' x 24' curved concrete patio area with railing would be approximately \$10,200. The railing was recommended for added safety. Staff discussed the need for the railing with MABCD personnel and based on actual plans it may be possible to use a toe rail or curb only instead of railing for compliance. Actual distances above grade and from the water will be the final determinant of whether one system is required over the other.

An additional question was asked about the availability of grants for the project. The State of Kansas Departments of Parks and Wildlife who administers the Community Fishing Program has a grant program that would if our project was selected award up to 75% of the costs while the city or other sources would be responsible for the other 25%. The application deadline for the grant program is June 1, 2017 with awards being granted in late July or August of 2017. This money is subject to appropriations from the state and is awarded on a competitive basis.

The estimated cost for the structure itself would be approximately \$9,700 with an additional \$500 being necessary for the railing. As this was an unbudgeted item staff would recommend combining the donation funds with funds that have been allocated for ADA improvements. To date, approximately \$450 has been spent of the \$13,000 allocated for ADA improvements. Staff would also propose a 10% contingency for the project and request authorization for a budget of \$11,220. There would be a remaining \$4,330 for ADA improvements in facilities for 2016.

Council discussed the options with staff and the general consensus was to move forward but they wanted to see pictures of the dock with the hand railing so they have a better idea of what will be going in.

**13. Mowing Services for City Property**

At the request of the governing body staff issued an RFP for mowing services. Several area landscaping companies were contacted and one company returned a bid package. Staff also prepared a cost estimate for in-house mowing. This included labor costs as well as equipment and fuel.

It is estimated that the city currently is spending approximately \$52,000 in labor, equipment and other items including fuel for mowing this year. This includes a temporary employee dedicated to mowing services as well as other full time employees assisting in mowing and grounds maintenance. It is estimated that this year staff will spend 2,480 hours on mowing. The city has also budgeted for the replacement of two mowers in 2016 one for \$8,000 and another for \$11,600. Additionally, with the creation of the equipment reserve fund, staff has started to allocate resources to the replacement of the machinery over time. The current mower lifecycle is eight years for smaller mowers and 10 to 12 years for larger pieces of equipment.

Council discussed the advantages and disadvantages to keeping the mowing in house. It was general consensus that the mowing would stay in house at this time, but staff needs to review the mowing demands during the budget season in order to budget for the proper amount of staffing.

**14. Request for Proposals, Qualifications, and Informal Bid Process**

Stricken from the agenda

**15. Appointment of the Emergence Services Director Search Committee**

Staff has prepared a timeline and chart showing the members who have agreed to be part of the committee. Council Member Marsh should have one last appointment to make.

<b>Emergency Services Director Search Committee</b>		
Ron Marsh, Chair	City Council	
Justin Givens	City Administrator	
Bill Hisle	Chief of Police	
David Williams	EMS Fire	Chief Williams is the Mulvane Fire and EMS Director and is experienced with a similar system as Clearwater
Jim Whitney	City at Large	
Dr. David Papish	City Medical Official	Dr. Papish reviews reports and works closely with the EMS Department
<b>Timeline</b>		
<b>Date</b>	<b>Action Item</b>	<b>Comments</b>
September 14 <sup>th</sup>	Job Posting	Vacancy Announcement Posted to HRE Partners, Kansas Works, Fire and EMS Job Boards
October 7 <sup>th</sup>	Vacancy Closes	Three weeks and a few days to receive applications
October 10 <sup>th</sup>	Application Review	1 <sup>st</sup> Review of Applications
October 12 <sup>th</sup>	Application Review	2 <sup>nd</sup> Review of Applications (If Necessary)
October 17 <sup>th</sup> – 21 <sup>st</sup>	Interviews	1 <sup>st</sup> Round of Interviews (In Person / Phone)
October 24 <sup>th</sup> – October 28 <sup>th</sup>	Interviews	2 <sup>nd</sup> Round of Interviews – In Person Only (If Necessary)
October 25 <sup>th</sup>	Appointment	First Date for Appointment if Candidate is selected from Round 1 Interviews
November 8 <sup>th</sup>	Appointment	Most Likely Date for Appointment barring Special Meeting
December 1 <sup>st</sup>	Possible Start Date	Staff will identify if funds are available for a 2016 start date.

**Motion:** *Clark* moved, *Griffin* seconded to approve the committee. Voted and passed unanimously.

#### **16. Claims and Warrants**

Meyer presented the claims and warrants in the amount of \$19,713.54.

**Motion:** *Papish* moved, *Marsh* seconded to pay the claims and warrants in the amount of \$19,713.54. Voted and passed unanimously.

Meyer then asked for council to approve the invoice from Austin Parker that he requested to be paid through the payroll system instead of the payables program.

Parker explained that the City Attorney needs to be paid through payroll because of IRS requirements. Meyer confirmed the statement with the auditor.

Council asked to pay Parker in the future without the prior approval but asked that his detailed invoice be presented to them as an update.

#### **17. City Administrator Report**

- Public Works
  - Staff installed 3 water services for Chisholm Ridge new homes
  - Will be working on potholes this week throughout town
  - Sweeper parts are on order and will be installed next week and streets sweep next week
  - The new overhead door has been installed at the shop
- Parks and Recreation
  - Youth Volleyball games start tomorrow
  - Youth Basketball sign-up has started and with a series of clinics starting in November and games starting in December
  - Rec will be hosting a Mother/Son Hoedown on November 18 with registration available now
- Library
  - Will be conducting a final interview this week
- Community Center
  - Floors have been stripped and waxed
  - Biscuits and Gravy will be postponed as the facility is hosting a sponsored breakfast
  - 10 people attended the Post WWII Animal Re-Stocking Lecture
  - The Center will be hosting a Flu Shot Clinic on October 21<sup>st</sup>
  - Medicare Counseling has begun. People interest can contact the center to make an appointment with Pam. She will also be speaking at a couple of open houses in conjunction with the Pharmacy this year.
- Police
  - Officer Ohlemeier has resigned to take a position with the Caldwell Police Department. T.J. has worked for the department either in a full or part-time capacity since 2009. His last day will be October 7<sup>th</sup>.
  - Chief is at the Chief's Conference in Salina this week.

- Officers Adams and Gearhart stopped a burglary in progress at one of the storage units last week. Two people were arrested in conjunction with it.
- Administration
  - Conducted Blood Borne Pathogens training last week and each building now is stocked with a kit to handle incidents in a safe manner
  - Future safety trainings will include Hazardous Materials and Safe Lifting Practices. We will also be putting on a return to work policy resolution in the coming weeks as recommended by KMIT
  - Staff attended annual KMIT training last week as well.
- Flooding Update
  - Staff incurred approximately \$3,000 in labor costs responding to flooding issues – 65 total hours with 30 hours of regular and 35 hours of overtime
  - Estimated Damage to City Facilities and Assistance was \$3,300 mostly in debris clearance and the road at the sewer lagoons.
  - Clearwater Fire responded to two calls for assistance and removed six residents from one location and four from the other west of town
  - Delivered medication to a resident that was cut off due to high water on Saturday
  - Preliminary Damage Assessments were very close to reaching threshold amounts so every bit helps in reaching that level. Sed Co. was meeting with FEMA on Monday to survey and assess damages in further detail.

### **18. Council Reports**

Griffin invited all council to his church's 100<sup>th</sup> anniversary on Saturday.  
Marsh had nothing to report.

Papish has nothing to report.

Clark had nothing to report.

Ussery mentioned he went to social media to recruit for the open Council position and the open Park Advisory Board position. He has spoken to several people and those who were interested in the City Council seat to attend the meeting tonight to see what Clearwater meetings were like.

Nya Cramer was present and interested in the council seat and introduced herself to the Council.

Ussery then asked staff if there has been any feedback from Fall Fest? Givens stated he plans to get with them this week to have that discussion.

### **19. 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 8:25 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 September 27, 2016 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 11<sup>th</sup> day of October 2016.

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Courtney Meyer, City Clerk

**City of Clearwater  
City Council Meeting  
October 11, 2016**

**TO:** Mayor and City Council  
**SUBJECT:** Safety Manual  
**INITIATED BY:** Safety Committee  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** The Safety Committee has spent the last year creating a Safety Manual for city operations. The manual provides information on safe work practices and is part of the city's ongoing effort to provide a safe work environment as well as achieve discounted rates for Workers Comp Insurance. The manual was prepared by the Safety Committee from a template provided by and tailored to the City of Clearwater from KMIT and has been approved by our insurance carrier EMC.

**Analysis:** The manual is centered around nine sections that include;

- 1) Loss Control – provides the framework for the manual and policies
- 2) Accident Investigation – provides guidelines and policies to determine what when wrong in the event of an accident, document the results and identify any corrective actions that are necessary
- 3) Hazard Communication – provides information guidelines for compliance with “Right to Know” and other standards.
- 4) Lockout / Tag Out – provides guidance on protection from machinery or equipment that may be out of working order.
- 5) Trenching & Excavating – provides the framework for safe digging and working environments.
- 6) Blood Borne Pathogens – provides information to minimize employee exposure to blood and other body fluids
- 7) Personal Protective Equipment – gives guidance for the appropriate equipment to safely perform tasks commonly found in the workplace
- 8) Emergency Action Plan – provides a framework for safe and efficient responses to emergencies or incidents in the work place.
- 9) Injury Reporting – instructs staff on what to do if an injury has occurred during work.

**Financial:** These policies assist in the reduction of workers comp rates that the city receives as a member of KMIT. There is no direct financial cost for this item.

**Legal Considerations:** Review and Comment as Necessary.

**Recommendations/Actions:** It is recommended the City Council:

- 1) Adopt the Manual as Presented;
- 2) Adopt the Manual as Modified;
- 3) Table the Matter for Further Study;
- 4) Take No Action.

**Attachments:** 1) Safety Manual (x-pages)

**City of Clearwater  
City Council Meeting  
October 11, 2016**

**TO:** Mayor and City Council  
**SUBJECT:** Return to Work Policy Resolution  
**INITIATED BY:** Safety Committee  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** In 2016, the City of Clearwater was awarded a Silver Status from Kansas Municipal Insurance Trust. KMIT a conglomerate of cities that partners together for our Workman's Compensation Insurance. The Silver Status is awarded to cities who go above and beyond basic minimums to ensure worker safety. The award also provides the city with a 5% reduction in Workers Comp Insurance Rates. The Safety Committee works to provide training for employees as well as stays current on issues that surround our Workers Comp Insurance. One item that is recommended from KMIT is the adoption of a Return to Work Policy.

**Analysis:** The Return to Work Policy as presented has been approved by both KMIT and EMC, the City's insurance carrier. The policy provides guidance for employees and department heads in ways to get employees back to work after injury and keep employees working after an injury. In the past workers who were injured were often left on Workers Compensation until they were fully cleared to return to their essential job duties. KMIT and others have found that often times employees who may be eligible for Workers Comp but that are allowed to return to work in a limited capacity often recover better from the injury that they suffered and can still provide valuable services to the city in a limited capacity or by performing other duties while still rehabbing their injury.

The Return to Work Policy allows for employees that may be injured to perform tasks not regularly assigned to them that they are physically capable of doing. The policy is directly incorporated into the Resolution that is being presented and will be added to the safety manual upon adoption.

**Financial:** There are no direct financial costs for this item.

**Legal Considerations:** Review and Comment as Necessary.

**Recommendations/Actions:** It is recommended the City Council:

- 1) Adopt the Resolution Approving of the Return to Work Policy;
- 2) Not Adopt the Resolution;
- 3) Table the Matter for Further Study;
- 4) Take No Action.

**Attachments:** 1) Return to Work Policy Resolution (1-page)

## **RESOLUTION NO. 7-2016**

### **A RESOLUTION ADDING TO THE CODE OF MUNICIPAL POLICIES, CITY OF CLEARWATER, SECTION 9 SAFETY MANUAL INJURY REPORTING.**

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

#### **RETURN TO WORK POLICY**

Workers Comp claims costs continue to rise and are a major expense to our city. There are several methods of controlling claims costs, but one of the most effective methods is returning employees to work as soon as possible.

The responsibility of the physician is to determine what, if any, restrictions apply to employees who are injured. It is not the physician's responsibility to determine whether or not an injured employee is able to work.

It is the policy of the City of Clearwater to aggressively return employees to work, within the restrictions provided by the physician. Department heads, managers, and/ or supervisors will be responsible for finding productive work for each injured employee. Assistance for this effort is available through our work comp carrier, KMIT, and its contracted representatives, Insurance Management Associates (IMA).

Temporary restricted duty work reassignment need not be confined to the current department in which the employee is ordinarily employed. Pay grade for injured employees will be based upon temporary work assignments.

Returning injured employees to work as soon as possible benefits both the employee and the City of Clearwater, therefore, this policy will be enforced. Any questions concerning this policy should be addressed to the City Administrator.

The City of Clearwater has identified and created alternative or modified work-duty tasks, and matching a worker's impaired physical capability from an injury to these tasks can control accidents costs, improve employee morale and productivity, and enhance our "bottom line".

**ADOPTED AND APPROVED** this 11<sup>th</sup> day of October, 2016 by the governing body of the City of Clearwater, Sedgwick County, Kansas.

(Seal)

Attest:

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Mayor

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Clerk

**City of Clearwater  
City Council Meeting  
October 11, 2016**

**TO:** Mayor and City Council  
**SUBJECT:** Waste Management Contract Extension  
**INITIATED BY:** City Administrator  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** The city is currently in its third year of a five-year contract with Waste Connections for sanitation and recycling services. The contract was originally agreed to in 2007 and was renewed in 2010 and 2015. During that time Waste Connections has provided services for a fall and spring city wide clean-up allocating staff and containers up to ten per year for the event. In 2016, the spring clean-up used all 10 containers and more, leaving the city to bear the costs entirely for the fall clean-up. These clean-ups provide residents the opportunity to dispose of large amounts of trash and generally help in keeping Clearwater a clean town. After the spring clean-up staff inquired about the possibility of doing curbside clean-up for the fall event. Based on those discussions Waste Connections offered an option that would allow for the city to continue with two clean-ups and have both a centralized drop off for one and curbside for the other.

**Analysis:** Waste Connections has offered to continue to provide the city with two clean up dates. One being a curbside clean up, that would allow those that may not have the ability to transport trash to a centralized location. Generally, in most cities that Waste Connections serves they only provide one citywide clean up per year and that is done as a curbside pick-up.

Waste Connections has proposed to provide one curbside pick-up in the fall and provide a discounted rate on dumpsters and fees for a second clean-up in the spring, if the city agrees to a contract extension. The quoted cost for the centralized clean-up from Waste Connections is \$65.00 delivery fee plus a \$175.00 haul rate per dumpster plus \$59.00 per ton for disposal rate. If the extension is approved Waste Connections would provide five (5) dumpsters at no charge. Any additional will be the same as listed.

**Financial:** In 2015, the city paid \$4125 for both clean-ups and did not have a curbside pick-up. In 2016, the city anticipates \$4250 for the Fall Clean-Up. In 2016 we have budgeted for \$134,000 in revenues and \$96,000 in expenses for the fund.

**Legal Considerations:** Review and Comment as Necessary.

**Recommendations/Actions:** It is recommended the City Council:

- 1) Approve the Contract Extension with Waste Connections;
- 2) Not Approve the Contract Extension with Waste Connections;

- 3) Table the Matter for Further Study;
- 4) Take No Action.

**Attachments:** 1) Waste Connections Contract Extension (2-pages)



WASTE CONNECTIONS  
OF KANSAS INC.  
*Connect with the Future®*

Justin Givens, City Administrator  
Clearwater, Ks.  
129 E Ross / PO Box 453  
Clearwater, KS 67026

September 13, 2016

Reason: Waste & Recycling Agreement

Cc: Mayor and Council Members

Hi Justin,

We, at Waste Connections of Kansas, Inc., have been honored to service the residents of Clearwater. We hope over the many years we have shown a commitment with attention to customer service along with professionalism to the residents of Clearwater. The City of Clearwater has reach out to Waste Connections of Kansas inquiring about a curbside Clean Up.

On page #2 I have provided the current service and rates, and what we would be able to offer the City of Clearwater for curbside residential, recycle and city wide curbside clean up. There are two options term lengths for the Mayor and Council to review. If you would like me to attend a Council Meeting for questions, answers or any concerns please let me know.

**Services provided:**

Waste Connections will provide all carts for weekly pickup on residential refuse and every other week on recycling.

**Free service to City owned properties:**

Waste Connections will also provide free waste service to all City owned buildings, (i.e. City Bldg, Fire Station, Public works Shop, Water Department, etc.)

**Permits:**

Waste Connections will meet all city, county, state and federal licensing requirements applicable to residential waste collections performed under this Agreement

**Insurance:**

Waste Connections agrees to provide annually a certificate of insurance to the City, and to maintain general liability coverage of not less than \$1,000,000 combined bodily injury and property damage; automobile coverage of not less than \$1,000,000 combined bodily injury and property damage; excess liability of not less than \$2,000,000 and workers' compensation coverage as required by statute.



**Listed below are the current rates on the current Agreement**

- ❖ Resident with 1-95- gallon cart \$ 10.50 per month
- ❖ Resident with 2- 95-gallon carts \$ 18.50 per month
- ❖ Resident with 1- 65- gallon cart \$ 8.50 per month
- ❖ RecycleBank Curbside Recycle Service \$ 4.75 per month
- ❖ Resident with 2 Recycle carts \$ 8.75 per month
- ❖ Bulky Items – Cost \$ 15.00 per item
- ❖ Clearwater Clean Up - 10 free open top hauls per year
- ❖ The contracted rate increases will be the same for the remaining years of the current Service Agreement (2017, 2018 & 2019).

**City Wide Curbside Clean Up Options**

Option #1

There will be three (3) years left on the current agreement as of January 1, 2017. If the City of Clearwater is interested in adding an Amendment the current agreement to add a Fall City Wide Curbside Clean Up there will be an addition cost of \$2,000.

Option #2

If the City of Clearwater would like to sign an updated eight (8) year agreement Waste Connections of Kansas, Inc will provide one time per year in the fall a city-wide clean up. Waste Connections will provide a minimum of 6 Compactor Trucks, drivers and personnel for curbside service. Waste Connections will drive around the city and pick up all City Residential trash & miscellaneous items. This service will be at No Charge to the City of Clearwater. If a new eight (8) year Service Agreement is signed Waste Connections will guarantee the current rates for another year.

Keep in mind of the City of Clearwater is wanting the availability to use roll offs for a clean up the cost for this service will be:

- Deliver Fee - \$65 (regular rate - \$80)
- Haul Rate - \$175 (regular rate - \$186)
- Disposal - \$59 per ton (current disposal)

We take great pride in serving your community. Once again, we would like to thank you for your communities support.

Sincerely,



Herschel West  
Waste Connections of Kansas, Inc.  
Municipal Marketing Manager  
Office: 316-838-4973  
Cell: 316-253-8023

**City of Clearwater  
City Council Meeting  
October 11, 2016**

**TO:** Mayor and City Council  
**SUBJECT:** EMS Billing Services  
**INITIATED BY:** City Administrator  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** In 2016, the Governing Body approved billing for EMS services. The city had in the past not charged for any transports to hospitals or other emergency services provided by the city. The only revenue generated by the department was thru the water bill that provides a small monthly charge to pay for the ambulances the city operates.

Medical billing is a complicated task that is also extremely specialized. Overtime many cities have contracted this type of billing out to third party vendors who specialize in the service. These vendors generally deal directly with patients, the patients insurance company or Medicare.

**Analysis:** Staff distributed a RFP and received two proposals back from companies that are proficient in EMS billing and collections. EMS Billing Services from Nebraska and DeLisa's Medical Billing Service located in Delphos, Kansas.

At this time both companies are very highly regarded in checking with other cities that use their service. DeLisa's charges customers a fee of 7% of revenues and additional monthly charges that estimate to be approximately \$1,300 per year. EMS Billing Services charges customers a flat fee of 15% of revenue per year. Staff will provide a full report of the proposals at the meeting.

**Financial:** In 2017, the city budgeted \$67,000 for revenues based on a price schedule that may need to be adjusted upward prior to adoption with expenditures for EMS billing at \$10,000.

**Legal Considerations:** Review and Comment as Necessary.

**Recommendations/Actions:** It is recommended the City Council:

- 1) Award a Billing Services Agreement to DeLisa's Medical Billing Services;
- 2) Award a Billing Services Agreement to EMS Billing Services;
- 3) Table the Matter for Further Study;
- 4) Take No Action.

**Attachments:** 1) EMS Billing Services Proposal (30-pages) 2) DeLisa's Medical Billing Service Proposal (15-pages)