

**MINUTES**  
**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**  
**CITY COUNCIL MEETING**  
**August 13, 2013**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, August 13, 2013, at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike York, Mayor; Jim Whitney, Chris Griffin, Burt Ussery, Laura Papish, Council Members. Council Member Paul Clark was absent. The following staff members were present: Kent Brown, City Administrator; Barbara Salinas, City Clerk; Janet Amerine, City Attorney. Others present at the meeting were: Marvin & Mary Schauf, Clearwater Fire Department; Ernie Misak, Public Works Director; Gene Garcia, Police Chief; Richard Mfulco and Mike Payne with Andale Ready Mix Central, Inc; Michele Hennes, Viola; Mark Stevens, Leeza Griffin, Bob & Jennifer Exline, citizens.

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Mayor York called the meeting to order at 6:30 p.m. York gave the invocation, which was followed by the Pledge of Allegiance. The Clerk called the roll to confirm the presence of a quorum.

**Approval of the Minutes of the Regular Meeting of July 23, 2013**

Council Member Burt Ussery made a motion to approve the minutes of the July 23, 2013 City Council Meeting. The motion was seconded by Council Member Chris Griffin and passed unanimously.

**Consent Agenda**

- 1 Authorization for payment to George, Bowerman & Noel, P.A., in the amount of \$3,139.29 for professional services rendered, Audit of the City of Clearwater, Kansas for the year ending December 31, 2012.

Councilmember Ussery asked how the Audit is presented to Council. City Administrator Brown stated that the 2012 Audit will be provided to the Council and the Auditors can make a presentation at the Council's request. He stated the Audit is complete and no action is required from Council.

Council Member Jim Whitney made a motion to authorize payment to George Bowerman & Noel, P.A. as presented. Council Member Burt Ussery seconded the motion. The motion carried unanimously.

**Mayor's Recommendations**

There were no appointments or recommendations at this time.

**Public Forum**

Michelle Hennes came forward to address the Council. Ms. Hennes asked for City support in organizing a Walk/Run Fundraiser. She asked for approval of signage placement marking the route. The Walk/Run will use the same route as the Summer Scorcher recently held. Ms. Hennes stated that proceeds of the event will be donated to her grandson who suffers from Spinal Bifida. The funds raised will go toward medical assistance and a donation to the Ronald McDonald House Foundation. It was the consensus of the Council to offer the City's support in the organization of the fundraiser.

**New Business****A Public Hearing for 2014 Budget**

The Mayor opened the Public Hearing at 6:40 pm.

City Administrator Brown presented the 2014 budget as approved by Council at the last meeting and published as required by State law. He stated that the 2014 Budget as approved by Council will not increase our tax rate. City Administrator Brown was available for any questions from the Council.

Councilmember Ussery inquired about the Parks funding. City Administrator Brown stated that the change requested by Council did not affect the overall total. The amount dedicated to general park improvements includes \$12,000 that was originally set for a mower purchase. The total includes \$17,000 from the general fund and \$5,000 from Special Parks.

The Mayor asked if there was anyone that wished to address the Council. There was no response. The Mayor then moved to the next item on the Agenda. The Public Hearing remained open.

**B Presentation by Andale Ready Mix Central, Inc on Road Material**

Mike Payne, Operations Manager and Richard Mfulco of Andale Ready Mix Central, made a presentation to the Council on their product. Mr. Payne referred to the 183<sup>rd</sup> Street County project that was recently completed. He stated that it is their philosophy that you build from the ground up, providing a solid base. Mr. Payne introduced a road material product called SuperSlurry, out of Dallas, Texas and provided photos of the five step process to completion. The product is 60% cement and 40% water, resembles latex paint and will remain suspended during the hauling process for up to 8 hours. Mr. Payne stated the product is injected into the ground and compared it's origin to farming techniques

Mr. Mfulco presented a slide presentation that demonstrated the five step process. He stated that during the most commonly used process of resurfacing a street or parking area, the average truck would require approximately 315 loads of crushed rock compared to 88 loads of SuperSlurry.

Mr. Mfulco cited a project list of those who have used their product. Mr. Mfulco then presented a video of the process.

Mr. Payne and Mr. Mfulco were then available for questions from the Council.

Councilmember Whitney inquired as to the cost of a 400' block. Mr. Payne stated that it is more cost efficient with large projects and quoted \$1.40 to \$1.50 per square foot, depending on the area.

Councilmember Ussery asked about the minimum square foot to mobilize and the \$1.40 quote. Mr. Payne confirmed the quote was for the subgrade only. There was some discussion regarding the minimum square foot mobilization requirement of (25,000 square feet) and how much road that could actually complete.

Councilmember Whitney stated that he thought the 183<sup>rd</sup> Street project was a good job, but commented on the surface they elected to use to finish the project. Mr. Payne restated the importance of building a road from the ground up and that there is the option to correct the finish.

Mr. Payne concluded that their company is hopeful to try out their product in Clearwater and thanked the Council.

The Mayor then moved back to Item A on the agenda.

**A Public Hearing for 2014 Budget**

The Mayor asked if there was anyone present that wished to address the Council. With no response, the Mayor then closed the Public Hearing at 7:15 p.m.

A motion was made by Councilmember Whitney to approve the 2014 Budget as presented. The motion was seconded by Councilmember Ussery. The motion carried unanimously.

**C Public Works Tractor Replacement Proposals.**

Public Works Director, Ernie Misak came forward to review the budgeted tractor replacement proposals.

Ernie stated that last year they requested a tractor replacement to acquire one with a cab for winter and summer use. He stated that he went to several vendors and they had all submitted quotes. With regard to the disc mower, he stated that it was easier to unhook than originally thought, taking only 15 minutes. He thought it would be better to trade in both to meet their needs. The 5520 is only used for disc mowers and is used 5-6 times a year. Ernie reviewed the four quotes submitted. His recommendation was to go with the quote from Wichita Tractor at a cost of \$17,002 with a purchase of a grapple from Newton for \$1,950. He also provided a photo of the tractor.

Councilmember Ussery asked if any research had been done on selling the tractor out right. Ernie stated that he received a good price on a trade in and did not think they could get a better price selling it out right. Councilmember Ussery asked if the tractor would be a lease or purchase. Ernie stated that it would be a purchase utilizing three funds.

A motion was made by Councilmember Papish to approve the purchase as recommended by Public Works Director Ernie Misak for a 2013 NH Powerstar 4.75 tractor at a cost of \$17,002. The motion was seconded by Councilmember Ussery. The motion carried unanimously.

#### **D Review Proposal for Electrical Services for City Hall.**

City Administrator Brown stated that due to the lightning strike that recently affected City Hall, he was presenting a proposal from Tri-County Electric to provide additional surge protection for the three phase power panel at City Hall. He stated the current system we have did not stop the damage done by the lightning. He stated that the proposed surge protector would act somewhat like a sponge to absorb a surge.

Councilwoman Papish stated they have the surge protection proposed at their business office and they have not lost equipment as a result of the same type of lightning strikes.

Councilmember Griffin asked if we had protection to the phone modem. City Administrator Brown said one phone was replaced and he would check with SKT on this as well.

City Administrator Brown stated that we have reported damages to our insurance company, but we may end up with some costs as a result of the lightning damages. He asked for the Council's approval to approve the request.

A motion was made by Councilmember Whitney to approve the proposal for electrical services from Tri-County Electric in the amount of \$846.00, including installation, to provide additional surge protection for three phase power panel at City Hall. The motion was seconded by Councilmember Griffin. The motion carried unanimously.

#### **Department Head Reports**

Fire Chief, Marvin Schauf reported that after the last rain they responded to a call at 119<sup>th</sup> Street for a car submerged in 3-4' of water. They attempted wench it out, but found that it did not work due to a seal that let oil into the motor. He stated the cost to repair was that of a new motor.

Councilmember Ussery asked about safety issues. Chief Schauf stated that the new motor was to be here within 2 weeks.

Police Chief Garcia stated that the Scorcher Run was held without incident. He stated that business as normal other than the computer issues at City Hall. He provided an update on the air cards, stating no changes and that they are still working on the project.

Public Works Director Misak reported that with all the rain, they are behind on their mowing and will try to get some mowing done. There were no major drainage issues associated with the heavy rains. He stated that the last reports from the ponds samples looked better than the last. He stated the KRWA cancelled their scheduled visit and will be sending a letter to the City of Clearwater. He stated they still need to complete some painting, SKI handicap parking and school cross walks, but that has been delayed due to rain. He also stated they will be erecting a new handicapped sign at SKT as well as a crosswalk signs to watch for children at Chisholm Ridge and 4<sup>th</sup> Street.

### **Committee Reports**

There were no Committee Reports.

### **Claims & Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of 8-13-2013 for \$49,128.10.

Councilmember Papish asked for clarification on the road maintenance with Ninnescah Township for a total cost of \$2,706.56. City Administrator Brown stated that this was an annual agreement for payment to maintain the roads up north that are within the city limits but the townships equipment is better suited.

Councilmember Ussery asked for clarification on the fire expense for gloves for a total cost of \$1,000. City Administrator, in the absence of the Fire Chief, stated that this was a replacement cost for a special type of glove used by firefighters and was not a cost associated with bunker gear replacement.

After discussion, Council Member Ussery moved to authorize payment of the claims and warrants in the amount of \$49,128.10. The motion was seconded by Council Member Papish and passed unanimously.

### **Old Business**

The council stated they are still interested in reviewing an ordinance on abandoned vehicles. Chief Garcia provided some input on the process, stating that it will be up to the Council to define the definitions of what they would like to see enforced. He stated that he will have a draft for Council's review at the next meeting of August 27<sup>th</sup>.

Councilmember Ussery asked about the status of Dollar General and wanted staff to monitor this concern. Councilmember Papish also voice concern on this issue with regard to the standing water north of the fence. Discussion was that this may be a drainage issue, but that the water could eventually recede. Councilman Ussery stated that he would like to see the city take some action with regard to the high weeds. City Administrator Brown stated that they would be notified of the violation in accordance with code enforcement procedures.

**Staff Reports**

City Clerk Salinas stated that although not on the agenda, an agreement with the Department on Aging was provided to Council for their approval. This is a renewal for an annual agreement that provides transportation through the RSVP program. City Attorney Amerine stated that she had approved the agreement as to form.

Councilman Ussery asked how it was tracked and if it is used. City Administrator Brown stated that the service is utilized and tracking is required.

Motion was made by Councilmember Whitney to approve the renewal of the agreement with the Department on Aging. The motion was seconded by Councilmember Papish and passed unanimously.

City Attorney stated that she had provided Council a City Attorney's Report from her Spring Meeting held at Sporting Park in Kansas City, Kansas. She stated that when she attends seminars she tries to report back information to the staff and council that is applicable to their roles with the City. The Council stated they found the summary interesting and thanked City Attorney Amerine for an informative report.

City Administrator Brown stated that we continue to work on repairs from the storm and noted some issues with the City Clerks computer, that were not storm related and will require replacement.

**Council Reports**

Council Member Burt Ussery stated he would like to continue to discuss scheduling a time and date for strategic planning session. City Administrator Brown stated they would add this to the next agenda of August 27<sup>th</sup>.

Council Member Laura Papish asked about the results of the Planning Commission Meeting of August 6<sup>th</sup> with regard to a public forum issue regarding building permit issues at 130 Second Street.

At this time, Councilmember Chris Griffin stepped down from the discussion citing Conflict of Interest.

City Attorney Amerine stated that the Bakers, residents of Second Street, were present at the meeting and the Chair did recognize and allow them to address the Commission, noting that they could only listen and no action could be taken. A copy of the Kansas State Statue that prohibited any city from discriminating against Manufactured Homes was provided to them. City Attorney Amerine stated that the Bakers did offer some suggestions as to possible zoning changes and that their suggestions were taken as public comment only. Councilmember Papish asked if the last paragraph of their letter to the Council and Planning Commission should be considered a concern. City Attorney Amerine stated that they do have the option to go through the legal process of a

restraining order, but that this would only be a delay and there are no grounds for an Order. She stated that they were told there was no legal remedy for this issue at the local government level.

After the discussion regarding the Second Street issue was concluded, Councilmember Griffin then re-joined the Council

Council Member Jim Whitney stated that there were some sprinkler system problems with ball field #1. He stated two valves would need to be replaced at a cost of \$950. He also reported that the due to the heavy rains, the sprinklers were off. He added that he will be start vacant lot mowing when he can.

Council Member Chris Griffin stated he had nothing to report.

City Administrator Brown asked for an Executive Session for 15 minutes to discuss Personnel matters of non-elected personnel.

At 8:30 p.m. Councilmember Whitney made a motion to adjourn into Executive Session, Personnel matters of non-elected personnel. The motion was seconded by Councilmember Papish.

At 8:45 p.m., Council returned to regular session with no action taken.

**Adjournment**

Being no further discussion to come before the Council, Council Councilmember Papish moved for adjournment. The motion was seconded by Council Member Whitney and passed unanimously.

The Meeting adjourned at 8:45 p.m.

**CERTIFICATE**

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

I, Barbara Salinas, 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 August 13, 2013 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 27th day of August, 2013.

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Barbara Salinas City Clerk