



City of Clearwater Council Meeting Notice

Tuesday February 27, 2018 at 6:30pm

129 E Ross Clearwater, KS 67026

www.clearwaterks.org

Please call the Clerk's office at 620-584-2311 or the Kansas Relay Service 800-876-3777 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

2. Invocation and flag salute

3. Roll Call

Burt Ussery, Mayor

Laura Papish, Councilmember President

Yvonne Coon, Councilmember

Shirley Palmer-Witt, Councilmember

Tex Titterington II, Councilmember

Chris Griffin, Councilmember

4. Action: Approve February 27, 2018 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 02/13/18 Council Meeting](#)

b. [Mayoral Appointments](#)

7. Staff Reports

8. Action: Park Advisory Board Ordinance 1040

9. Action: Park Advisory Board By-Laws

10. Action: Recodification of City Code Ordinance 1041

11. Action: Request for Annexation Resolution 7-2018

12. Action: Claims and Warrants

13. Council Reports

14. 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.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
February 13, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

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; Yvonne Coon, Shirley Palmer-Witt, and Chris Griffin were present.

Tex Titterington and Laura Papish was absent.

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief; Scott Cooper, Director of Emergency Services; Ernie Misak, Public Works Director.

Others present: Tina Welch, Shoshanna Moore, Capsa Reed and Katie Givens, Clearwater Public Library; Dana Benders, Clearwater Fall Festival; Kevin McCune, Samantha Dillon, Donald Schauf, Marvin and Mary Schauf.

4. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated no.

Mayor Ussery called for a motion to approve the agenda as modified.

Motion: *Griffin* moved, ***Coon*** seconded to accept the February 13, 2018 agenda as modified.
Voted and passed unanimously.

5. Public Forum

None

Titterington enters at 6:35PM

6. Approve Consent Agenda

Minutes January 23, 2018 Council Meeting Minutes

Mayoral Appointments

John Hurley – Recreation Commission (2015-2019)

Kevin McCune – Park Advisory Board (2018 – 2021)

Samantha Dillon – Park Advisory Board (2018 – 2021) and Historical Society Board (2016 – 2020)

Request to auction old SCBA refill unit

George Bowerman and Noel Engagement Letter

Mayor Ussery called for a motion to approve the consent agenda.

Motion: *Griffin*, moved, ***Titterington*** seconded to approve the consent agenda as presented.

Voted and passed unanimously.

7. Staff Reports

Administration – Ron Marsh

- Reminder: Curbside City-wide cleanup will be April 21st. All items must be at curbside by 7:00 am.
- Still looking for people to serve on PAB, Library Board and Historical Society Board.
- The Planning Walkable Places Study (Clearwater Pedestrian Plan) RFP letting is Feb. 23rd. We will receive copies of the proposals the following week.
- Work shop for the strategic plan tentatively scheduled for either April 14th or May 5th.
- Tree carving project: The City has staked a claim to one of the tree's removed from near CMS. Staff is working on getting idea's and costs to present to the citizens for a vote to decide what and where.
- Bike Across Kansas is June 12-13. Riders will overnight at the high school; School organizations will use meals as fund raising efforts.
- SKT will be connecting City Hall & PD to fiber on 2/28.
- Breakfast at the Community Center is this Saturday.

Library

- Books and Beyond have created their logo and design for t-shirts
- Comic Con will be in October
- Teen Club (Books & Beyond) teamed up with the Senior Center to do an interactive dinner theater. Profits will be split between the two groups. The dinner theater will be March 26th.
- The teen club raised money to redecorate the teen section of the library.
- Working on the Library Policy
- Working on more adult programming.
- Writers workshop this Saturday. Short stories are being collected to create a book. If your story is published, you will receive part of the proceeds.

Public Works – Ernie Misak

- Working on ball diamond
- Getting batting cage nets up this week
- EBH came out and gave suggested changes to sewer ponds
- While installing a water meter at Chisholm Ridge a gas line was hit. City may have to pay for the repairs.

PD – Bill Hisle

- Hoover is doing well in the academy
- Staff had training on AED's that will be carried in the police vehicles.
- Also had training on Over dose medications as well as trauma kits.

Emergency Service – Scott Cooper

- Was on a call at the time of staff reports

8. Fall Festival Update

Dana Benders stated the primary reason to be at the council meeting was to get approval of the date for use of the city parks and facilities. The Fall Festival Committee has proposed the dates of September 27 – 30th this year's festival. The theme is "Keeping Small Town Pride Alive".

Motion: *Titterington* moved, *Palmer-Witt* seconded to approve the dates for use of the City parks and facilities. Voted and passed unanimously.

9. Firefighter Relief Association Retirement

Marsh stated IAW Kansas Statute 40-1701 et.seq. Firefighters Relief Act, section c(1), "In any fire department consisting of volunteer firefighters, such moneys may be used to establish an annuity for each firefighter who served for not less than 20 years with such fire department and who attended and fought not less than 75% of the fires which were attended by such fire department during such period of time and which the firefighter was available to attend, **as verified by the governing body of such fire department**, but such annuity shall not exceed the amount paid to fully paid members of fire departments of comparable size to such volunteer department."

The Clearwater Firefighter Relief Association is requesting Governing Body verify the following two retiring firefighters meet the above requirements to qualify for a lump sum payment:

Name	Join	Retire	2017*	2016*	2015*	2014*
Darin House	1989	2017	2.3%	1%	4%	0%
Bruce Bernsten	1994	2017	13.6%	6%	16%	8.57%

*Participation rates for all calls

There is no financial obligation to the City.

Kansas law concerning certification of certain firefighter's relief association expenditures by the city attorney. K.S.A. 40-1706 (g) requires "In all cases involving expenditures or payments in an amount of \$1,500 or more prior certification shall be obtained from an attorney designated by the governing body of the city, township, county or fire district that such expenditure or payment complies with the requirements of the firefighter's relief act." This certification occurs in the form of a letter. A copy of the letter is in your backup material and has been given to the Treasurer of the FRA.

Mayor Ussery asked Marvin Schauf, former Fire Chief, if he could verify that these two people fulfilled the requirements.

Marvin Schauf nodded, yes.

Motion: *Palmer-Witt* moved, *Coon* seconded that these two meet the requirements. Voted and passed unanimously.

10. Brush Dump Piles

In 2017 the Governing Body entered into agreement with Braik Brothers out of Missouri to grind trees and brush at the brush dump not less the twice per year. This was at no cost to the City as Braik Brothers kept the chippings to sell. To date, Braik Brothers has not done any grinding or chipping at the brush dump and have not returned our calls. The tree pile and brush piles have gotten to the point that for safety purposes they need to be reduced and burning them would not be an efficient use of resources.

Staff contacted several tree companies and after discussions with them learned that the only company in Wichita with a big enough grinder to handle the debris in our brush dump was Evergreen Recycling. We did receive a quote from Wichita Tree Service in the amount of \$20,000 to split the some of the wood and grind the two brush piles. Evergreen Recycling will grind all the wood and the brush piles leaving the chippings for the City to sell or give away.

Cost to the City would be \$6400: \$400/hour and there is approximately 16 hours of grinding time. The money can be absorbed in the Administration expenditures from Health Insurance savings and ICMA RC Contribution savings.

Marsh then stated the piles are past the point of burning because the piles are too large.

After discussion council stated that the wood chips can be given away as long as a sign is put up "free but untreated".

Misak did state that it would be easier to burn the wood chips if need be.

Motion: *Palmer-Witt* moved, *Titterington* seconded to hire Evergreen Recycling not to exceed \$6400. Voted and Passed 3-1 (Griffin no).

11. Streetscape Recognition Plaque

Marsh stated, as part of the streetscape project completed in 2017, Council agreed to a plaque recognizing important contribution to the project.

Courtney has researched and found a style of plaque that will blend nicely with the brick façade of the building. It will be placed on the northeast corner of the building and is 18" x 24".

The cost of the plaque is \$1239.00 which will come from Administration discretionary funds.

Council agreed that the group who organized the project should be recognized as well on the plaque.

Motion: *Titterington* moved, *Palmer-Witt* seconded to authorize staff to spend up to \$1500 on the recognition plaque with the added names. Voted and passed unanimously

12. Pioneer Cellular

Marsh explained, in August 2014, Pioneer Cellular proposed a renewal agreement for the tower they own on City property north of the Sewer Lagoons. The renewal agreement is for 5 years with a 3% increase. The 2014 agreement was never returned to Pioneer Cellular and they have continued to annually pay their original negotiated amount. Recently finding the agreement, staff reached out to Pioneer Cellular and they have sent an amended agreement for the remaining term of the 5-year renewal with the 3% increase.

No terms or conditions from the original signed agreement have changed. The original lease payment was \$6000.00 for the rent and an additional \$2400.00 rent for a co-locate. At the end of November 2018, the co-locate will drop off and the payment will be \$6000.00, plus \$180.00 (3%) for a total of \$6180.00 annually for the next 3 years.

Motion: *Coon* moved, *Griffin* seconded authorize the mayor to sign the contract with Pioneer Cellular. Voted and passed unanimously

13. Budget Calendar

State law requires that each year the City put together an operating budget for the following year. Timeline requirements for publication, adoption and submittal create the need for a budget planning calendar to ensure no deadlines are missed.

Budgets are due to Sedgwick County by August 25, 2018. The City of Clearwater will need to hold a public hearing and adopt the budget at the meeting prior to then, August 14th. Notice of public hearing will need to be published in the August 2nd edition of the Times-Sentinel so the Council will need to approve publication of the budget at the July 24th meeting. Departments will present to Council at the June meetings; County Clerk notifies us of our estimated assessed value by July 1st, and we propose to hold the budget workshop on Saturday June 30th at 8:00am.

There is no financial impact if the mil levy does not increase more than 1.3% of CPI (Consumer Price Index). Otherwise, there is a cost to hold a special election (see legal considerations).

If the Governing Body elects to increase the mil levy greater than 1.3% of CPI, Clearwater will have to hold a special election for the citizens to vote on whether they want the mil levy to increase. This would be held in September and is a mail-in vote. The cost to hold such an election would be approximately \$2500.

14. EMS Volunteer Pay

During the 2018 Budget process, city council asked staff to review the EMS pay rates. It was concluded the rates the city is currently paying the EMS volunteers at was not a sustainable amount.

During research staff found the rates the EMS volunteers were paying was outside the national average and has prepared, what we believe is a more sustainable rate.

CURRENT RATES

Credential	Flat Rate
Paramedic	\$95.00
AEMT	\$85.00
EMT	\$75.00
Firefighter Driver	\$50.00

PROPOSED RATES

CREDENTIALS	TRANSPORT	NON-TRANSPORT	ON CALL PAY/ HOUR
Paramedic	\$60.00	\$45.00	\$2.00
AEMT	\$50.00	\$35.00	\$2.00
EMT	\$25.00	\$10.00	\$2.00
EMR	\$20.00	\$5.00	\$2.00
Firefighter Driver	\$10.00	-	-

To keep our EMS department certificate with the State of Kansas, we must turn in a duty roster each month to show our department is covered 24/7/365. The on-call pay would be an incentive for people to sign up for available times on the required roster.

Administration attended the last EMS meeting to discuss these changes with the volunteers. After discussion tonight, if Council is comfortable with the proposed structure we will present to the volunteers at the next EMS meeting and bring to Council on March 13th for final approval.

City Council budgeted \$50,000 to go towards EMS volunteer pay. With the new structure we estimate the EMS volunteer pay out to be approximately \$47,000.

Mayor Ussery asked if Sedgwick County could be part of the duty roster since they are a responder for Clearwater.

Also, with the roster how will it work if there are people signed up for duty and others respond that are not on duty? Cooper stated the most senior person at the scene will make the call who needs to be present and who doesn't. Cooper stated all the pay and duties will be outlined in the personnel policy.

15. Sewer Pond Presentation

Marsh went through a presentation on the sewer ponds, what was the reason for the improvements, what were the improvements supposed to do, and what is the next step.

16. Claims and Warrants

Meyer stated that the claims and warrants were \$81,763.84.

Motion: *Titterington* moved, *Coon* seconded to pay the claims and warrants as presented. Voted and passed unanimously.

17. Council Reports

Coon had nothing to report

Palmer-Witt had nothing to report

Titterington had nothing to report

Griffin asked about the fire alarm at the Elementary West. Cooper stated he is still waiting to hear from the alarm company.

Ussery stated that Sedgwick County was contracted regarding Karl May's inquiry on the location of the electrical on the new city lot at Tracy and Ross. Sedgwick County reported that even though the facility next door (May Chiropractic) that does not affect their ruling on the safety of the location of the electrical box. Ussery stated that May claims his insurance will increase if this is not moved and Ussery asked May to acquire a letter from his insurance company on their letterhead stating as such and then the City will review this further. May has not brought forth the letter yet.

18. Executive Session

Motion: *Titterington* moved, *Palmer-Witt* seconded to recess into executive session to discuss the acquisition of real estate to include the City Attorney and City Administrator. The open meeting will reconvene in the City Council Chambers at 9:20 PM. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 9:20 PM stating there was no action taken in executive session.

19.

Adjournment

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

MOTION: *Palmer-Witt* moved, *Coon* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 9:20 PM

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 February 13, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of February 2018

Courtney Meyer, City Clerk



February 26, 2018

Burt Ussery, Mayor

City of Clearwater, Kansas

129 E. Ross

Clearwater, KS 67026

Dear Mayor Ussery;

I submit to you the following names for appointment to the Emergency Services Department as members.

Jeanne Pace-Administrative Assistant

Elizabeth Riddel-Kindle-EMT

I request the following names be removed from the Emergency Services Department as members.

Bruce Berntsen-Retired

Kyle Berger-Resigned

Kyle Matthews-Resigned

Jeremiah Berntsen-Resigned without notice

Chris Rief-Resigned without notice

Respectfully,

Scott Cooper

Director of Emergency Services

City of Clearwater, Kansas

City of Clearwater Emergency Services

Job Description Position Title: **Emergency Services (CES) Volunteer Administrative Assistant**

Reports to: Director of Emergency Services

Job Summary:

The Administrative Assistant is an unpaid position that works directly for the Director of Emergency Services. This person is responsible for assisting with administrative activities of the service and working with the volunteer personnel.

Duties and Responsibilities:

- Coordinate volunteer schedule and work to fill shifts and schedule personnel as needed.
- Interact with the billing provider and the City Clerk as needed.
- Complete purchase order requisitions as directed and process bills to the City Clerk.
- File invoices, check invoices for accuracy
- Track vehicle maintenance, including scheduled repairs, vehicle equipment maintenance, annual ambulance inspections and assist the Administrator with new vehicle RFP's.
- Collect data needed to complete KBEMS applications.
- Ensure staff records are maintained in accordance with applicable law and regulation.
- Track volunteer member certifications, training hours, and other documents as appropriate.
- Track OSHA compliance for each volunteer member.
- Perform routine administrative functions, including but not limited to, taking and forwarding of messages, filing, answering telephone calls and record maintenance.
- Attend and record minutes for EMS/Fire Meetings and Training.
- Prepare and maintain monthly and annual reports for the Director of the service.
- Track volunteer hours monthly and yearly.
- Prepare information for annual DMV and criminal backgrounds on all members for the Director.
- Other duties as directed by Director of Emergency Services.
- Ensure all necessary tasks are forwarded to the appropriate personnel and/or city staff as directed by the Director.

Qualifications:

- Outstanding organizational skills and computer literacy, fluency in Excel, Word, good written and spoken English language and communication skills.
- Ability to work independently with minimal direction.
- The administrative assistant will complete CPR, Incident Command, and EVOC courses within 1 year.
- State of Kansas EMR certification or higher level within 1 year.
- High School diploma or equivalent education.
- Must be minimum of 18 years old.
- Must have a valid Kansas drivers license or obtain within 30 days.

Physical Demands:

While performing the duties of this job, the employee is regularly required to talk or hear. The employee regularly is required to stand, walk, sit, use hand to finger movements, handle or feel objects, or controls; and must be able to lift and/or moves up to 35 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus. Work is generally performed while sitting or standing in an office environment. Some lifting of small equipment and forms is required. This position does not require heavy lifting on a regular basis; however, when working with the records retention archives, the individual may be required to lift boxes of approximately 35 pounds. Work environment may be subject to changing climate conditions.

Created February 2018

**City of Clearwater
City Council Meeting
February 26, 2018**

SUBJECT: Ordinance Establishing Park Advisory Board

INITIATED BY: City Council

PREPARED BY: City Administrator

Background: In 2014 the Governing Body approved combining the Recreation Commission and Park Advisory Board. In 2017 the Governing Body approved splitting the combined boards into two separate boards.

Analysis: In order to reconstitute the Park Advisory Board, the Governing Body needs to adopt the ordinance establishing the Park Advisory Board, approve by-laws for the Board and appoint members. The PAB currently has two members appointed by the mayor and approved by Council. Once a quorum of members has been appointed and approved the PAB will meet to adopt the by-laws. Any changes to the by-laws proposed by the PAB will be reviewed by the Governing Body.

Financial: None currently.

Legal Considerations: Counsel has reviewed, commented and approved the attached ordinance and by-laws.

Recommendations/Actions: Recommend approving the Ordinance 1040 establishing the Park Advisory Board and the by-laws.

(First Published in the Times Sentinel
on the _____ day of _____, 2018.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1040

AN ORDINANCE ESTABLISHING A PARK ADVISORY
BOARD FOR THE CITY OF CLEARWATER, KANSAS.

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

Section 1. Establishment of a Park Advisory Board

(a) There is hereby created and established a five-member Park Advisory Board. The Board shall be comprised of residents of the City of Clearwater, Kansas and shall be appointed by the Governing Body.

(b) The term of the five persons shall be four years except that the initial term of three of the members appointed to the Board pursuant to this Ordinance shall be for only two years. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

(c) Members of the Board shall serve without compensation.

(d) The Board shall act in an advisory capacity by making recommendations to the Governing Body regarding:

1. Enhancements to current parks and their facilities and
2. The need for the expansion of existing parks or additional parks facilities.

(e) The Board shall conduct an annual audit of all parks facilities and make a formal report on the status of parks to the Governing Body.

(f) The Board shall actively seek potential outside sources of revenue (subject to the approval of the Governing Body) to enhance parks and recreational facilities or programs.

(g) The Board shall meet at least twice each year and may meet more frequently as the need arises.

(h) The Board, when requested by the Governing Body, shall consider, investigate, make findings, report and recommend upon any special matter of questions coming within the scope of its work.

(i) The Board shall choose its own officers, make its own procedural rules and provide the city clerk with copies of the minutes of its proceedings. A majority of the members shall constitute a quorum for the transaction of business.

(j) A member shall hold office on the Board until:

1. the end of his or her appointment;
2. the member resigns from the Board;
3. the member fails to attend 3 consecutive meetings;
4. the member moves out of the city; or
5. the Park Advisory Board is terminated by the Governing Body.

(k) When there is one or more vacancy on the Board, the Mayor shall submit recommendation(s) for appointment(s) to the Board. The governing body will vote by motion for the selection of the person(s) to serve on the Board. Each member of the governing body shall have one vote for each position to be filled. The person(s) that receive the highest number of votes are thereby appointed to the Board. If the votes result in a tie, additional votes shall be taken until one or more persons receive sufficient votes to be appointed.

Section 2. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this _____ day of _____, 2018.

Approved by the Mayor this _____ day of _____, 2018.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER



CITY OF CLEARWATER PARK ADVISORY BOARD BYLAWS

Section 1. Creation

The Clearwater Park Advisory Board hereinafter referred to as the "Board" has been established by the Governing Body of the City of Clearwater, Kansas by adoption of these by-laws.

Section 2. Mission Statement

The purpose of the Clearwater Park Advisory Board is to promote, advise, and educate the Clearwater Citizens and Governing Body on issues concerning park planning and management.

Section 3. Membership

The membership consists of not less than five (5) at-large members serving three (3) year terms. The Mayor with the consent of the City Council appoints members.

Election of Officers

The Board shall hold an election of officers during their regular meeting in January of every year to elect a Chairperson, Vice-Chairperson, and Secretary. These officers shall serve for one (1) year terms and may consecutively serve as an officer more than once.

Duties of Officers

The Chairperson shall preside at all meetings of the Board. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson the senior remaining member of the Board that is present shall preside. The Secretary will record minutes of the proceeding.

Voting

In accordance with the Kansas Open Meetings Act, a quorum will consist of three members. Officer's votes will be counted in all matters. While a liaison for the City of Clearwater, Kansas will be present at Park Advisory Board meetings, the city liaison will not be a voting member.

Section 4 Agenda, Meetings and Disqualifications

Members wishing to include items on the agenda are to contact the Chairperson no later than five (5) days preceding the next regular meeting. Copies of the agenda and any other prepared materials to be discussed as part of the agenda, shall be furnished to (a) Board Members; (b) the Mayor and City Administrator; (c) Any person requesting a copy of the agenda on a regular basis that has submitted in writing a request to the City Administrator or Board Chairperson. The City may require that such written requests for meeting agendas be annually renewed in writing by the requestor. The agenda and prepared materials should be mailed to the Board Members on the Friday preceding the next regular meeting date. The meeting shall be conducted as listed on the agenda unless properly amended.

The Board shall meet as a body in regular session once each month on the third Thursday of the month. If necessary, the location of the meeting may be moved at the request of City staff with notification to all board members and the public. In the event that a regular meeting falls on a legal holiday the Chairperson shall establish an alternate date and time. Special meetings of the Board may be called at the request of the Governing Body, Board Chairperson, or the City Administrator.

Regular attendance is an important responsibility of membership. Maintaining a quorum for voting purposes is especially important.

Section 5. Conflicts of Interest

Members of the Board shall be aware at all times of their responsibilities to the citizens of Clearwater and shall refrain from any recommendation(s) that would benefit individuals and/or special interest groups over the best interest of the entire City.

Section 6. Authority and Duties

The Board's authority is derived from and through the Governing Body of City of Clearwater. The Board has the authority and responsibility to:

- a. Promote the use of the City parks, so as to foster a healthy and fun community environment that enriches the quality of life of the residents;
- b. Undertake to encourage a healthy and active lifestyle through the use of public open spaces;
- c. Promote the planting and nurturing of trees in public and private spaces;
- d. Advise the city council on recommendations for improvements and beautification in the city parks and public open spaces;
- e. Solicit grants and gifts of sites, facilities, and funds and seek the cooperation of agencies and groups in the development and maintenance of park and recreational facilities;
- f. Coordinate any volunteer labor offered for beautifying and improving the city parks and open spaces; and
- g. Undertake such other responsibilities as may be assigned from time to time by the City Council.

The Board shall recommend a budget for areas dealing with long-range planning and specific projects that will be noted in the Capital Improvement Planning Budget. The City Administrator (or his/her representative) shall recommend portions of the budget dealing with daily activities.

The Governing Body of the City of Clearwater may seek the advice of the Park Advisory Board on pertinent items appearing before them prior to making any commitment. In the event that a commitment is made, the Governing Body will inform the Board of its action as soon as possible.

The City will provide to the Board the services of the City Engineering Consultant and City Attorney when requested in writing and it is determined by the Governing Body, City Administrator, or Public Works Director that such services are necessary. The services of the City Staff will also be made available to the Board.

The Board shall recommend to the Governing Body such practices as would be generally beneficial to the City at large, including a list of recommended trees for planting in public areas and preservation of natural and/or scenic areas within the city for maximum utilization by residents.

Section 7. Goals and Objectives

To foster a good rapport among community residents through public relations, project accomplishments and communications concerning activities of the Board.

To develop and maintain Clearwater's parks and public green spaces, which contribute to the communities' entertainment, education and healthy life style as well as perpetuate an inviting place to call home.

Section 8. Amendments to Bylaws

The Clearwater City Council may, by a majority vote, amend these bylaws or any provisions or sections thereof, at any time when not in conflict with any laws of the State of Kansas or Ordinances of the City. Notices of proposed amendments shall be furnished to Advisory Board members and the City Council not less than four (4) calendar days prior to the meeting at which such amendments are to be considered. A current signed copy of the bylaws for the Advisory Board shall be filed with the City Clerk.

The bylaws for the City of Clearwater Park Advisory Board are hereby adopted by the Clearwater City Council.

Approved by the Park Advisory Board on _____.

Adopted by the City Council on _____.

DRAFT

**City of Clearwater
City Council Meeting
February 26, 2018**

SUBJECT: Ordinance Adopting Recodification of City Code
INITIATED BY: City Council
PREPARED BY: City Clerk

Background: In 2017 the Governing Body budgeted to have the City Code recodified.

Analysis: Through the recodification process the attorney assigned to Clearwater was able to identify out of date ordinances, ordinances that contradicted new ordinances, ordinances that were repeated in different sections, and update out of date language.

The new code has shipped, and new code books will be distributed. When the new ordinance is adopted the updated code will be published on the Municode website.

Financial: Council budgeted \$8000 in 2017. The cost of the process was \$5225 which was paid at the end of 2017.

Legal Considerations: Counsel has reviewed, commented and approved the attached ordinance.

Recommendations/Actions: Recommend approving the Ordinance 1041 adopting the changes to the city code.

(Published on the ____ day of February 2018.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1041

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF CLEARWATER, KANSAS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. The Code entitled "Code of Ordinances, City of Clearwater, Kansas," published by Municipal Code Corporation, consisting of chapters 1 through 38, each inclusive, is adopted as authorized by this ordinance and codified in accordance with K.S.A. 12-3014 and K.S.A. 12-3015.

Section 2. All ordinances of a general and permanent nature enacted on or before September 26, 2017, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or

issued in pursuance thereof shall be punished by a fine up to the maximum required or permitted by state law. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, regardless of whether such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the city to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after September 26, 2017, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- a. Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- b. Ordinances opening, dedicating, widening, vacating, or narrowing streets, avenues, alleys and boulevards;
- c. Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;

- d. Ordinances naming or changing the names of streets, avenues, and boulevards;
- e. Ordinances authorizing or directing public improvements to be made;
- f. Ordinances creating districts for public improvements of whatsoever kind or nature;
- g. Ordinances levying general taxes;
- h. Ordinances levying special assessments or taxes;
- i. Ordinances granting any rights, privileges, easements, or franchises therein mentioned to any person, firm, or corporation;
- j. Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
- k. Ordinances authorizing contracts;
- l. Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
- m. Ordinances relating to compensation of officials, officers, and employees of the city; and
- n. Ordinances of a temporary nature;

Provided, that the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section.

Section 8. The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval, and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefor.

Section 9. If for any reason any chapter, article, section, subsection, sentence, portion, or part of the " Code of Ordinances, City of Clearwater, Kansas," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 10. This ordinance shall take effect and be in force from and after the publication of this ordinance and the "Code of Ordinances, City of Clearwater, Kansas" as provided for in K.S.A. 12-3015.

Passed by the City Council this 27th day of February, 2017.

Approved by the Mayor this 27th day of February 2017.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and correct copy of the ordinance passed at the regular meeting of the city council, held on the 27th day of February 2018.

CITY CLERK, COURTNEY MEYER

**City of Clearwater
City Council Meeting
December 12, 2017**

SUBJECT: Accept a Consent for Annexation and Request for Water Service at 8010 Butterfly Street in the Prairie Meadows Addition
INITIATED BY: Jason Wilken, Property Owner
PREPARED BY: Courtney Meyer, City Clerk

Background: A consent for annexation and request to connect to city water was received on February 26, 2018 for the property located at 8010 Butterfly Street in the Prairie Meadow Addition.

Analysis: At this time, Council will need to adopt a resolution requesting Sedgwick County to accept the consent for annexation for the property located at 8010 Butterfly Street in the Prairie Meadows Addition.

Once the County has the consent and the resolution the process could take between 30 – 45 days depending upon actual meeting dates.

Financial: There are no financial considerations for this item. However, the property owner is required to pay a water tap fee of \$1,450 for the requested one-inch meter. The property owner also pays approximately \$800 per year until 2021 for their share of the water improvements that were made to serve the area.

Legal Considerations: Review and Comment as Necessary

Recommendations/Actions: It is recommended the City Council:

1. Adopt Resolution 7-2018

THE CITY OF CLEARWATER, KANSAS

RESOLUTION NO. 7-2018

A RESOLUTION FINDING IT ADVISABLE, DESIRABLE, BENEFICIAL AND IN THE INTERESTS OF THE PUBLIC TO ISLAND ANNEX CERTAIN LAND AND REQUESTING THE BOARD OF SEDGWICK COUNTY COMMISSIONERS TO FIND AND DETERMINE THAT THIS ANNEXATION WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR THAT OF ANY OTHER INCORPORATED CITY LOCATED WITHIN SEDGWICK COUNTY, KANSAS PURSUANT TO K.S.A. 12-520c.

WHEREAS, on February 26, 2018, a written Consent to and Petition for Annexation was filed with the City Clerk of the City of Clearwater, Kansas, a copy of which is attached hereto; and

WHEREAS, the land described in said written Consent to and Petition for Annexation is legally described as Lot 1, Block 1 of the Prairie Meadow Estates Addition to Sedgwick County, Kansas, with a commonly known address of 8010 Butterfly Street Clearwater, Kansas 67026, and is located between 79th Street South on the north, 135th Street West on the east, 87th Street South on the south and 151st Street West on the west; and

WHEREAS, said tract does not currently adjoin the boundaries of the City of Clearwater, Kansas but is proximate to and within the natural growth area of the City of Clearwater, Kansas and may be served with potable water from an existing adjacent City of Clearwater, Kansas water main; and

WHEREAS, K.S.A. 12-520c (c) requires that the Board of County Commissioners of Sedgwick County, Kansas, by a 2/3 vote of the members thereof, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas before the City of Clearwater, Kansas may annex such land.

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

Section 1. Findings

The Governing Body of the City of Clearwater, Kansas finds it advisable, desirable, beneficial and in the interests of the public to annex into the corporate boundaries of the City of Clearwater, Kansas the following real property, to-wit:

Lot 1, Block 1 of the Prairie Meadow Estates Addition to Sedgwick County, Kansas, with a commonly known address of 8010 Butterfly Street,

Clearwater, Kansas 67026.

Section 2. Request

The City of Clearwater, Kansas hereby respectfully requests that the Board of County Commissioners of Sedgwick County, Kansas, by a 2/3 vote of the members thereof, find and determine that the annexation of said tract will not hinder or prevent the proper growth and development of the area or any other incorporated city located within Sedgwick County, as required under K.S.A. 12-520c (a)(3).

Section 3. Filing

The City Clerk of the City of Clearwater, Kansas, is hereby authorized to file a certified copy of this Resolution with the Board of County Commissioners of Sedgwick County, Kansas.

Adopted by the City Council this 27th day of February 2018.

Approved by the Mayor this 27th day of February 2018.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

CERTIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

On this 27th day of February 2018, I, Courtney Meyer, City Clerk of the City of Clearwater, Kansas, hereby certify that the foregoing is a true and correct copy of City of Clearwater, Kansas Resolution No. 8-2017, as adopted by the Clearwater City Council on the 27th day of February 2018 and approved by Mayor Burt Ussery on the 27th day of February 2018.

SEAL

CITY CLERK, COURTNEY MEYER

CONSENT FOR ANNEXATION

TO: The Governing Body of the City of Clearwater, Kansas

The undersigned owners of record of the following described land hereby petition the Governing Body of the City of Clearwater, Kansas, to annex such land to the City. The land to be annexed is described as follows:

Legal Description: Lot 1 Block 1 Prairie Meadow Estates Addition, Sedgwick County, Kansas

Property Address – 8010 Butterfly Street, Clearwater, KS 67026
Property Key Number – NI 00790

The undersigned further warrant and guarantee that they are the only owners of record of the land.

Jason M. Wilken

Jason M Wilken



Lisa K. Lavy

REQUEST TO CONNECT TO CITY OF CLEARWATER WATER SYSTEM

TO: The Governing Body of the City of Clearwater, Kansas

The undersigned owners of record of the following described land hereby petition the Governing Body of the City of Clearwater, Kansas, to connect to the city water system.

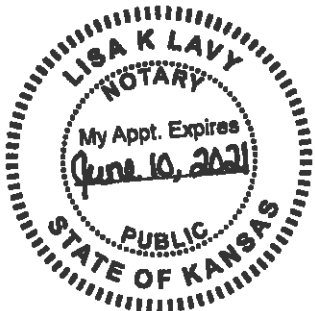
Legal Description: Lot 1 Block 1 Prairie Meadow Estates Addition, Sedgwick County, Kansas

Property Address – 8010 Butterfly Street, Clearwater, KS 67026
Property Key Number – NI 00790

The undersigned further warrant and guarantee that they are the only owners of record of the land.

Jason M. Wilken

Jason M Wilken



Lisa K. Lavy