

City of



## City of Clearwater Council Meeting Notice

Tuesday, September 27, 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 September 27, 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 09/13/16 Council Meeting](#)

**7. Action: Consider an Ordinance Rezoning Lots 7-14, Block 1 and Lots 12-14, Block 2, Indian Lakes Addition from R-2 Two and Three Family Dwelling District to R-3 Multi-Family Dwelling District.**

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

9. **Action:** Consider a Request for the Purchase of Sod on the Baseball Field at Chisholm Trail Sports Complex
10. **Action:** Consider options for Repair and Replacement for the Backstop at the Chisholm Trail Sports Complex
11. **Discussion:** Chisholm Ridge Drainage Issues
12. **Discussion:** ADA Fishing Dock for Chisholm Ridge Community Fishing Ponds
13. **Discussion:** Mowing Services for City Property
14. **Discussion:** Request for Proposals, Qualifications and Informal Bid Process
15. **Action:** Appointment of Emergency Services Director Search Committee
16. **Action:** Claims and Warrants  
Carol Reitberger, Deputy 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 09 27 2016**

**Item 6:** a. Approval of Minutes as submitted 09/13/16

-----end of Consent Items

**Item 7:** Indian Lakes Re-Zoning – this action gives the developer the opportunity to build 4 or 5-plexes. He does not want to go any bigger as it will require him to put in sprinkler systems. His actual next phase of building though will be to extend Copperhead Rd to the south on the other side of the development. It is more cost effective.

**Item 8:** Compression Brake Ordinance – the City Attorney has prepared an Ordinance for adoption to amend the STO to outlaw compression braking within the city limits.

**Item 9:** Jess Tracy is requesting assistance in converting the baseball field into a total Bermuda field with dirt sliding areas and base paths. 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.

**Item 10:** Staff has contacted the school district and recreation commission about cost sharing for the project. The school district has stated that they could not provide any funding and the recreation commission will take up the request at their next board meeting.

**Item 11:** 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 is to have this information available for review along with suggestions for any mitigation as well as other drainage information at the meeting on Tuesday.

**Item 12:** Staff will provide grant information and ADA requirements at the meeting on Tuesday.

**Item 13:** We did receive one bid. We will have an internal cost as well for the meeting.

- Item 14:** We will provide information on our bidding and proposal process and how it works within the Purchase Policy.
- Item 15:** 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 presented at the meeting on Tuesday.
- Item 16:** Claims and Warrants – a full list of payables will be presented for approval at the Meeting.
- 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**  
September 13, 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, and Paul Clark were present.

Chris Griffin was absent.

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief of Police; Ernie Misak, Public Works Director; Don Schauf, EMS Director.

Others present: Alicia Lange, Lily Mercer, Haley Hull, Paige Dull, Cody Hanna, Sierra Bills, Paige van Deest, Paul Wise, Tyler Donley, Sara Zogleman, Olivia Worden.

**4. Approval of the Agenda**

Administrator Givens stated that City Attorney, Austin Parker, was not able to attend tonight's meeting and he was to be bringing and ordinance for items number 13. There can still be discussion but there will not be an ordinance to adopt.

Mayor Ussery called for a motion to approve the September 13<sup>th</sup> agenda with the modification.

**Motion: *Papish* moved, *Marsh* seconded to accept the September 13, 2016 agenda with the modifications. Voted and passed unanimously.**

**5. Public Forum**

Donald Schauf approached the podium and stated he was building a house out at Chisholm Ridge. With all the rain there has been flooding issues in the new basement. Klausmeyer Construction did some grading after the first rain storm but it did not prevent water from entering the basement in the 2<sup>nd</sup> rain storm. Schauf stated that Klausmeyer is building a view-out basement and is not sure if this is a constructions issue or a lot issue. He is asking the city to review the lot and see if this is something the city can address or if this is just a construction issue.

Mayor Ussery asked if staff could contact the City Engineer to review the lots and see if there is anything that needs to be looked at by the City. Ussery asked that this be brought forward at the next meeting in September.

## **6. Consent Agenda**

Mayor Ussery called for a motion to approve the consent agenda. On the consent agenda there is the minutes from August 23<sup>rd</sup>, Klausmeyer Dairy Farm Bleacher Rental agreement, and Treecycle agreement with Sedgwick County.

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

## **7. Consider a Request for a Temporary Extension of Consumption Area – First and Last Bar**

Givens stated the First and Last Bar will be hosting a benefit poker run on Saturday, October 8<sup>th</sup>. They will also be a stop on a separate run earlier in the afternoon. The owners are requesting that they be granted a temporary extension of their drinking area for these events.

Mayor Ussery asked if there was something that could be done that would keep the owner from having to come before the City Council each time a temporary extension was requested. Alicia Lange, owner of the First and Last Bar responded that based on her approved application from the state that they would need to resubmit the application to include the area requested for extension and that they would lose the area as it is used for parking other than for special events.

**Motion: *Clark* moved, *Papish*** seconded to approve the temporary extension of the consumption area for the poker runs on October 8<sup>th</sup>. Voted and passed unanimously.

Ms. Lange then requested if Council would be willing to block off the North side of Ross Ave between Lee and Tracy so just the poker run people could park there.

Council discussed that there will be more people come into town for the poker run than there are parking places and they would not be willing to block that area off since they would need to find other places to park.

## **8. Authorize the Renewal of the State Employee Health Care Plan**

Givens stated approximately 6 years ago, the City of Clearwater elected to join the State Employee Health Care Plan as the provider of health insurance for eligible employees. Currently, 16 employees of 17 eligible employees are enrolled in one of the six plans that is offered by the city thru the State Employee Health Care Plan. The city last signed a contract with the SEHP in October 2013. That plan will expire December 31, 2016.

Staff solicited bids and received calls from several alternative insurance providers and brokers prior to the release of the new plan. At that time, many companies felt like they would have plans that could meet or better the rumored SEHCP increases. Staff provided health care questionnaires to multiple vendors. In August, the city received the updated costs from the plan. After the release of the plan, all companies that had previously been in contact failed to provide any further information about the products that they had marketed.

Based on the new rate structure, the City portion of shared health care costs will increase for an Employee only \$50.13 and the employee portion will increase \$10.26 per month. For an Employee/Spouse the increase will be \$121.73 for the City and \$45.64 for the employee. For Employee/Child the increase will be \$87.75 for the City portion and \$17.84 for the Employee. With an Employee/Spouse/Child plan the City portions will increase to \$156.75 per month with the employee share increasing \$74.30.

The 2017 Budget allocated \$289,300 for health insurance across all departments. This figure was based

on the anticipated maximum amount possible for eligible employees electing full coverage for employee, spouse and child. In 2016, the city budgeted \$225,500 and expended only \$190,000. Based on the plan contract, the anticipated maximum expenditure for the city in 2017 would be \$319,634 with actual anticipated costs of \$215,000.

**Motion:** *Marsh* moved, *Clark* seconded authorize the renew of the State Employee Health Care Plan. Voted and passed unanimously.

**9. Approve a Position Description for Emergency Services Director & Authorize the Posting of a Vacancy Announcement**

Givens stated he updated the position description to a joint position and updated the residency requirements to state the candidate must reside within 5 minutes of the City according to the requests made at the last council meeting.

Don Schauf, EMS Director, stated he believes the candidate should have the certificates prior to hire instead of within a year of hire and he believe that this candidate needs to be a training officer. He also believes the last sentence in the experience paragraph needs to be eliminated (The employee in this position is expected to have acquired the necessary information and skills to perform the job reasonably well within one year of employment) because this individual should already have these skills prior to hire.

Council discussed and agreed the candidate should have the certifications prior to hire or the equivalent if out of state. They also agree the last sentence in the experience should be eliminated.

**Motion:** *Papish* moved, *Marsh* seconded to approve the position description with the 2 changes. Voted and passed unanimously.

Mayor Ussery asked who will be on the search committee and what is the timeline for the job posting? Givens stated he plans to post the job for approximately 3 weeks and thought the search committee would be similar to the Chief of Police that would include a couple council members, himself, and another staff member.

Ussery stated he would like to see a search committee comprised of someone from and EMS department, Fire department, the Chief of Police, Councilmember, and someone from the community at large. Ussery would like the search committee presented at the following meeting.

Ron Marsh volunteered to be part of the search committee.

**10. Authorize the Purchase of Self Contained Breathing Apparatus for the Clearwater Fire Department**

Givens explained Clearwater Fire is requesting the replacement of its SCBA units. The department has a total of 12 SCBAs. Ten of those have been in service for ten years and two more are only three years old. It is recommended that SCBAs be replaced approximately every 7 to 10 years.

While the tanks are functional, the masks and hoses are becoming brittle and do not seal properly. Unfortunately, the units must be replaced as a whole as they are not compatible between units or brands. The cost for one SCBA unit with two bottles, mask, hoses and other accessories if \$5,440. Reports from Chief Schauf state that the MSA G1 SCBA is comparable to top of the line SCBAs at a lesser cost. The two newest additions to the companies SCBAs are MSA G1 units.

The cost for an MSA G1 air pack plus two bottles and all mask, hoses and accessories is \$5,440. Staff is requesting the purchase of three units this year and has programed in for 2017 the replacement of four more units. Staff has identified approximately \$20,400 in Equipment Reserve funds that were

programed for Fire Truck and Radio Replacements. Any new purchase of a Fire Engine would most likely be a bonded projected or done via special financing as those range from \$350,000 and up. The radio replacement program was completed but that money was not removed from the equipment reserve fund.

Ussery stated he would not like to see funds removed from the equipment reserve fund because something better came along. If these need to be purchased, he would like to see the funds pulled from somewhere else instead of our equipment reserve fund. Council agreed that if it can come out somewhere else they would prefer that instead of the equipment reserve.

**Motion:** *Marsh* moved, *Clark* seconded to approve the purchase of 3 SCBA's but to try and find other funds than the equipment reserve. Voted and passed unanimously.

#### **11. Accept a Consent for Annexation – 13811 Prairie Grass St**

Givens stated when a new house is being built in Prairie Meadows they come to a point where they would like to connect to City water. This requires a petition for annexation into the City. The process is; the governing body accept the annexation request, adopts a resolution, sends the resolution to Sedgwick County, the County approves the annexation and sends it back to the Clearwater, Clearwater adopts and ordinance.

Council did not have any discussion on this matter.

**MOTION:** *Papish* moved, *Marsh* seconded to accept the consent for annexation. Voted and passed unanimously.

#### **12. Adopt a Resolution for Annexation – 13811 Prairie Grass St**

Mayor Ussery called for a motion to adopt the resolution for annexing 13811 Prairie Grass St into Clearwater.

**MOTION:** *Papish* moved, *Marsh* seconded to adopt resolution 7-2016. Voted and passed unanimously.

#### **13. Consider an Amendment to the Standard Traffic Ordinance Section 175.1 Regulating the Use of Compression Engine Release Braking Systems**

Givens stated the City Attorney was not able to bring the Ordinance for adoption tonight but will be at the next meeting. He explained that 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.

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.

Council did not have anything against the amendment to the code.

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

In 2016, 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.

Staff has worked with a local contractor to develop a plan that would be cost effective for the city as well as provide the desired fishing area as well as a setting area for those who would like to partake in closer access that is ADA accessible.

The plan as designed would see the construction of an approximately 12' x 24' curved concrete patio area that would include a sitting wall at the rear. The structure would be raised approximately two feet from the normal pool water height. Additionally, a concrete walkway would be installed from the existing walk path to the new area.

Staff is also recommending an aluminum fencing/railing be installed at the edge of the structure to ensure ADA compliance. Based on the height of the structure it would not require fall protection but due to the nature of the structure being near the water and for the purpose of encouraging vulnerable populations to use the structure the added safety feature would seem appropriate.

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.

The dock will be placed at the East pond on the SW corner.

Marsh stated that Sedgwick County park has an example of this type of dock.

Ussery asked if there is a grant that would be able to help us with this installation.

Givens stated yes, but the next grant application is not until 2017.

Council discussed and would like to get someone who is familiar with the ADA laws to review the plans to make sure the plans are ADA compliant prior to building and to get further information on the grant dates for 2017. If we can get 50% funding for this project we should try.

Council did instruct staff to move forward and release the RFP for to see who will be able to build this structure.

#### **15. Backstop Repair and Replacement Options**

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.

The original work included the use of slugs that would be placed in the existing pipes approximately 3 feet below and 3 feet above grade. New poles would be placed over the slugs and joined to create a solid piece. The existing backstop would be removed and replaced. The concern was that the pipe diameter may not be fully compatible with the original proposal.

An alternative was suggested that the existing poles be removed and replaced with new poles that would be epoxied in place as an anchoring system. The epoxy would provide a stronger bond than just anchor bolts. This new system would remove the top rail and use a cable as the top tensioner. It also included a new net. The costs for the alternative breakdown as follows:

Net: 5-piece net - \$3,200  
 Rental Equipment: - \$3,000  
 Materials & Poles: - \$12,000  
 Miscellaneous - \$2,500  
 Labor - \$16,200

Approximately \$4,000 has been spent on temporary repairs. In speaking with EMC those repairs would be a reimbursable expense above the original quote. Staff would need to find additional funds to cover the \$16,900 for the alternative plan.

Ussery questioned does the council gauge spending \$36,000 for this new plan versus \$20,000 that insurance originally quoted? Is there something that says the original plan of \$20,000 is inadequate?

Givens stated it is just an opinion that the original plan may not work and based on what happened last year to cause the issue the alternate may do the same thing.

Council discussed and decided they would like to see drawings of each plan to compare, what would be the cost to install a removable net, and ask the school board and recreation commission to assist in the repairs. Ussery asked that staff draft a letter to the Recreation Commission for shared costs and he would sign it.

**16. Sunflower Grant Walking Trail Update**

In 2016, city staff submitted a grant application to the Sunflower Foundation for a walking trail that would run thru the Chisholm Trail Sports Complex. The plan had three alternates for path lengths to maximize the chances for funding of the request. In July, staff was notified by the foundation that it had been granted up to \$40,000 in matching funds to complete the project. This amount of funding would allow for the trail in its entirety to be completed. The trail as designed would join sidewalks on 4<sup>th</sup> Street just north of Park Glen to the existing sidewalk on Ross west of the east entrance road.

As part of the application process staff requested bids for a 3360 foot, 6 foot-wide, 4000 psi concrete mix that would be submitted to the foundation as part of the application. The bids received were as follows.

Company	Price	Notes
J. Martin Co.	\$89,510.40	Included costs for two culverts
APAC	\$79,985	
Cornejo	\$118,420	
Triple B	\$66,326	

In August, staff had a series of conference calls with Foundation staff to discuss the project and the bid discrepancies. Staff had been informed by Triple B that their bid included a community discount of the total price that was provided. Based on discussions with Foundation staff it was suggested that a separate bid be generated from Triple B that would show the total price without a discount to maximize the matching grant portion. Staff also allowed J. Martin Co to re-submit as their bid include work not specified in the original request. Those bids were as follows:

Company	Price

J. Martin Co	\$78,624
Triple B	\$79,632

Staff submitted the updated information to the Sunflower Foundation and is awaiting further information from them to proceed with the project, which would include a funding agreement and contract.

The city allocated \$20,000 to the project with a match from the Recreation Commission for \$20,000. Those two numbers would allow for the total matching contribution from the foundation of \$40,000. Based on the bids received and during discussions with the foundation it was highlighted that the community discount received by Triple B be shown as a match and not included as the bid price. This would allow for \$40,000 in contributions from the Foundation and reduce the total investment of the city and Recreation Commission from \$16,581 to \$13,316.

The next step in the process is Sunflower will send us a contract and then the City will award the bid.

**17. Road Improvement Plan**

In 2016, the city approved approximately \$150,00 in street maintenance projects. This figure includes annual narrow and wide crack filling as well as other road maintenance.

Staff estimates the following work for 2016:

10 Large Patches at \$4,000 per: \$40,000

Tracy & Nancy

Tracy & Park

Southeast Drive & 4<sup>th</sup>

1<sup>st</sup> & Janet

N Tracy at Cemetery (x 6)

Wide Crack Sealing: \$200 per crack: \$10,000

50 wide cracks

Narrow Crack Sealing: .55 per foot: \$12,000

22,000 feet of narrow crack

Slurry Sealing: \$675 per block: \$35,000

50 Blocks

These funds have been approved for expenditure in 2016. Staff will also begin to work on pot holing filling thru ought town that will reduce the available funds.

Council asked who is repairing the intersection at 4<sup>th</sup> and Ross. Staff stated it is a county intersection but the city staff has been filling it.

Council asked for staff to speak with the county and see what can be done for the intersection to fill in the holes.

**18. Claims and Warrants**

Meyer presented the claims and warrants in the amount of \$62,993.83.

**Motion:** *Papish* moved, *Marsh* seconded to pay the claims and warrants in the amount of \$62,993.83. Voted and passed unanimously.

#### **19. City Administrator Report**

- Public Works
  - Staff is preparing for Fall Festival this week
  - The carnival has been moved to the street due to the rain.
  - Staff worked approximately 35 hours' overtime on flood related issues from Friday at 4:30 to Sunday.
  - Repaired a water leak at Garvey last week.
  - Continued to mow and spent multiple hours at the baseball and softball fields at CTSC.
- Parks and Recreation
  - Board Meeting Tomorrow Night
  - Was informed about the carnival change but due to road closures may have to use an alternate location for flag football.
  - Staff met with the school to discuss whose responsible for ball diamond upkeep through the school year.
- Library
  - The board will be reviewing resumes (approximately 20) and conducting interviews at the end of the month.
- Community Center
  - No Biscuits and Gravy based on Fall Festival this weekend
  - Was to be hosting a speaker on animal replenishment in Europe Post World War II but has been rescheduled.
- Police
  - Assisted with Road Closure and monitoring during the flood
  - Gearing up for Fall Festival
- Administration
  - Renovations are almost complete. Used excess funds to purchase new carpet for City Hall
  - Safety Meeting on the 20<sup>th</sup> – Blood Borne Pathogens
  - Fall Clean Up is October 14<sup>th</sup> and 15<sup>th</sup>
    - Based on the usage at the Spring Clean Up it is estimated that the Fall Clean Up will cost the city between \$2,000 and \$4,500.
- Flooding Update – staff will be sending a more detailed report out later this week.
  - We assisted Sed. Co with road closures and rescues.
  - Approximately 35 extra man hours for public works
  - Residents with damage should call United Way at 2-1-1 to report damage – will be putting out information on social media to encourage the reporting

Givens also mentioned he has spoken with Sedgwick County Emergency and they are available in October for a Saturday morning to do a round table discussion on the City's emergency plans. Givens asked council to give him two dates in October that would work for them.

#### **20. Council Reports**

Marsh had nothing to report.

Papish has nothing to report.

Clark had nothing to report.

Ussery requested that when there are intersections and streets being discussed that there be maps to refer to when discussing them. At the next meeting he would like to see the update for the backstop, the mowing bids, fishing dock, and a written process of how RFP are put together and distributed.

**21. 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 8:25 p.m.

**CERTIFICATE**

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

I, Carol Reitberger, Deputy 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 13, 2016 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27<sup>th</sup> day of September 2016.

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Courtney Meyer, City Clerk

**City of Clearwater  
City Council Meeting  
September 27, 2016**

**TO:** Mayor and City Council  
**SUBJECT:** Consider an Ordinance for Re-Zoning for Lots 7-14 Block 1 and  
Lots 12-14 Block 2, Indian Lakes Addition  
**INITIATED BY:** City Administrator  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** At their September 6, 2016 meeting the Clearwater Planning Commission did hold 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.

**Analysis:** 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.

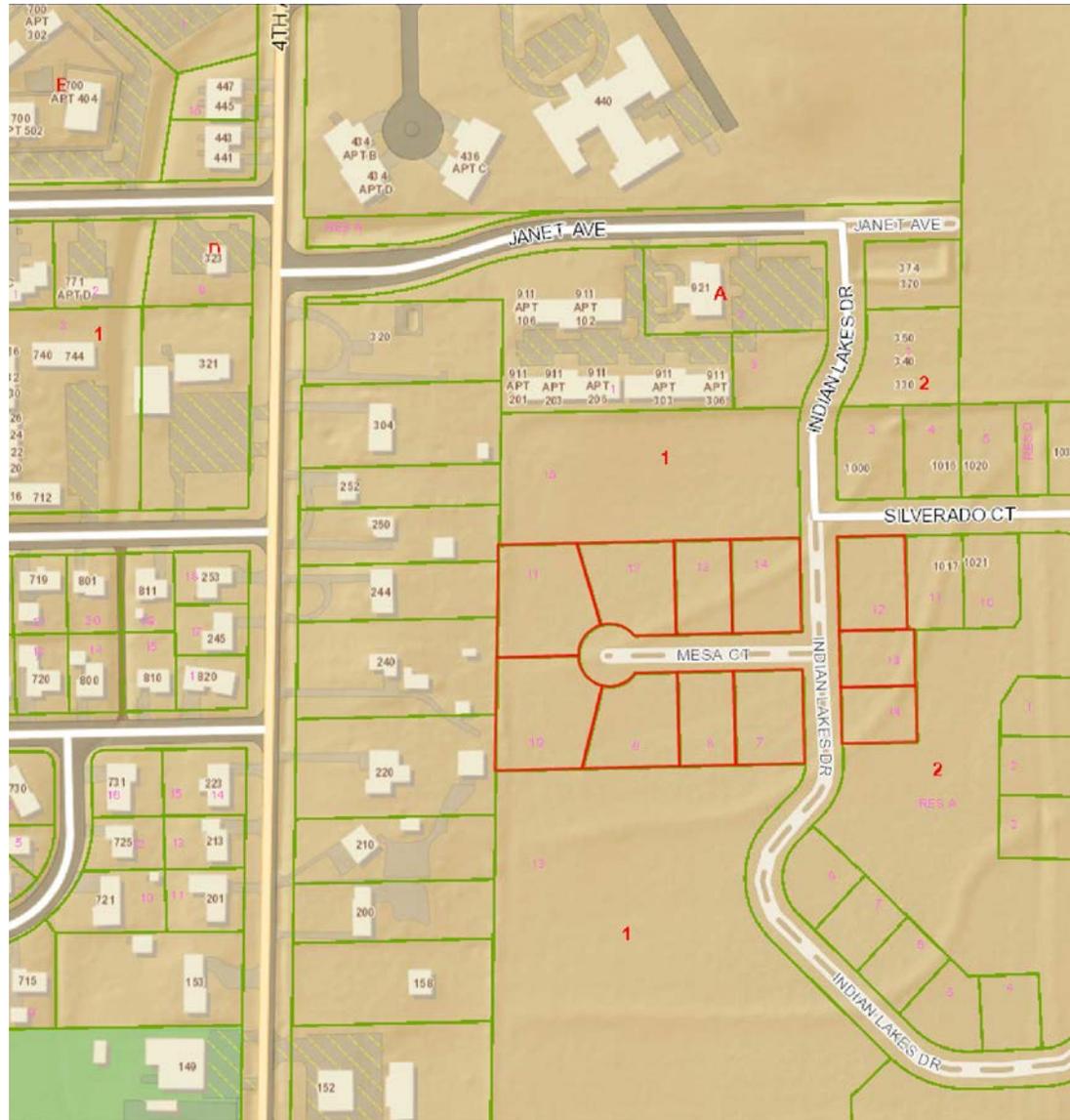
**Recommendations:** Upon conclusion of the public hearing the Planning Commission did recommend unanimously the approval of the request for Re-Zoning from R-2 to R-3 Multi-Family Dwelling District to the Governing Body.

**Actions:** The Governing Body may:

- 1) Adopt the Ordinance as submitted;
- 2) Adopt the Ordinance as modified;
- 3) Not Adopt the Ordinance;
- 4) Table the Matter for Further Study;
- 5) Return the Request to the Planning Commission for further consideration.

**Attachments:** Area Zoning Map (1-page); Subject Properties Map (1-page); Future Comparison Map (1-page); Adopting Ordinance (2-pages)







(First Published in the Times-Sentinel  
on the \_\_\_\_ day of \_\_\_\_\_, 2016.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1016

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED WITHIN THE CITY OF CLEARWATER, KANSAS FROM THE PRESENT "R-2" TWO AND THREE FAMILY DWELLING DISTRICT TO THE "R-3" MULTIPLE-FAMILY DWELLING DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CLEARWATER, KANSAS.

WHEREAS, notice of a September 6, 2016 Clearwater Planning Commission public hearing on changing the zoning classification of the herein described real property located within the City of Clearwater, Kansas from the present "R-2" Two and Three Family Dwelling District to the "R-3" Multiple-Family Dwelling District was published in the official city newspaper on August 11, 2016 and mailed on August 11, 2016 to all owners of record of lands within the corporate limits of the City of Clearwater, Kansas located within 200 feet of the proposed zoning change and outside the corporate limits of the City of Clearwater, Kansas located within 1,000 feet of the proposed zoning change; and

WHEREAS, the Clearwater Planning Commission conducted a public hearing on September 6, 2016 on changing the zoning classification of the herein described real property located within the City of Clearwater, Kansas from the present "R-2" Two and Three Family Dwelling District to the "R-3" Multiple-Family Dwelling District, and thereafter, based upon the public hearing and a discussion of the factors to consider in re-zoning, voted to adopt written findings concerning and recommend approval of said zone change by the governing body; and

WHEREAS, more than 14 days has elapsed since said public hearing and no protest petition has been filed with the City of Clearwater City Clerk.

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

Section 1. Zone Change

The official zoning classification of the property herein described is hereby changed from the present zoning classification of "R-2" Two and Three Family Dwelling District to the "R-3" Multiple-Family Dwelling District. Said property is legally described as follows:

Lots 7 through 14, Block 1 and Lots 12 through 14, Block 2 of the Indian Lakes Addition to the City of Clearwater, Sedgwick County, Kansas.

Section 2. Zoning Ordinance and Map Amendment

City of Clearwater Ordinance Number 835 and the official zoning map of the City of Clearwater, Kansas are hereby amended in accordance with Section 1 of this Ordinance.

Section 3. Effective Date

This Ordinance shall take effect and be in force thirty (30) days from and after its publication in the official city newspaper.

Adopted by the City Council this 27th day of September, 2016.

Approved by the Mayor this 27th day of September, 2016.

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BURT USSERY, MAYOR

SEAL

ATTEST:

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COURTNEY MEYER, CITY CLERK

**City of Clearwater  
City Council Meeting  
September 27, 2016**

**TO:** Mayor and City Council  
**SUBJECT:** Consider an Ordinance Amending Section 175.1 of the Standard Traffic Ordinance  
**INITIATED BY:** Mayor  
**PREPARED BY:** City Administrator, City Attorney  
**AGENDA:** New Business

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**Background:** 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.

**Analysis:** 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.

**Financial:** 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.

**Legal Considerations:** Review and Comment as Necessary. A full ordinance has been drafted and presented for review.

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

- 1) Adopt the Ordinance Amending the STO;
- 2) Not adopt the Ordinance;
- 3) Table the Matter for Further Study;
- 4) Take No Action.

**Attachments:** Ordinance (2-pages)

(Summary Published in the Times-Sentinel  
on the \_\_\_\_ day of \_\_\_\_\_, 2016.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1017

AN ORDINANCE PROHIBITING THE USE OF COMPRESSION RELEASE ENGINE BRAKING SYSTEMS WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS BY AMENDING SECTION 175.1 OF THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," AS CURRENTLY ADOPTED BY THE CITY OF CLEARWATER, KANSAS, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS IN CONFLICT HEREWITH.

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

SECTION 1. AMENDING SECTION 175.1 OF THE STANDARD TRAFFIC ORDINANCE. Section 175.1 of the "Standard Traffic Ordinance for Kansas Cities," as currently adopted by the City of Clearwater, Kansas, is hereby amended to read as follows:

**"SECTION 175.1. Compression Release Engine Braking System.**

- (a) It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system; provided, however, that such brakes may be used in an emergency situation where the use of an engine braking mechanical exhaust device is necessary for the protection of persons or property. (K.S.A. Supp. 8-1761)
- (b) Upon conviction of a first offense of this section, the defendant shall be mandated to appear in court and shall be fined not less than \$250.00 nor more than \$1,000. Upon conviction of a second offense of this section, within a twenty-four (24) month period, the defendant shall be mandated to appear in court and shall be fined not less than \$350.00 nor more than \$1,000. Upon conviction of a third offense of this section, within a twenty-four (24) month period, the defendant shall be mandated to appear in court and shall be fined not less than \$500.00 nor more than \$1,000. No portion of any minimum fine assessed pursuant to this

section shall be suspended nor shall the defendant be placed on parole from any portion of the penalty assessed.

- (c) Definition: Compression Release Engine Braking System. A hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.”

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

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

Adopted by the City Council this 27th day of September, 2016.

Approved by the Mayor this 27th day of September, 2016.

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

SEAL

ATTEST:

\_\_\_\_\_  
CITY CLERK, COURTNEY MEYER

## Clearwater Baseball – Infield Improvement

### Purpose

- **Improve Drainage**
- **Reduce Daily Maintenance**
- **Reduce Annual upkeep Cost**
- **Improve Playing Surface**
- **Reduce Rainouts (Practice/Games)**

### Renovation Outline

- Purchase Topsoil - **\$1,500**
- Purchase Bermuda Sod (Approximately 19,000 sq ft + delivery) **\$8,140**
- Rent Sod Cutter **\$200**
- Remove existing fescue infield
- Install Top Soil
- Install Bermuda Sod - Infield
- Re-use shale to build up bases and home
- Re-use fescue sod to replace bad edges – warning track
- Purchase 2 ton conditioner \$800
- Purchase Power Reel Mower \$1,200
- Purchase Base Tarps \$1,500

**Estimated Total = \$9,840** (conditioner, mower, tarps not included in total)

### Benefits-Bermuda

- **Wear: Excellent**
- **Injury Recovery: Excellent**
- **Insect Resistance: Very Good**
- **Disease Resistance: Very Good**
- **Heat: Excellent**
- **Cold: Excellent**
- **Drought: Excellent**

<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.	