

**MINUTES**  
**CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS**  
**CITY COUNCIL MEETING**

August 26, 2014  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue  
Clearwater, KS 67026

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**CALL TO ORDER**

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was called to order on Tuesday, August 26, 2014 at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

**INVOCATION & PLEDGE OF ALLEGIANCE**

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

**ROLL CALL**

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

Mike York, Mayor; Jim Whitney, Chris Griffin, Burt Ussery, Paul Clark, Council Members. Council Member Laura Papish was absent.

The following staff members were present:

Kent Brown, City Administrator; Barbara Salinas, City Clerk and Lee Parker, City Attorney. Others staff members present were: Department; Gene Garcia, Police Chief and Ernie Misak, Public Works Director.

**REVIEW OF THE MINUTES**

Council Member Ussery asked that the motion, second and vote on the Claims and Warrants are reflected in the minutes. Council Member Ussery then made a motion to approve the minutes of the August 12, 2014 City Council Meeting, with the noted addition. The motion was seconded by Council Member Griffin. The motion passed unanimously, 4-0.

**PUBLIC FORUM**

No one came forward to address the Council.

**NEW BUSINESS**

**Resolution to set a Public Hearing for Detached Structure at 142 N. Tracy in Clearwater, Kansas.**

City Administrator Kent Brown addressed the Council providing them the background of the detached structure on the property located at 142 N. Tracy. He also reviewed the inspector's evaluation of the structure which stated the detached structure failed inspection. The proposed resolution is required to set a public hearing date in order to proceed with the process. Administrator Brown stated that the property is now owned by the bank.

Council Member Whitney made a motion to approve **Resolution 5-2014** which sets the Public Hearing for the 14<sup>th</sup> day of October, 2014. Council Member Clark seconded the motion. A vote was taken and the motion passed, 4-0.

### **Tower Lease Extension Proposal**

City Administrator Brown provided an update on this item. He stated that he received a revised lease agreement on a 2<sup>nd</sup> tower that was not included in the council's packet. City Attorney Austin Parker had recommended a revised lease that would include changes that had been approved in another city. A revised proposal for the Council's consideration was expected; but had not been received as yet. Consequently, Brown suggested that Council table the item.

City Attorney Lee Parker stated that new technology is contributing to making towers obsolete. He stated that specific language is also being considered in other similar situations in other cities. Council Member Ussery questioned the length of the contract. City Attorney Parker stated that the assumption is that they are looking for stability in the lengthy leases. He also suggested that Council consider the lease as a tenant.

The item was tabled to the next regular meeting.

### **Standard Traffic Ordinance 2014; Regulating Traffic Within the Corporate Limits of the City of Clearwater**

Police Chief Garcia addressed the Council on this item. Garcia stated that the review and adoption of the Standard Traffic Ordinance is a procedure that is required to adopt the changes.

Council Member Ussery asked if any of the changes are significant and Council Member Griffin asked if those changes are notated. Chief Garcia stated that the changes were not significant and that he receives constant updates throughout the year on the amendments. City Attorney Parker stated that he could provide a document showing the changes. There was some discussion on the annual changes and updates procedures.

Council Member Ussery offered a comment on the number of complaints he receives regarding the speed limit in the downtown area. City Attorney Parker stated that the speed limits are dictated by State statute. He stated that for a variance to State statute, the City could initiate a study by Law Enforcement and an engineer. The report would be filed and reviewed by the governing body.

A motion was made by Council Member Ussery to adopt **Ordinance 987** adopting the 2014 Standard Traffic Ordinance. Council Clark seconded the motion. A roll call vote was taken:

Whitney: Yea; Clark: Yea; Ussery: Yea; Griffin: Yea. Council Member Papish absent.

The motion passed, 4-0.

**Ordinance Amendment Regulating Public Offenses Within the Corporate Limits of the City of Clearwater**

Police Chief Garcia addressed the Council on this item. Garcia stated that the review and adoption of the Uniform Public Offense Code is a procedure that is required to adopt the changes. Garcia stated that the changes were minor and recommended approval.

A motion was made by Council Member Whitney to adopt **Ordinance 988** adopting the 2014 Uniform Public Offenses Code for Kansas Cities. Council Member Ussery seconded the motion. A roll call vote was taken:

Whitney: Yea; Clark: Yea; Ussery: Yea; Griffin: Yea. Council Member Papish absent.

The motion passed, 4-0.

**Renewal Agreement Mayer Specialty Services for Sanitary Sewer Maintenance Cleaning/Inspection**

Public Works Director Misak addressed the Council. He asked for Council approval of the proposed agreement. City Administrator Brown stated that the City has a 10 year history with this company and work well with our staff. Council Member Ussery asked about any time breaks and if we are obligated under city policy. Administrator Brown stated that it is Council's discretion to approve. City Attorney Parker stated that the procurement process may have a multi-year contract; but, have a single year of using tax dollars.

A motion was made by Council Member Griffin to authorize the Mayor's signature for the renewal agreement with Mayer Specialty Services for Sanitary Sewer Maintenance Cleaning/Inspection. Council Member Whitney seconded the motion. A vote was taken and the motion passed, 4-0.

**Designate Voting & Non-Voting Delegate to the League of Kansas Municipalities Conference**

City Administrator Brown stated that the LKM is requesting City officer representation at the League Conference business meeting scheduled for Monday, October 13<sup>th</sup>. He stated that our population dictates two voting delegates. Brown invited all of the Council to attend the conference in Wichita scheduled for October 11th through the 13th. He stated that conference information will be provided to the Council for the event.

After some discussion, Council Member Burt Ussery volunteered to attend the business meeting and be a voting delegate. Administrator Brown will be the second delegate.

**ADDENDUM ITEM**

**Consideration of a Request for an Extension of Current Hours on Saturday, September 20, 2014 to Serve Alcoholic Beverages.**

City Clerk Salinas made a correction to the request from The First and Last Bar Saloon owner, Alicia Lange. The request is to extend the service area on the now existing outdoor patio. The bar's closing hours remain the same, 2:00 a.m.

Ms Lange addressed the Council. She explained that the request is for a temporary one-day extension of her serving area on the existing patio. The hours will remain the same. She provided a copy of her request to the Kansas Department of Revenue that provided a detailed drawing of the outdoor extended service area. She stated that the area would be enclosed with temporary fencing and she would have security officers present. The area would not encroach on the alley and Ms. Lange restated that this is a one day event that would begin on Saturday, September 20, 2014 and extend into Sunday, September 21, 2014 until 2 a.m.

Council Member Griffin asked if noise might be a factor to the residents near the backyard area. Chief Garcia stated that they have not had any noise issues in the past.

Council Member Ussery asked about the security of the fence and asked how it would be policed. Ms. Lange stated that a snow fence will be used and she is using private security at all entrances.

City Attorney stated that he has read the Alcoholic Beverage Control form and new statute addressing special events allows consumption in these areas. Ms. Lange provided a copy of the form she is submitted to the ABC. After some discussion, it was determined that the form she has currently completed is not applicable to her situation, as the First and Last Bar is only extending their service area within their designated property. Ms. Lange stated she would visit with the Police Chief and determine what form, if any would need to be filed.

Council Member Ussery made a motion to approve the request by the First and Last Bar to extend the service area for September 20-21<sup>st</sup>, as indicated on the map provided. Council Member Whitney seconded the motion. A vote was taken and the motion passed, 3-1, Council Member Griffin voting in opposition.

Ms. Lange addressed the Council regarding a request to utilize a BBQ food truck on Saturday the 20th. She stated that she would like to have the vendor park in front of her business. She stated that it would not begin operating until after the parade. It was suggested to use cones to mark the area during operation. After discussion, it was the consensus of the Council to permit the food vendor.

### **Department Head Reports**

Chief Gene Garcia reported that he has met with Sherri Thomas regarding the Fall Festival. She had a request to have Second Avenue closed off all the way to Kansas. Administrator Brown stated that in previous years it had only been closed to the alley. Chief Garcia stated that he directed Sherri to Administrator Brown for the tractor pull details. He stated that the proposed location is the west side of the asphalt parking lot next to the baseball/softball fields. Council Member Whitney and Public Works Director Misak suggested the end of the airfield.

There was some discussion regarding the organization of the Fall Festival with regard to logistics. Council Member Clark stated that at one time, there was a manual with timelines and maps with detailed event layout that was used in the planning and organization of the Fall Festival.

Chief Garcia reminded the Council of the motorcycle group that will be holding a breakfast at the Masonic Lodge on Sunday.

Council Member Whitney asked about the Police Department resources for Fall Festival. Garcia stated that are good and the department will be utilizing the reserves also.

Public Works Director Ernie Misak reported that he is working with the Fall Festival committee on the tractor pull and the use of the sports complex area. He reported that the High School is using the swimming pool this week and the pool will be emptied after they conclude. The sewer services have been installed at the Wal-Mart Express building.

Director Misak stated a request for water services at Garvey was received, specifically installing a meter at building #2. While working on the line, the line broke. Council Member Ussery asked if they would be charged for the repairs. Misak stated the City would send a bill to the contractor for the damages to the line.

Misak reported that they have been mowing at Chisolm Ridge lots and they will bill the property owner.

Misak reported that the Chisolm Ridge west pond is out. Council Member Ussery asked about an engineering update on the Chisolm Ridge project. Administrator Brown stated that an update should be provided to Council at the next meeting, as the deadline for plan submission is due in September. A plan for KDHE approval is required before it goes out for bid. Council Member Ussery asked staff to provide a visual time line for the project with costs included. The Council concurred.

### **Claims & Warrants**

City Clerk Barbara Salinas presented the claims and warrants as of August 26, 2014 in the amount of \$ 16,839.93.

Council Member Ussery made a motion to authorize the payment of all Claims and Warrants in the amount of \$16,839.93. Council Member Griffin seconded the motion. A vote was taken and the motion passed, 4-0.

### **Staff Reports**

City Clerk Salinas had nothing to report.

City Attorney Lee Parker appreciated the opportunity to serve the Council and stated he had nothing to report.

City Administrator Brown reported that the auditors will be here this week. He reported that the City received a request from the Cub Scout Pack 897 to use City Park on Saturday, September 13 & 14<sup>th</sup> starting at 3:00 p.m. on Saturday. Council Member Griffin stated he is involved with this and could address any questions or concerns of the Council.

Brown stated that he will be meeting with City Attorney Austin Parker on projects and may have a longer agenda at the next meeting.

Brown stated that the city has had a request from a resident for a second address at a Single Family home, R-1 zoning district. Brown stated he did not have all of the details, but would explore further.

Brown stated that the Recreation Commission would be meeting tomorrow evening.

### **Council Reports**

Council Member Ussery brought up the use of City park, what is applicable in 2014 and clarification of the intent. Council Member Whitney also had concerns regarding the dedicated land use. City Attorney Lee Parker requested the Council go into executive session.

### **Executive Session**

At 8:06 p.m., Council Member Ussery made a motion to adjourn into Executive Session for the 10 minutes for the purpose of consultation on matters that would be deemed privileged in an attorney-client relationship. Council Member Whitney seconded the motion. A vote was taken and the motion passed, 4-0.

At 8:35 p.m., Council Member Griffin made a motion to remain in Executive Session for 10 minutes the purpose of consultation on matters that would be deemed privileged in an attorney-client relationship. Council Member Ussery seconded the motion. A vote was taken and the motion passed, 4-0.

At 8:45 p.m. the Council reconvened into Executive Session with no action taken.

**Council Reports – continued**

Council Member Whitney asked about the status of the playground equipment. Administrator Brown stated that this is a Fall project. He stated there is still some indecision regarding the specified surface. Council Member Ussery stated that he has had conversation with Todd Dannenberg regarding a joint meeting of the Recreation Commission and the City Council. Council Member Ussery stated that Todd feels there are some concerns and questions about the authority in dealing with park issues.

Council Member Ussery and City Administrator Brown stated they would both be attending the Recreation Commission meeting scheduled for Wednesday, August 27, 2014.

**Adjournment**

With no further discussion to come before the Council, Council Member Clark moved for adjournment. The motion was seconded by Council Member Whitney and passed unanimously, 4-0.

The Meeting adjourned at 9:03 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 26, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of September, 2014.

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Barbara Salinas, City Clerk