



City of Clearwater Council Meeting Agenda
Tuesday September 11, 2018 at 6:30pm
129 E Ross Clearwater, KS 67026

1. CALL TO ORDER / INVOCATION AND FLAG SALUTE

2. ROLL CALL

3. APPROVAL OF AGENDA

4. PUBLIC FORUM

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

5. 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.

a. [Minutes 09/11/18 Council Meeting](#)

6. CLAIMS AND WARRANTS

7. STAFF REPORTS

8. BUSINESS

a. [Consider an Ordinance Requiring House Numbers](#)

b. [Consider an Ordinance Amending Chapter 14 of the Clearwater Municipal Code](#)

c. [Initial Discussion Considering an Appropriations Resolution](#)

9. ADMINISTRATORS REPORT

10. GOVERNING BODY COMMENTS

11. ADJOURNMENT

Next Assignment Numbers

Charter Ordinance: 21

Ordinance: 1047

Resolution: 12-2018

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**
August 28, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor Ussery called the meeting to order at 6:30 p.m. followed by the invocation and flag salute.

2. 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, Shirley Palmer-Witt and Tex Titterington were present.

Laura Papish and Chris Griffin were 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, Director of Public Works; Austin Parker, City Attorney.

Others present: Ryan Vogel, Kayla Bennett, Samantha Church, Ashlyn Wright, Caitlyn Johnson, McKenzie Tripp, Autumn Hampton, Lindsey Deselms, Angelina Greiner, John Van-Klei III, Kristina Titterington, William Thomas

3. 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 presented.

Motion: *Coon* moved, *Palmer-Witt* seconded to accept the August 28, 2018 agenda as presented. Voted and passed unanimously.

4. Public Forum

None

5. Approve Consent Agenda

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve.

Minutes 08/14/18 Council Meeting
Klausmeyer Bleacher Rental Agreement
Ninnescah Township Fire Agreement
Ninnescah Township Road Maintenance Agreement
Mayor Appointments
Tim Robbens – Paramedic – Emergency Services
Noa Pace – Cadet – Emergency Services

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

6. Claims and Warrants

Meyer stated that the claims and warrants were \$609,060.31 and stated that \$520,000 was due to bond

and interest payments.

Chris Griffin enters at 6:33

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

7. Staff Reports

- a. Police – Bill Hisle – Updated council on day to day operations of cases. Reported that all funds that were stolen from the Clearwater PTO were returned in full.
- b. Emergency Services – Scott Cooper – 3 Fire call and 16 EMS calls, received 2 calls today at the same time and Sedgwick County reported to the one at the school since EMS was already on the call at the nursing home. Public relation activities is starting to increase this time of year. Saturday Emergency Services took delivery of the new boat from the Firehouse Subs Grant and 8 people were trained. Jump kits arrived and are in use. Sedgwick County Fire District #1 meeting is 9am to 11am this week.
- c. Public Works – Ernie Misak – Reported the sewer ponds passed the last sampling and will not be discharging in September. They are working on authorization to treat the fish in the cells from the State. Retesting for collar forms on water. Reported 2 water leaks. One was at Garvey and this was the 3rd time a leak has occurred in the same 30-foot section.

Mayor Ussery asked if we can cost share with Garvey and Misak reported that the leaks are 100% city responsibility.

Misak reported the Chisholm Ridge ponds were strained and some of the algae has gone away on its own. Chisholm Ridge Phase 3 water was completed except the services haven't been put in. Mies still has 28 days to complete the project. Street bids for Phase 3 went out on Friday.

8. Business

a. Consider an Ordinance Requiring House Numbers

The City of Clearwater does not have an ordinance requiring address numbers to be placed on a residence. There are several homes within the City that do not display the house number on the home which makes it difficult for Police, Fire, EMS and Public Works to locate the home if they are called to the house.

Implementing the ordinance would require any current home or new build to have a visible house number. Existing homes will need to comply by a specified date as set by Council. A fine may be charged if the numbers are not displayed in the proper manner by the established deadline. The City will assist existing homeowners by offering numbers and installation at no charge until the established deadline. A separate fee can be established for the installation of house numbers after that date. Residents can also elect to provide & install their own numbers as long as they meet the specifications of the ordinance.

Staff would like to allocate \$600.00 from discretionary to help fund this project. Inexpensive house numbers can be purchased for less than \$.50 each if residents choose to have the City install them.

Laura Papish enters at 6:54

Council discussed and would like to see the ordinance and agreed the ordinance needs to simply state the house number should be mounted in the front of the house, visible from the street and numbers on the curb do not qualify. The prepared ordinance specifically called out locations on the property where the house number could be located and felt that it was not necessary for the house number to be located on the "right" side of the door.

Council like the ordinance and asked staff to move forward but simplify the wording.

9. Administrators Report

- The Mayor has asked staff to look at the incentive programs currently in effect and review them for clarity and defensibility. Once that is complete I will present any recommended changes to Council. If any of you have any comments or input regarding the incentives, please call, email or come see me.
 - Final pool report is attached for your perusal. Increase in overall revenue can be attributed to the \$.25 increase in daily admission and an increase in the number of memberships sold.
 - Wildcat Painting is scheduled to repaint the pool in September at no cost to the City.
 - Street and drainage plans for Chisholm Ridge Phase 3 went for bid last Friday. Bid letting is September 6th at 1:30pm.
 - Staff met with members of the Fall Festival committee last Thursday to coordinate needs and make sure everyone knew what was going on. Also finalized parade route and venue layouts for park.
 - Phone installation is complete and went smoothly.
 - League of Kansas Municipalities annual conference is October 7-8 in Topeka. Please let Courtney know if you want to attend.
 - Mulvane Coop CEO, Allen Woodward, called and said they had followed the Facebook reports about the noise complaint coming from the property. He wanted the City to know that the Coop invested about \$15,000 into dampening the noise.
- Papish asked if the Coop would be able to paint the grain elevator. Marsh said he would ask.

10. Governing Body Comments

Coon had nothing to report

Papish stated the Chamber of Commerce Halloween will be downtown this year. Also, could the Emergency Service Wes Tacket Sign be moved to a location that was visible since the shelter was put in front of the sign. She also stated that the fire hydrant near Park and Prospect has a lot of volunteer trees near it and Cooper might want to look at it to see if they are in the way. She also asked if the Park Advisory Board should be considering Pickleball courts. Marsh reported that it was already on their list.

Palmer-Witt had nothing to report

Titterington asked with the house number ordinance he would like to know what the notification process will be when the ordinance is brought back to council.

Griffin had nothing to report

Ussery asked if the new signs have been put up on the highways yet. Marsh said he didn't think so but would look into it.

11. Executive Session

Mayor Ussery called for a motion to recess into executive session to discuss the acquisition of real estate to include the City Administrator. The open meeting will reconvene in the City Council Chamber at 7:20 p.m.

MOTION: *Papish* moved, *Coon* seconded to recess into executive session pursuant to the discussion of acquisition of real estate. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 7:20 pm and stated there was no action taken.

12. 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. The City Council

will reconvene the open meeting in the City Council Chamber at 7:35 p.m.

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

Mayor Ussery called the meeting back to order at 7:35 pm and stated there was no action taken.

Griffin questioned the badge form that was in his mail box. Meyer stated that all council needed to fill it out and turn it in and have a picture taken in order receive a badge as part of the Emergency Action Plan. The information at the top of the form was required but the medical information was optional. If you choose to put your medical information on the form it will be displayed in a QR code on the badge.

13. Adjournment

With no further discussion Mayor 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 7:32 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 August 28, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 11th day of September 2018

Courtney Meyer, City Clerk

To: Mayor and City Council

From: Scott Cooper
Emergency Services Director

Date: September 11, 2018

Re: Emergency Services Staff Report

- Calls:
 - EMS: 12
 - Fire: 3
- PR events and Standby's: 6
- E-71 and T-71 passed pump test and ladder test. E-72 was not tested due to relief valve problems on the pump. The ladders on E-72 passed testing. The testing of these items is governed by NFPA as a nationally accepted best practice.
- 9/8 Wichita Stair Climb: Will have 5 members climbing 110 stories for remembrance of 9/11
- 9/15: KU Exterior Firefighting trailer will be at fire station for training 8a-12p. All are welcome to attend
- Fall Festival Planning

To: Mayor and City Council

From: Bill Hisle
Police Chief

Date: September 11, 2018

Re: Police Department Staff Report

Total Report Calls - 08/27/18 – 09/10/18

58

Noteworthy Calls;

- 18-0975 Speeding/Possession of a Controlled Substance
- 18-0976 Suicidal Subject - Transported to St. Theresa's
- 18-0979 Medical Juvenile at the High School
- 18-0982 Mental Subject (Also 18-0986, 18-0987, & 18-0993)
- 18-0983 Mental Suicidal Juvenile – Transported to ComCare
- 18-0998 Unattended death, 58 year old female, natural causes
- 18-1017 Driving While Suspended
- 18-1018 Driving While Suspended
- 18-1022 Domestic Violence - 2 adult brothers (50's) one with a broken nose, one went to jail
- 18-01023 Driving While Suspended

To: Mayor and City Council

From: Ernie Misak
Public Works Director

Date: September 11, 2018

Re: Public Works Staff Report

- Moved bleachers to Klausmeyer
- Performed shut off(s)/on(s) of water service for non-payment
- Emptied the pool (3x so far)
- Canopies at pool down. New canopy was installed for fit and then taken down.
- Cleaned and sanitized the air stripper at Well #2. It is currently out of service pending Level 1 Assessment that is being done in compliance with KDHE directive/policy.
- Batting cage(s) taken down and stored
- Prepping for Fall Festival. Trimming trees on Parade route. Weed eating post, fences etc.
- Removed weeds/grass from softball diamond #2 and #3 in preparation for Fall Festival Softball
- Majority of the time has been weed eating/trimming since the rain does not permit mowing maintenance. We are very much behind on Maintenance of grassed areas and will most likely work Andy on weekend if weather permits.

To: Mayor and City Council

From: Kristi Rey
Senior & Community Center Director

Date: September 11, 2018

Re: Senior & Community Staff Report

- Changed morning coffee to open music sessions 2 times a month, since we have some new piano players as members.
- National Senior Citizen Day we had a great attendance. Walter Colvin was our music guest and he hosted a sing along.
- Over the past 4 months, we have had over 20 new members sign up
- Prepping for a Granny & Girly Tea Party in October that I am partnering up with Iris Blossoms
- Had an awesome turnout for our Clydesdale Event with the Public Library - we lost count at 150
- Pharmacy Presentation and Vaccinations October 18th- taking appointments now. Joint event with Library
- Attending SCHICK training this month
- Prepping for Halloween Party for the Seniors
- Upcoming Army Jazz Band November 2nd Hosted by us and the Library
- Still working on last step for Support Group that Tina Welch and I are putting together for parents raising kids that aren't their own.

**City of Clearwater
City Council Meeting
September 11, 2018**

Consider Ordinance 1047 – Requirement to Display House Numbers

Background: The City of Clearwater does not have an ordinance requiring address numbers to be displayed on a residence. There are several homes within the City that do not display the house number on the home which makes it difficult for Police, Fire, EMS and Public Works to locate the home if they are called to the house.

Analysis: Last meeting the Governing Body reviewed a draft ordinance requiring house numbers to be displayed within the City of Clearwater. Council members suggested a couple of changes and those changes have been made by the City Attorney:

In Section 8-125, Definitions, Paragraph F is revised to remove reference to the United States Postal Service.

In Section 8-126, Minimum Requirements, Paragraph D, subparagraphs a and b are removed and changed to read, “mounted in such a way that is visible from an adjacent street...”

Financial: No changes; allocate \$600.00 from discretionary to help fund this project.

Legal Considerations: Counsel has prepared the ordinance and can comment as necessary

Recommendations/Actions: Adopt the ordinance and approve the \$600 allocation from discretionary funds.

(Summary Published in the Times-Sentinel
on the ____ day of _____, 2018.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1047

AN ORDINANCE REQUIRING THE DISPLAY OF STREET NUMBER ADDRESSES ON ALL STRUCTURES WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS BY ADDING ARTICLE IV TO CHAPTER 8 OF THE CLEARWATER MUNICIPAL CODE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS IN CONFLICT HEREWITH.

WHEREAS, the Governing Body of the City of Clearwater, Kansas has been informed by members of its Police, Fire and Emergency Medical Services that it can be difficult to locate residences or business within the City where there are no street address numbers and where incorrect or inadequately sized/displayed street numbers are present; and

WHEREAS, the Governing Body of the City of Clearwater, Kansas has determined that identifiable street address numbers on residences and businesses can potentially expedite the response of Police, Fire and Emergency Medical Services to residences and businesses within the City of Clearwater, Kansas; and

WHEREAS, the Governing Body of the City of Clearwater, Kansas has determined that the establishment of requirements regulating the display of street address numbers will promote the public health, safety and welfare of the citizens of the City of Clearwater, Kansas.

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

SECTION 1. ADDITION. Article IV of Chapter 8 of the Clearwater Municipal Code is hereby created to read as follows:

"ARTICLE IV – STREET ADDRESS NUMBERS

Section 8-125 - Definitions.

For the purposes of this Article, the following words shall mean:

- A. Business and/or Industry is an establishment located in some structure which is a purveyor of goods or services within the City of Clearwater, Kansas.
- B. City is the City of Clearwater, Kansas.
- C. Emergency Services includes Police, Fire, and Emergency Medical Services.
- D. House is a structure which may contain one or more residences but does not include apartment complexes.
- E. Residence is any structure whose primary function is to serve as living quarters for people, as distinguished from a Business or Industry defined above. Residence does not include apartment complexes.
- F. Street Address Numbers are those identifying numerals which are consistent with identification and are the correct numerals to properly identify the commonly known address of the Residence, Business and/or Industry location within the the City of Clearwater, Kansas.

Section 8-126 – Minimum Requirements.

- A. Every Residence, house, Business and Industry within the City shall display assigned street address numbers.
- B. Street address numbers must be easily seen when viewed from the street or road when traveling in either direction in an Emergency Services vehicle. Obstructions preventing the street address numbers from being seen by Emergency Services workers are prohibited.
- C. The minimum size for street address numbers is three (3") inches in height and one and one-half (1 ½") inches in width.
- D. Street address numbers can be permanently installed in one of the following locations to best aid Emergency Services workers:
 - a. Mounted in such a way that is visible from an adjacent street with the bottom of the address approximately five (5') feet above the top step or floor of the porch/landing of the structure; or
 - c. Mounted on a mail box located next to the street; or
 - d. Mounted on a stake or pole adjacent to the driveway near the street.
 - e. Nothing in this Ordinance shall prevent a property owner from displaying their property's Street Address Number in multiple locations on their property.

Section 8-127 – Property Owner’s Responsibility.

Property owners shall have Street Address Numbers displayed in accordance with this Ordinance within ninety (90) days of the adoption of this Ordinance.

Section 8-128 – Penalties.

Any person who violates any provision of this Ordinance shall be deemed responsible for a municipal infraction, subject to payment of a fine of not less than \$10.00 and not more than \$500 per day for each and every day that the property owner has failed to comply with the requirements of this Ordinance.”

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 11th day of September, 2018.

Approved by the Mayor this 11th day of September, 2018.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

City of Clearwater
City Council Meeting
September 11, 2018

Consider Ordinance 1048 – Amending Article II of Chapter 14
of the Clearwater Municipal Code

Background: Chapter 14 of the Clearwater Municipal Code details the function and responsibilities of the former Clearwater part-time Fire Chief position.

Analysis: Since 2017 Clearwater has had a full-time Emergency Services director who assumes the duties and responsibilities of the Fire Chief position. Amending Chapter 14 will update the wording of the Code to reflect the new position.

Financial: There are no financial considerations

Legal Considerations: The City Attorney has drafted the ordinance and can comment as necessary.

Recommendations/Actions: Approve Ordinance 1048, Amending Chapter 14 of the Clearwater Municipal Code.

(Summary Published in the Times-Sentinel
on the ____ day of September 2018.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. ____

AN ORDINANCE CONCERNING THE DIRECTOR OF EMERGENCY SERVICES POSITION WITH THE CITY OF CLEARWATER, KANSAS BY AMENDING ARTICLE II OF CHAPTER 14 OF THE CLEARWATER MUNICIPAL CODE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS IN CONFLICT HEREWITH.

WHEREAS, the Governing Body of the City of Clearwater, Kansas has and continues to operate Fire and Emergency Medical Services Departments, and has hired a Director of Emergency Services to oversee the daily operations of its Fire and Emergency Medical Services Departments; and

WHEREAS, the City of Clearwater, Kansas has established a job description detailing the functions and responsibilities of its Director of Emergency Services; and

WHEREAS, Article II of Chapter 14 the Clearwater Municipal Code detailed the functions of the former Clearwater part-time Fire Chief position; and

WHEREAS, the full-time Clearwater Director of Emergency Services position was established as a replacement and expansion of the former Clearwater part-time Fire Chief Position; and

WHEREAS, the City of Clearwater has adopted a fee resolution establishing rates to be charged for the provision of services by the Emergency Medical Services Division of the Clearwater Emergency Services Department.

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

SECTION 1. AMENDMENT. Article II of Chapter 14 of the Clearwater Municipal Code is hereby changed and amended to read as follows:

"ARTICLE II. EMERGENCY SERVICES DEPARTMENT

Section 14-19 – Volunteer Department Established.

All members of the emergency medical service and fire divisions of the Emergency Services Department of the City of Clearwater, Kansas, except for its Director of Emergency Services, shall be volunteers.

Section 14-20 – Director of Emergency Services

The Mayor, by and with the consent of the City Council, shall appoint at the first regular meeting of the City Council in May of each year a Director of Emergency Services who shall have general supervisory authority over the City of Clearwater Emergency Services Department. Compensation for the Director of Emergency Services shall be established in a resolution adopted by the City Council.

Section 14-21 - Rates for City Emergency Medical Services

The rates to be charged for services provided by the City of Clearwater Emergency Services Department shall be established by fee resolution of the City Council.

Sections 14-22 – 14-43 – Reserved."

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 11th day of September 2018.

Approved by the Mayor this 11th day of September 2018.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

**City of Clearwater
City Council Meeting
September 11, 2018**

Initial Discussion for an Appropriations Resolution

Background: The City of Clearwater currently runs accounts payable to coincide with Council meetings. Because we only run accounts payable twice a month, staff processes invoices up to the day of the Council meeting to try and reduce the number of late charges. By doing this, the Governing Body approves the checks prior to them being mailed. It should be noted that Council has already authorized these expenditures through the budget process or approval in prior Council meetings.

Analysis: As the City frequently incurs late fees due the inconsistency of the payment process, staff would like to have the Governing Body consider a resolution that would prevent the accrual of late charges and allow the City to take advantage of discounts for early payment, if applicable. This process is authorized by K.S.A. 12-105(b), the Uniform Processing Claims Act, and recommended by the city auditor. With this change, staff would revise accounts payable procedures and the claims and warrants list would be included with the agenda packet for review and any questions could be addressed prior to the Council meeting.

If approved all payments must still be presented to the governing body for review. Any payments that are of an extraordinary nature will continue to require authorization of the governing body.

This process is already being utilized by the City as the Uniform Processing Claims Act allows for the biweekly payroll processing.

Financial: Any financial impact to the City would be savings associated with the elimination of late fees and the potential early payment discounts.

Legal Considerations: The City Attorney will draft an appropriations resolution for your consideration at the next Council meeting and the Auditor will also review the document.

Recommendations/Actions: Discuss and provide staff with direction.

12-105b. Uniform procedure for payment of claims; presentment of claims; claims which could give rise to action under Kansas tort claims act; notice, contents, limitation on commencement of action; payments in advance of approval; auditing; approval. (a) All claims against a municipality must be presented in writing with a full account of the items, and no claim shall be allowed except in accordance with the provisions of this section. A claim may be the usual statement of account of the vendor or party rendering a service or other written statement showing the required information.

(b) Claims for salaries or wages of officers or employees need not be signed by the officer or employee if a payroll claim is certified by the administrative head of a department or group of officers or employees or an authorized representative that the salaries or wages stated therein were contracted or incurred for the municipality under authority of law, that the amounts claimed are correct, due and unpaid and that the amounts are due as salaries and wages for services performed by the person named.

Nothing in this subsection shall be construed as prohibiting the payment of employment incentive or retention bonuses authorized by K.S.A. 2017 Supp. [72-2244](#), and amendments thereto.

(c) No costs shall be recovered against a municipality or against an employee of a municipality in any action brought against the municipality or an employee of a municipality for any claims allowed in part unless the recovery shall be for a greater sum than the amount allowed, with the interest due. Subject to the terms of applicable insurance contracts, judgments and settlements obtained for claims recoverable pursuant to the Kansas tort claims act shall be presented for payment in accordance with this section or in such manner as the governing body may designate.

(d) Any person having a claim against a municipality or against an employee of a municipality which could give rise to an action brought under the Kansas tort claims act shall file a written notice as provided in this subsection before commencing such action. The notice shall be filed with the clerk or governing body of the municipality and shall contain the following: (1) The name and address of the claimant and the name and address of the claimant's attorney, if any; (2) a concise statement of the factual basis of the claim, including the date, time, place and circumstances of the act, omission or event complained of; (3) the name and address of any public officer or employee involved, if known; (4) a concise statement of the nature and the extent of the injury claimed to have been suffered; and (5) a statement of the amount of monetary damages that is being requested. In the filing of a notice of claim, substantial compliance with the provisions and requirements of this subsection shall constitute valid filing of a claim. The contents of such notice shall not be admissible in any subsequent action arising out of the claim. Once notice of the claim is filed, no action shall be commenced until after the claimant has received notice from the municipality that it has denied the claim or until after 120 days has passed following the filing of the notice of claim, whichever occurs first. A claim is deemed denied if the municipality fails to approve the claim in its entirety within 120 days unless the interested parties have reached a settlement before the expiration of that period. No person may initiate an action against a municipality or against an employee of a municipality unless the claim has been denied in whole or part. Any action brought pursuant to the Kansas tort claims act shall be commenced within the time period provided for in the code of civil procedure or it shall be forever barred, except that, a claimant shall have no less than 90 days from the date the claim is denied or deemed denied in which to commence an action.

(e) Claims against a municipality which provide for a discount for early payment or for the assessment of a penalty for late payment may be authorized to be paid in advance of approval thereof by the governing body in accordance with the provisions of this subsection. The governing body may designate and authorize one or more of its officers or employees to pay any such claim made against the municipality in advance of its presentation to and approval by the governing body if payment of

the amount of such claim is required before the next scheduled regular meeting of the governing body in order for the municipality to benefit from the discount provided for early payment or to avoid assessment of the penalty for late payment. Any officer or employee authorized to pay claims under this subsection shall keep an accurate record of all moneys paid and the purpose for which expended, and shall submit the record to the governing body at the next meeting thereof. Payments of claims by an officer or employee of the municipality under authority of this subsection are valid to the same extent as if the claims had been approved and ordered to be paid by the governing body.

(f) When an employee is required to travel on behalf of a municipality, the employee shall be entitled, upon complying with the provisions of the municipality's policies and regulations on employee travel, to timely payment of subsistence allowances and reimbursement for transportation and other related travel expenses incurred by the employee while on an approved travel status. When reimbursement through the regular claims approval process of the municipality will require more than 15 days from the date the reimbursement claim is filed, the claim may be authorized to be paid in advance of approval thereof by the governing body in accordance with the provisions of this subsection. The governing body may designate and authorize one or more of its officers or employees to pay any such claim made against the municipality in advance of its presentation to and approval by the governing body if payment of the amount of such claim is required before the next scheduled regular meeting of the governing body. Any officer or employee authorized to pay claims under this subsection shall keep an accurate record of all moneys paid and the purpose for which expended, and shall submit the record to the governing body at the next meeting thereof. Payments of claims by an officer or employee of the municipality under authority of this subsection are valid to the same extent as if the claims had been approved and ordered to be paid by the governing body.

(g) Claims submitted by members of a municipality's self-insured health plan may be authorized to be paid in advance of approval thereof by the governing body. Such claims shall be submitted to the administrative officer of such insurance plan.

(h) Claims against a school district for the purchase of food or gasoline while students are on a co-curricular or extra-curricular activity outside of the school boundaries may be paid in advance of approval thereof by the governing body in accordance with the provisions of this subsection. The governing body may designate and authorize one or more of its officers or employees to pay any such claim made against the school district in advance of its presentation to and approval by the governing body.

(i) Except as otherwise provided, before any claim is presented to the governing body or before any claim is paid by any officer or employee of the municipality under subsection (e) or (f), it shall be audited by the clerk, secretary, manager, superintendent, finance committee or finance department or other officer or officers charged by law to approve claims affecting the area of government concerned in the claim, and thereby approved in whole or in part as correct, due and unpaid.

History: L. 1968, ch. 375, § 2; L. 1970, ch. 67, § 3; L. 1979, ch. 186, § 18; L. 1980, ch. 59, § 1; L. 1982, ch. 62, § 1; L. 1983, ch. 56, § 1; L. 1987, ch. 353, § 9; L. 1998, ch. 129, § 1; L. 1999, ch. 86, § 2; L. 2002, ch. 167, § 3; L. 2004, ch. 10, § 1; L. 2015, ch. 28, § 2; July 1.