

**MINUTES**  
**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**  
**CITY COUNCIL MEETING**  
**October 8, 2013**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, October 8, 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; Paul G. Clark, Chris Griffin, Burt Ussery, Laura Papish, Council Members; Jim Whitney, Council Member 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; Gene Garcia, Police Chief; Ernie Misak, Public Works Director; Donald Schauf, Ambulance Director; Clint Luckner, Clearwater Police Department; Tim Norton, Sedgwick County Commissioner; Bruce Long, Maureen Kile, Scott & Roxanne Howell, Joan Fleming, City Residents; Sadie Wallace, Clearwater High School Government student.

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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 September 24, 2013**

Council Member Ussery made a motion to approve the minutes of the September 24, 2013 City Council Meeting. The motion was seconded by Council Member Clark and passed unanimously.

**Consent Agenda**

There was nothing for the consent agenda.

**Mayor's Recommendations**

Mayor Mike York did not have any recommendations.

**Public Forum**

City Resident Maureen Kile addressed the Council about the semi-trailer that has been an ongoing issue for over a year. Kile stated she bought a home on S. Lee St and the trailer was on the property when Kile purchased the property. The trailer was then moved to Kile's residence on S. Grant. Kile further stated that she has received several letters from the City and has been asked to move the trailer via letter from the Police Department according to the city code. Kile did not see where she has to move the trailer and would like some concrete time lines to have the trailer has to be removed from the property. City Administrator Brown reviewed the history of the trailer and asked Police Chief Garcia for specific dates. Police Chief Garcia reviewed the actions and contacts that have already been made with the Kiles regarding the semi-trailer. Kile asked about taking off the wheels and using it for a storage unit. City Attorney Amerine said that is not possible according to the code. City Council Member Ussery asked about the time frame on the letters that were sent and the time frame on the visits that Kile has made to the Police Department. Kile disagrees with having to move the trailer. After further discussion, City Attorney Amerine reminded the Council that no action is to be taken on issues brought forward at Public Forum. Mayor York stated that Council

would discuss the issue later.

### **New Business**

#### **County Update from County Commissioner Tim Norton**

Tim Norton, Sedgwick County Commissioner introduced himself to the City Council for the members who had not met him. Norton congratulated the City on an excellent Fall Festival. Norton was able to make it down for a while. Norton participated in the “Focus on the Future” meetings that have been going on in Clearwater. Norton stated that the County has made it through the budget time of year. There was no new raise in the mill levy so no tax rate increase. The County still has some struggling on what to do with the Boys Ranch. The facility needs some updating and with the State cutting the budget some tough decisions will have to be made. Norton stated he is on the Board for WAMPO. Norton is happy that Clearwater is involved in WAMP so some of the money can go to smaller cities for improvements. Norton stated that the bridge work on 111<sup>th</sup> St S is completed and the bridge on 103<sup>rd</sup> St S is 74% completed and is expected to be open by Thanksgiving. The sinkhole on 135<sup>th</sup> St S does not look like much more compacting can happen and any solution to this problem will be very expensive. Sedgwick County is working on a plan that will slow down the sinking and level it out. There have been some sealing projects completed in the area as well. Mayor York asked about the work on 135<sup>th</sup> of K-42 Highway and Norton replied that it will look like 135<sup>th</sup> north of Macarthur. Norton thought the 135<sup>th</sup> project should be completed by the end of 2014. The project on 135<sup>th</sup> north of 71<sup>st</sup> will be completed before the south of 71<sup>st</sup> starts so the whole road will not be closed at once. Norton thanked the Council and let them know to call with any questions.

#### **Consideration of an Ordinance Amending the Zoning Ordinance of the City of Clearwater, Kansas so as to Change the Zoning of the Hereinafter Described Property Within the City of Clearwater From C-2 General Commercial District to R-2 Two and Three Family Dwelling District and Amending the City of Clearwater Zoning Map.**

Administrator Kent Brown stated this Ordinance was coming as a recommendation from the Planning Commission. The two lots were originally going to be used as a storage unit or an office but the Indian Lakes Leasing has decided to make it residential property. The Leasing Company would like to build patio home duplexes on these two empty lots. There were no public comments or concerns and the Planning Commission would like to recommend this change.

Council Member Papish made a motion to accept the Ordinance 975 as written. Council Member Ussery seconded the motion and passed with a roll call vote. Papish yea, Clark yea, Ussery yea, Griffin yea.

#### **Kansas Department of Health and Environment Administrative Order Regarding the Current Operations of the Wastewater Treatment Facility.**

City Administrator Brown reported to the Council that KDHE has ordered the City to hire an engineer to prepare a plan of action to address the City’s current operations of the wastewater treatment to meet state requirements. The letter states an engineer should be hired within 60 days and within 90 days city shall submit a plan of action to the State of Kansas. Staff is asking for direction on this project. Council Member Ussery asked if there is a list of experienced engineers in

this field. Administrator Brown stated that there is a list of engineers but would have to review the situation to see if it fits their experience. Public Works Director Misak stated that algae continue to be a problem. Algae are controlled with oxygen. Algae can die off in winter with cold temperatures. Administrator Brown stated the most important thing is getting an engineer hired within 60 days and then the State will work with the engineer through the rest of the process even if it takes longer than the 90 days. Council Member Ussery would like the engineer that is picked to give the Council his findings before the report is submitted to the State of Kansas. City Administrator Brown stated that he would provide a proposal if possible for the Council to review at the next meeting.

**Resident Agreement as part of Water Right Application for Well #7.**

City Attorney Amerine stated that this is the last agreement from the Landowner need to complete the Water Rights Application. Council Member Ussery asked if the verbiage was the same as what Council has seen before. City Attorney Amerine stated yes.

Council Member Ussery made a motion to have the Mayor sign the agreement as written. Council Member Clark seconded the motion and passed unanimously.

**Discussion on Access/Easements to Extend Sewer on S. Grant**

City Administrator Brown stated that the property owner has requested a proposal to extend sewer service to west side of the 200 block of South Grant Ave. On the city map we have neighboring properties that requested the properties to be vacated 20 years ago. The Council at that time approved to vacate the street and alley. Council Member Ussery asked what the word vacated means in this particular case. City Attorney Amerine stated that vacated means there is no street or alley way. The vacated property goes back to the property owners with no street or alley. City Administrator Brown stated the property owner next to the vacated property is now requesting a sewer main to be installed so a home can be built on the land. City resident Bruce Long stated to the council that he has a copy of an Order that was passed when this whole project started 20 years ago. City Attorney Amerine stated that an Ordinance was never passed to “vacate” the stated right of ways and alleys and a legal document was never completed. City Administrator Brown pointed out the different methods depending on the route the sewer main would be constructed that would provide service to the property.

After further discussion, Council Member Ussery asked how this can be corrected. City Attorney Amerine recommended to the Council that the whole process start again with her drawing up 2 new Ordinances for the Council to vote. City Attorney Amerine stated that a petition would start the process and then a hearing and then the Ordinance comes from the hearing.

Council Member Ussery made a motion to go into Executive Session for 12 minutes for a legal issue. Council Member Clark seconded the motion and carried unanimously. Council went into executive session at 8:08 p.m. Council returned from executive session at 8:20 with no action taken.

City Attorney stated to the residents present that the Council will wait for the petition to be brought

to them before anything else is done. Mayor Mike York directed city staff to have the city engineer look at the property and see what the best way is to get sewer to the empty property.

### **Department Head Reports**

Officer Clint Luckner filling in for Chief Garcia stated to the Council that Fall Festival had a few incidents but did not result in injuries to anyone and no tickets were issued. Several officers attended training this week. Officer Luckner will attend training next week.

EVS Director Donald Schauf requested a list from the Purple Wave website. Schauf would like to sell the ambulance and some radios that are not digital. Council Member Papish asked who would be in the market for old radios. Schauf reported that this web site goes all over United States and everyone does not require digital radios. Papish asked where the money goes after the items are sold. City Administrator Brown replied that it will go back to the city general fund. Schauf requested that the area around the tornado shelter be blacktopped. There is quite a drop off for people parking and then stepping up to the driveway of the cement around the building. People are in a hurry coming to the shelter and could easily trip. Council Member Ussery asked what the disposal procedure is if the items do not sell.

Council Member Ussery made a motion to allow Schauf to sell the items on the Purple Wave list and report back to the Council how much money is made and then Council will decide what fund the money will go in after the sale. Council Member Griffin seconded the motion and passed unanimously.

EVS Director Donald Schauf reported the Ambulance Volunteers used the Clearwater Recreation Commission mule for the weekend of Fall Festival. There was one incidence where the Volunteers had to respond. It was nice to have access to the mule and the radios for the event. Schauf commented that he liked the way for Fall Festival was set up in the City Park. Schauf has received several positive comments from city residents.

Fire Chief Marvin Schauf reported to Council that Kindergarten through 4<sup>th</sup> graders got to ride the fire truck. Schauf talked to 171 kids at the grade school about Fire Prevention week.

Public Works Director Ernie Misak stated that Public Works Department has started working on filling the cracks in City Streets. There was a little damage to the City Park caused by the Arts and Crafts fair vendors pulling into the park to unload their displays. Council Member Ussery asked about the electrical damage to the City Park due to the carnival people cutting the line. City Administrator Brown stated that in the end there was no damage to the emergency siren and that Tri County will give the bill to the city on any repairs at the breaker box. City Administrator Brown that a Police Report was filed. City Attorney Amerine stated that Police Garcia did write a ticket for the damage and the bill for the damage will be given to the Prosecutor and will ask the judge to include in restitution. Council member Griffin stated that the Carnival group is under contract with the Fall Festival for two more years. The DeWeeze mower is in the shop to have some hoses replaced. This mower is used at the sewer ponds. Council Member Papish would like to donate 6 chairs to the tornado shelter.

### **Committee Reports**

There were no reports.

### **Claims & Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of September 24, 2013 in the amount of \$38,039.07. Additional claims and warrants came in to city office since Friday in the amount of \$21,519.76.

After discussion, Council Member Griffin moved to authorize payment of the claims and warrants for \$59,558.83. The motion was seconded by Council Member Ussery and passed unanimously.

### **Old Business**

Council Member Papish would like the scoreboard at the Sports Complex added to the list. Council Member Ussery would like to make sure that the City sends out bid requests to a number of vendors to get the best price and not select a vendor for a project.

Council Member Griffin asked about the ADA requirements.

### **Staff Reports**

City Clerk Barbara Salinas provided a year to date financial report. It is an overview of where the city is so far in the 2013 budget year.

City Administrator Kent Brown explained to the Council that the financial report includes the reserves in several funds. After further discussion, Council Member Burt Ussery asked what happens to any money left at the end of the year. Administrator Brown stated it stays in the fund. Administrator Brown stated that so far this year the budget is on track for revenue and expenditures.

Administrator Brown reported that staff will meet with Ground Water Associates on October 10 to conduct a pump test for the water rights application. Administrator Brown asked Council if they would like to see the cell phone tower lease contract. It will be included in a future meeting packet. Administrator Brown reported that a library volunteer damaged a wire that connects to the Wellness Center. The Insurance Company stated the deductible will be more than the repair. The City will pay for it since the Library is a city owned building.

City Attorney Janet Amerine had nothing to report.

### **Council Reports**

Council Member Ussery asked about recognizing the volunteers of the Fall Festival Committee. Mayor Mike York stated that the Fall Festival was very nice. York directed staff to send a thank you note to the Fall Festival Committee. Council Member Ussery would like to see a plaque to recognize the volunteers.

Council Member Clark had nothing to report.

Council Member Papish asked about the bricks around the windmill with names on them. Council Member Papish would like that project advertised again.

Council Member Chris Griffin would also like to do something for Fall Festival Committee Members.

City Attorney Janet Amerine stated to the Council to address the trailer situation. Mayor Mike York gave staff direction to mail a letter to the homeowner with a deadline of January 1, 2014 to have the trailer removed.

Mayor Mike York asked about the change in the recycle schedule. City Administrator Brown reported the city will get picked up the last week in October and the first week in November and then continue every other week.

**Adjournment**

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

The Meeting adjourned at 8:36 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 September 10, 2013 meeting.

Given under my hand and official seal of the City of Clearwater, this 24th day of September, 2013.

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Barbara Salinas, City Clerk