



City of Clearwater Council Meeting Agenda
Tuesday April 24, 2018 at 6:30pm
129 E Ross Clearwater, KS 67026

www.clearwaterks.org

[Please note that the meeting agenda is subject to change during the meeting.]

1. CALL TO ORDER

2. INVOCATION AND FLAG SALUTE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. PUBLIC FORUM

Members of the public can address the Mayor and City Council limited to not more than five minutes.

6. CONSENT AGENDA

Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, the item will be removed from the Consent Agenda and considered separately.

a. [Minutes 04/10/18 Council Meeting](#)

7. CLAIMS AND WARRANTS

8. STAFF REPORTS

9. BUSINESS

- a. [Consider a Proposal from Project Access](#)
- b. [Consider Changes to the Police Department Remodel](#)
- c. [Authorize the Funding for New Clearwater Highway Signs](#)
- d. [Discussion on Discharge of Fireworks within City Limits](#)

10. CITY ADMINISTRATORS REPORT

11. GOVERNING BODY COMMENTS

12. ADJOURNMENT

Next Assignment Numbers

Charter Ordinance: 20

Ordinance: 1043

Resolution: 11-2018

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**
April 10, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

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

2. 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 and Councilmembers; Yvonne Coon, Laura Papish, Shirley Palmer-Witt, and Tex Titterington and were present.

Chris Griffin 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; Kristi Rey, Senior Center Director.

Others present: Mike Martin, Shaun Weaver, Heather Westerhaus, Ruth Glenn, Chuck Reitberger, Cassidy Terrell, Larry Kleeman, Emily Colquette.

4. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated 2 more executive sessions needed to be added.

Chris Griffin enters at 6:31pm

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

Motion: *Papish* moved, ***Coon*** seconded to accept the April 10, 2018 agenda as modified. Voted and passed unanimously.

5. Public Forum

None

6. Approve Consent Agenda

Minutes March 27, 2018 Council Meeting Minutes

Mayoral Appointments

Trevor Carney – Firefighter

John Vanklei – Firefighter

Andrew Rakes – Cadet

Luke Davis - Cadet

City Park Concession Agreement

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

and passed unanimously.

7. Claims and Warrants

Meyer stated that the claims and warrants were \$45,200.45.

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

8. Staff Reports

Senior & Community Center – Kristi Rey

- The Center and Library are doing a joint fundraiser on May 26th. The fundraiser is a Murder Mystery show and dinner.
 - Dinner was donated by Texas Roadhouse and Olive Garden. Dessert donated by Village Inn
 - Price will be \$15/ Adult and \$8/ child
 - The fundraiser is helping to raise money for new chairs at the Center and books for Teens
- Cook booking is going on. Still need more recipes.
- Putting together a mother/daughter tea party that will take place May 2nd.

Public Works –Ernie Misak

- Public works is still working on the ditch on Kansas between 2nd and 3rd.
- Modifying the sewer lagoons to what EBH has directed to help pass testing set by KDHE.

PD – Bill Hisle

- Hoover graduated on the 30th. He did very well at the academy with all positive reviews
- Reported there are car burglaries still happening and wants to stress that people need to lock their car doors.
- Will order 3 new patrol rifles through the equipment reserve. These will be replacing the antiquated models currently in use.

Emergency Service – Scott Cooper

- 1 Fire call – Motor vehicle accident
- 10 EMS Calls – 6 transports, 2 refusals, 2 other
- Will be attending Trucks On Clearwater Monday
- Hose testing will happen this month and fire hydrant testing next month
- Brush truck bids are due Friday
- Burn ban still in effect until May 1st
- Will be attending the FDIC conference April 24 – 29
- Wrapping up final touches on EOC

Mayor Ussery asked Ron to put a date on when that will be completed

9. Business

a. Consider Extending the Sale of Fireworks for the Fourth of July

Marsh stated Section 14-46 of the City Code allows for the sale and discharge of fireworks in the City of Clearwater from July 1 – 4 each year.

The Government class firework sales are the most profitable fundraiser for the annual Washington, DC Senior trip. July 4th is on a Wednesday this year putting the 1st on a Sunday. Two of the busiest selling days for fireworks are traditionally the Friday & Saturday before the holiday and the Government Class would miss out on the opportunity to sell on those days. Chuck Reitberger, DC Trip Sponsor, is present to ask the Council to consider extending the sale days.

Staff is asking council to consider amending the sale and discharge of fireworks to include June 29th and 30th 2018. Marsh said the State Fire Marshal states the sales and discharge of fireworks can start on June 27 through July 5.

Chuck Reitberger stated the concern he has is for the kids not to be able to take advantage of sales over the weekend as he believes families will be out buying fireworks at other locations

over the weekend if Clearwater is not allowed to even open the stand until Sunday July 1. He stated he is not asking to change the discharge rules just the sale of the fireworks.

Staff stated that the assumption is that there might be a lot of 4th of July parties over the weekend since the holiday falls on a Wednesday. If sales aren't going allowed in town until the 1st then the DC Trip kids will miss out on the opportunity to raise money for their trip.

Council discussed and tried to recall the reasons for limiting the discharge and sales of fireworks to July 1 through 4. What some of the members remembered was there were a lot of complaints about the discharge for several nights in a row and animals upset from the loud noises. That is why council, in 2014, adjusted the rules.

Council agreed that the sale of fireworks wouldn't be the problem. Some council saw that extending the discharge would cause problems, while others thought that extending the discharge by 1 day shouldn't be an issue.

Council agreed to allow the sale of fireworks to be extended to June 29 and June 30, 2018 but the discharge will not change until staff can bring back to council the discussions on why the rules were changed in the first place for their review.

Motion: *Griffin* moved, *Titterington* seconded to extend the sale of fireworks for 2018 to June 29th and June 30th. Voted and passed 4-1 (Coon).

b. Consider Chamber of Commerce Sign Proposal

Clearwater Chamber of Commerce informed council last year that they were working on putting together pricing for signs located on Highway 81 and K42.

The Chamber reached out to NuLine signs to work with them on coming up with signs that will be able to work with the existing poles. Shaun Weaver will be on hand to give the proposal for a shared cost between the City and the Chamber.

Shaun Weaver stated the Chamber has selected signs to replace the highway directional signs for Clearwater. The total cost for both signs is \$10,710. Shaun stated the Chamber currently has a lease for the K42 sign, which is \$300/ year, and no lease for the Highway 81 signs. Chamber has asked both property owners for an extended lease, but neither were interested. Shaun pointed out the Chamber has already put \$3000 to move the sign on K42 several years ago because the owner did not want a certain tree taken down that was blocking the sign.

Shaun stated the Chamber is asking the City to pay for both signs, however the Chamber would be willing to loan half of the money to the City this year but would expect payment next year.

Council asked Shaun to clarify that the Chamber would not have any investment in the new signs and that City would be paying for 100% of them.

Shaun said yes.

Council asked how long the quote was good for and it was stated 60 days.

Staff explained that there is \$16,000 in discretionary funds that could pay for the signs however there is only \$16,000 in discretionary and it is only April. Once the money is spent for the year it is spent. If there were other items to come up later in the funds for those items would be limited.

Council did not approve the expenditure but asked staff to ask for assistance through the Clearwater Foundation to help fund the sign and come back to the next meeting with that information.

c. Consider a Resolution Authorizing Chisholm Ridge Phase 3

As part of the process for installing infrastructure in support of Chisholm Ridge Phase 3, the Governing Body did accept and approve petitions for improvements.

The resolution authorizes the improvements requested and establishes the method of which

those improvements would be paid for as well as cost. The improvements will include Street Improvements at \$469,627, Water Improvements at \$154,810, Sanitary Sewer Improvements at \$95,331 and \$50,231 in Drainage Improvements.

The City at Large will be responsible for levying enough taxes to pay for the drainage improvement costs of the temporary notes. All other improvements will go through the special assessment process. The City will have 3 years to sell the city owned lots prior to final financing where the payments for special assessments will start.

The Resolution and supporting documents have been crafted by Bond Counsel Kevin Cowan and he will be available for comment as necessary.

Motion: *Titterington* moved, *Coon* seconded to adopt Resolution 9-2018 authorizing the Chisholm Ridge Phase 3 project. Voted and passed unanimously.

d. Consider a Resolution Calling for Temporary Note Sale

Marsh explained this resolution is the next step in the process and would allow the be taking the project cost and going out to bid for the sale of temporary notes.

The Resolution and supporting documents have been crafted by Bond Counsel Kevin Cowan and he will be available for comment as necessary.

Motion: *Palmer-Witt* moved, *Titterington* seconded to adopt Resolution 10-2018 calling for the Temporary Note Sale. Voted and passed unanimously.

10. City Administrators Report

- Reminder: Curbside City-wide cleanup will be April 21st. All items must be at curbside by 7:00 am.
- The fire that burned much of the vegetation at the welcome rock north of town was caused by a faulty transformer. We have contacted Westar to see about filing a claim to help pay for the cost of replacing what was lost.
- The new plaque for the streetscape project is up on the east side of the building.
- The front office remodel continues. This was a budgeted item for 2018 and will improve customer service and help make City Hall more customer friendly. Work should be completed by the end of next week.
- Bike Across Kansas will be in Clearwater June 12-13. They will stay at the high school the night of the 12th. School groups will be serving lunch and dinner and the Lions Club will be serving breakfast, all as fundraisers. If you want to get involved in any way, let me know.
- Annual audit begins tomorrow, April 11th.
- Courtney and I will be at a grant writing workshop, specifically Community Development Block Grants, next Tuesday in Newton.

11. Governing Body Comments

Griffin had nothing to report

Titterington will be absent next meeting

Palmer-Witt asked if there is anything being done about 150 N Gorin. Marsh stated yes.

Papish will be absent next meeting. Also, the outlet at open lot did not work for food truck during the Art Walk. There is a chunk of concrete at Tracy and Kansas that needs picked up. She also asked if there will be hydrant contest this year and staff said yes.

Coon had nothing to report

Ussery stated the high school graduation will be on May 6 at 2pm

12. Executive Sessions

Mayor Ussery called for a motion to recess into executive session pursuant to the financial affairs or trade secrets of a second party to include the City Administrator and the City Attorney. The open meeting will reconvene in the City Council Chamber at 8:15 p.m.

Motion: Palmer-Witt moved, **Coon** seconded to recess into executive session pursuant to financial affairs. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 8:15 and stated there was no action taken during executive session.

Mayor Ussery called for a motion to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters, to include the City Administrator and the City Attorney. The City Council will reconvene the open meeting in the City Council Chamber at 8:30 p.m.

Motion: Palmer-Witt moved, **Papish** seconded to recess into executive session pursuant to non-elected personnel. Voted and passed unanimously.

Motion: Griffin moved, **Palmer-Witt** seconded to give the Police Chief 3 weeks of vacation per year instead of the standard 2 weeks. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 8:30 and stated there was no action taken during executive session.

Mayor Ussery called for a motion to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters, to include the City Administrator and the City Attorney. The City Council will reconvene the open meeting in the City Council Chamber not before 9:00 p.m.

Motion: Palmer-Witt moved, **Titterington** seconded to recess into executive session pursuant to non-elected personnel. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 9:32 and stated there was no action taken during executive session.

13. Adjournment

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

MOTION: Coon moved, **Palmer-Witt** seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 9:33 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 April 10, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 24th day of April 2018

Courtney Meyer, City Clerk

UNAPPROVED

**City of Clearwater
City Council Meeting
April 20, 2018**

Item: Project Access Funding Request

Background: Project Access is a program of the Central Plains Health Care Partnership, which is affiliated with the Medical Society of Sedgwick County. Since its inception in 1999, Project Access has leveraged donated health care on behalf of low income, uninsured residents of Sedgwick County. As a not-for-profit program, Project Access relies on funding from the municipalities within Sedgwick County, Sedgwick County and United Way of the Plains. Mick Cayless will be present to provide more information and details.

Analysis: Since 1999, Project Access has provided treatment to 47 citizens from Clearwater. They are requesting we provide funding in the 2019 budget for Project Access to cover a portion of the program costs.

Financial: TBD

Legal Considerations: Review and comment as necessary.

Recommendations/Actions: Consider funding request

**City of Clearwater
City Council Meeting
April 20, 2018**

Item: Police Department Remodel Changes

Background: At the January 9th Council meeting, the Governing Body approved a bid for the Police Department remodel for \$20,659. Some of the remodeling includes moving the evidence room, moving the Chief's office and constructing a more secure front desk area for the Clerk.

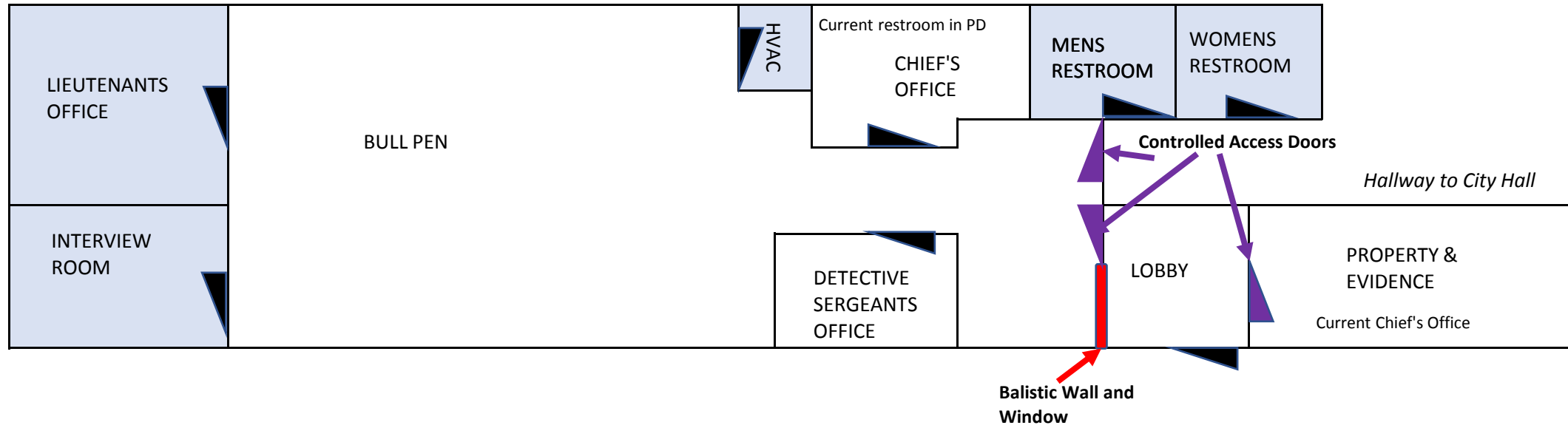
Analysis: While conducting the pre-construction walk through, several changes were identified that would further improve the layout and security. Chief Hisle will walk through the changes and the justifications.

Financial: The 2018 budget has \$25,000 for the police department remodel. New proposal is

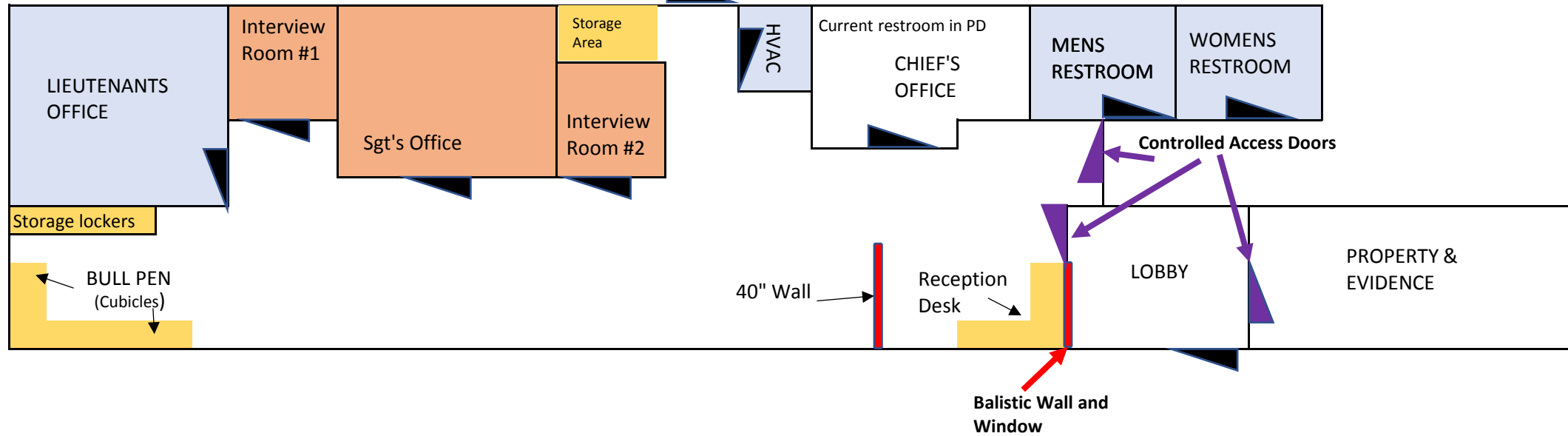
Legal Considerations: Review and comment as necessary

Recommendations/Actions:

ORIGINAL PROPOSED



NEW PROPOSED



City of Clearwater
City Council Meeting
April 20, 2018

Consider Chamber of Commerce Sign Proposal

Background: At the April 10, 2018 Council meeting, the Clearwater Chamber of Commerce proposed purchasing two new Welcome to Clearwater signs and requested the City cover the cost of one sign upfront and the Chamber would front the cost of the second sign with the City budgeting the funds to reimburse the Chamber in 2019. Total cost of each sign is \$5355.00 for a grand total of \$10,710.00.

Analysis: The Governing Body indicated a willingness to fund one sign and asked City staff to reach out the Clearwater Foundation for funding assistance with the other sign. The Foundation has agreed to fund half the cost of one sign, \$2677.50.

Financial: \$5355.00 from the City's discretionary fund

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Provide funding for one sign with the Foundation and Chamber equally covering the cost of the second sign.

FRONT SIDE



BACK SIDE



**City of Clearwater
City Council Meeting
April 20, 2018**

Item: Discussion on use and discharge of Fireworks

Background: At the April 10th Council meeting the Governing Body agreed to extend the dates for sale of fireworks from 1-4 July to 29 June – 4 July. This did not include the use and discharge of fireworks. Staff was directed to provide the history of why Ordinance 991 was adopted in 2014.

Analysis: In researching the history, the minutes of the July 22, 2014 reference a Council member receiving a letter from a citizen unhappy with the fireworks ordinance and Council agreed to look at the fireworks ordinance later in the year. No details of any discussion nor a copy of the letter were found. The next mention of fireworks was the October 14, 2014 meeting when there was some discussion and a copy of the current ordinance at the time (Ordinance 922) was provided. A copy of the section of the minutes from the meeting is included. Finally, at the November 25, 2014 the Council had more discussion on dates for discharging fireworks and passed the current ordinance. Again, no details of the discussion are included.

Financial: No financial obligation to the City.

Legal Considerations:

Recommendations/Actions:

Nothing was discussed at this time.

Staff Reports

Deputy Clerk Reitberger had nothing to report.

City Administrator Kent Brown stated there is a Pre-Meeting at the Sedgwick County Public Works on S. Seneca on Thursday July 24th to discuss the next phase of the 135th project.

Administrator Brown reports that the Auditors will be here at the City Office sometime in the next couple of weeks for the 2013 audit.

Administrator Brown stated that Chief Garcia is looking at the City Employees having a get together at a Wichita Wings Baseball game on August 16th. Brown stated that Council members were included in the invitation. Let Chief Garcia know if Council was interested.

Council Member Griffin received a letter from a resident of Clearwater stating their displeasure with the City's Fireworks Ordinance. A copy of the letter was provided for the Council to read. Council will look at the Ordinance after the budget process is complete. Council Member Griffin also stated the road at 79th and Ridge needs grating. Council Member Griffin also lets the Council know that a representative from the Fall Festival Committee will be at the next City Council meeting to report on the upcoming Festival.

City Administrator Kent Brown asked for staff direction on the mowing of the empty lots in Chisholm Ridge Addition. There have been several complaints of tall grass and weeds from residents living in the Addition and Brown has been unable to get a response from the owners and unable to contract with a mowing company at this point. After discussion, staff was directed to mow a strip along the streets and the lots next to houses already built in the addition and charge the property owners appropriately. In addition, continue to get the property owner to maintain the rest of the property.

Council Reports

Council Member Clark had nothing to report.

Council Member Whitney had nothing to report.

Council Member Griffin had nothing to report.

Council Member Papish asked if anyone else had gotten an email from Politician Pompao that he would be in Clearwater.

Council Member Ussery had nothing to report.

Mayor Mike York had a resident from out of the city limits contact him about using the brush dump for a fee. After some discussion, Council consensus was not to allow the resident to use the brush dump.

Council Member Griffin asked about putting up a one-way sign at the exit of the alleys way leading onto Kansas Avenue where Kansas Avenue is one-way traffic only. Garcia estimated sign costs of \$30 to \$40 each. He will check with Public Works Director Misak about the signs and clarified that three signs would be required for the area Council Member Griffin has designated.

Chief reported that the Clearwater Police Officer Hammers who was killed in the line of duty will have his name added to the Law Enforcement Memorial during a ceremony the second week of May.

Recreation Director Beki Zook

Director Zook provided an update on the Recreation activities. She stated that the Recreation Commission discussed costs associated with moving playground equipment at City Park. She reported that work has begun on the softball fields.

Council Member Ussery asked about the recent safety issues associated with AstroTurf. Recreation Director Zook reported that the turf they are considering is going to have sand as fill not the material that has recently been associated with safety issues.

Claims & Warrants

City Clerk Barbara Salinas presented the claims and warrants as of October 14, 2014 in the amount of \$56,217.14.

The purchase from Mobile Tek Consulting was questioned by Council Member Ussery, as it was noted under three different accounts. Chief Garcia addressed the Council stating this was an approved purchase of computer equipment taken from three separate line items, but within the Police budget.

Council Member Ussery made a motion to authorize the payment of all Claims and Warrants in the amount of \$56,217.14. Council Member Clark seconded the motion. A vote was taken and the motion passed, 5-0

Old Business

There was some discussion regarding the Fireworks ordinance. Council Member Whintey stated that he is in favor of eliminating the 5th of July that currently allows fireworks to be used and discharged. City Administrator Brown stated that he has provided the current ordinance as background information.

Council Member Ussery stated that he noticed a gentlemen in a wheelchair at the City Pool recently and asked if this was related to the ADA study. City Administrator Brown stated that Mr. Farney has visited the pool facility twice and is currently conducting a study of all city facilities as part of the ADA study and will have a report completed for the city in the near future.

Staff Reports

City Clerk Salinas had nothing to report.

2014 Old Business

Topic/ Address	Originally discussed	Concern raised by:	Assigned to Dept	Status	Date completed
ADA Planning	2/14/2012		Council/ Admin	Contract approved at 9-9-14 meeting w Complete Access Solutions. Starting review of city facilities 10-1-14.	
Ditches along 2nd Street	5/14/2013	Griffin	Public Works	Cleaned out/still needs jetter. Sign has been	
Historical Society Agreement & Museum Director job description.	2/25/2014	Ussery	Admin	Additional work has been done for mail box area 6-19-14 4-22 Review agreement between the City & Historical Museum/Revise Job Description.	
Garvey Line	4/22/2014	Whitney	Admin	Agreement sent to Attorney. Will be on future agenda. 5-13-14 Original Agreement provided 5-27-14 Council/Legal Review	
Fireworks Ordinance	9/23/2014	Griffin	Admin	10-14-14 - Council Meeting Presentation Review provisions for July 5th fireworks	

Revised 9-24-2014

ORDINANCE NO. 922

AN ORDINANCE AMENDING THE CITY OF CLEARWATER MUNICIPAL CODE AT 6.28.31 AND ORDINANCES 891, 780, 771, 749 and 728 REGULATING THE SALE AND USE OF FIREWORKS.

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

Section 1. Ordinance 891 Section 1, Ordinance 780 Section 2, Ordinance 771 Section 2, Ordinance 728 Section 1 and Section 6.28.031 of the Clearwater Municipal Code are hereby amended to read as follows:

6.28.031 Sale and use of fireworks. A. Retail Sale of Fireworks, Date, Time. The retail sale of fireworks, as defined in 6.28.030 of the Clearwater Municipal Code, shall only be permitted on the days of July 1st through July 2nd between the hours of ten a.m. and ten p.m. and on the days of July 3rd and 4th between the hours of ten a.m. and midnight.

B. Use and discharge of Fireworks, Date, Time.

The use and discharge of such fireworks shall only be permitted on the days of July 1st through July 2nd between the hours of ten a.m. and ten p.m. and on the days of July 3rd and 4th between the hours of ten a.m. and midnight.

C. Public Display of Fireworks, Date. A public display of fireworks shall be permitted upon application as set forth in Section 6.28.30 on the days of July 3rd and July 4th. A public display of fireworks may be permitted on any other date after application and approval by the city council and upon the conditions set forth by the city council in granting its approval.


D. Special Circumstances, Exceptions. (i) If July 5th falls on a Saturday, Sunday or Monday in any calendar year, then the dates set forth in subsections B and C herein shall be extended to July 5th between the hours of ten a.m. and ten p.m.

(ii) If inclement weather prevented the use and discharge of fireworks and the public display of fireworks on July 4th, the Mayor in his discretion may notify members of the public that the dates set forth in sections B and C herein shall be extended to July 5th between the hours of ten a.m. and ten p.m.

Section 2. This ordinance shall be effective upon its publication once in the official city paper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS, THIS 11TH DAY OF MAY, 2010.

SEAL


Mayor Michael Justice

ATTEST


Cheryl Wright, City Clerk

proposal. Ussery further stated that maybe this study should be placed on hold for another 6 months or until the new City Administrator is hired. Council Member Whitney stated the issues with the Emergency services keep going on day after day and the longer the Council waits the longer before anything can be done. Whitney further stated that is longer for the emergency personnel to be frustrated as well. Council Member Whitney stated that a new City Administrator is not going to come into the city and make a big decision regarding the Fire and Ambulance Departments in the first year. EMS Director stated that he also would like a decision made quicker since no one knows what will happen in the next year.

City Administrator Brown stated the first proposal was for \$24,600 and the second proposal is for \$12,650. Administrator Brown further stated this could be done in the budget year of 2015 and then the outcome of the study would be ready to implement before 2016 budget process. Council consensus was to have both proposals for review at the next meeting.

Ordinance to Adjust Dates on Fireworks

City Attorney Parker presented a draft ordinance to the Council. The draft Ordinance states the sale of fireworks can be permitted on the days of July 1st and 2nd between the hours of ten a.m. to ten p.m. and July 3rd and 4th between the hours of ten a.m. and midnight. The use and discharge shall only be permitted on July 1st and 2nd between the hours of ten a.m. and ten p.m. and July 3rd and 4th between ten a.m. and midnight. Parker stated there is no mention of July 5th in this document but could be added if directed by Council.

Council had discussion on this issue.

Council Member Ussery made a motion to approve Ordinance 991 stating that sales and use of fireworks can begin on July 2nd and continue through July 3rd and July 4th. Council Member Griffin seconded the motion and passed. The Ordinance will also read if the 5th of July is a Saturday use of fireworks will be allowed. If inclement weather prevented the public display of fireworks on July 4th, the mayor in his discretion may notify members of the public that the dates set forth shall be extended to July 5th.

Roll call vote Papish, yea; Whitney, yea; Clark, no; Ussery, yea; Griffin, yea.

Amended Agreement on Cell Tower Lease Extension

City Attorney Parker stated a new draft of the cell tower lease extension was sent to his office for City Council approval. There are a few small changes but the agreement still calls for an extended contract for 40 years.

Council Member Whitney pointed out some dates that are incorrect in the contract. Council discussed the contract.

Council Member Whitney made a motion to accept the cell tower lease contract. Council Member Griffin seconded the motion. All Council members stated no. Motion declined.

(Summary Published in the Times-Sentinel
on the ____ day of December, 2014.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 991

AN ORDINANCE ESTABLISHING DATES AND TIMES FOR SALE AND USE OF FIREWORKS WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS; AMENDING SECTION 6.28.031 OF THE CLEARWATER MUNICIPAL CODE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS IN CONFLICT HEREWITH.

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

SECTION 1. AMENDMENT. Section 6.28.031 of the Clearwater Municipal Code is hereby changed and amended to read as follows:

***6.28.031 - Sale and use of fireworks.**

- A. Retail sale of fireworks, date, time. The retail sale of fireworks, as defined in Section 6.28.030 of the Clearwater Municipal Code, shall only be permitted on the days of July 1st through July 2nd between the hours of ten a.m. and ten p.m. and on the days of July 3rd and 4th between the hours of ten a.m. and midnight.
- B. Use and discharge of fireworks, date, time. The use and discharge of such fireworks shall only be permitted on the days of July 1st through July 2nd between the hours of ten a.m. and ten p.m. and on the days of July 3rd and 4th between the hours of ten a.m. and midnight.
- C. Public Display of Fireworks, Date. A public display of fireworks shall be permitted upon application as set forth in Section 6.28.30 on the days of July 3rd and July 4th. A public display of fireworks may be permitted on any other date after application and approval by the city council and upon the conditions set forth by the city council in granting its approval.
- D. Special circumstances, exceptions.

- (i) If July 5th falls on a Saturday in any calendar year, then the dates set forth in subsections B. and C. herein shall be extended to July 5th between the hours of ten a.m. and ten p.m.
- (ii) If inclement weather prevented the use and discharge of fireworks and the public display of fireworks on July 4th, the mayor in his discretion may notify members of the public that the dates set forth in sections B. and C. herein shall be extended to July 5th between the hours of ten a.m. and ten p.m."

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in force and effect after publication of its summary in the official City newspaper.


Adopted by the City Council this 25th day of November, 2014.

Approved by the Mayor this 9th day of December, 2014.


MAYOR, MIKE YORK

SEAL

ATTEST:


DEPUTY CITY CLERK, CAROL REITBERGER