

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

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**1. Call to Order**

Mayor Burt Ussery called the meeting to order at 6:30 p.m.

**2. Invocation and Flag Salute**

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

**3. Roll Call**

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

Mayor Burt Ussery, Councilmembers Ron Marsh, Laura Papish, Chris Griffin and Paul Clark were present.

The following staff members were present:

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

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

**4. Approval of the Agenda**

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

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

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

**5. Public Forum**

None

**6. Consent Agenda**

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

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

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

Givens stated at their September 6, 2016 meeting the Clearwater Planning Commission held a public hearing to consider a request from the property owner of the Indian Lakes Addition to re-zone 11 lots from R-2, Two and Three-Family Dwelling District, to R-3, Multiple-Family Dwelling District. During the

Public Hearing, the property owner appeared on his behalf and no person from the public appeared to speak against the re-zoning and no person filed a protest petition during the statutory 14-day protest period.

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

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

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

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

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

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

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

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

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

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

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

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

**West – the properties to the west are large tract single family properties that enjoy more than normal**

distance between residential structures and the proposed development. Staff would say that the impact difference between an R-2 based development and an R-3 based development would be very minimal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Based on previous discussions there are several options available.

- 1) Use the initial repair estimate and supplied bid; \$20,000
- 2) Use the alternative proposal and secure the cost overages from other general fund lines; \$36,900

- 3) Use a hybrid which would use the original plan of repair for the poles and then purchase and retro fit a new net onto the repaired poles. \$25,000 (based on net price and cost estimates for attachments)

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

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

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

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

This discussion was tabled until the next meeting.

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

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

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

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

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

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

#### **13. Mowing Services for City Property**

At the request of the governing body staff issued an RFP for mowing services. Several area landscaping

companies were contacted and one company returned a bid package. Staff also prepared a cost estimate for in-house mowing. This included labor costs as well as equipment and fuel.

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

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

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

Stricken from the agenda

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

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

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

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

unanimously.

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

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

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

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

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

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

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

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

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

### **18. Council Reports**

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

Papish has nothing to report.

Clark had nothing to report.

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

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

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

### **19. Adjournment**

With no further discussion Ussery called for a motion to adjourn.

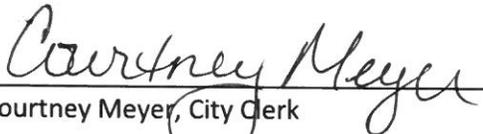
**MOTION:** *Marsh* moved, *Clark* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:25 p.m.

**CERTIFICATE**

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

I, Courtney Meyer, City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the September 27, 2016 City Council meeting.

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

  
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Courtney Meyer, City Clerk

