

City of Clearwater Council Meeting Agenda
Tuesday October 9, 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 09/25/18 Council Meeting](#)
- b. [Minutes 10/2/18 Special Council Meeting](#)
- c. [Fire Service Resignations](#)

6. CLAIMS AND WARRANTS

7. STAFF REPORTS

8. BUSINESS

- a. [Approve Ordinance 1049 Insurance Proceeds Ordinance](#)
- b. [Consider an Appropriations Resolution](#)
- c. [Consider a Stipend for Co-Interim EMS Directors](#)
- d. [Discussion: Chisholm Ridge Phase 3 lots](#)

9. REVIEW: 3rd Quarter Financials

10. ADMINISTRATORS REPORT

11. GOVERNING BODY COMMENTS

12. ADJOURNMENT

Next Assignment Numbers

Charter Ordinance: 21

Ordinance: 1049

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**
September 25, 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 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, Laura Papish, Shirley Palmer-Witt, Tex Titterington, and Chris Griffin were present.

The following staff members were present:

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: Sidra Hurt, Faith Sovenson, Logan Mills, Audry Jones, Brandy Keesling, Jay and Earl Lauer, Jessi Cooper, Cameron Cooper

3. Approval of the Agenda

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

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

Motion: *Papish* moved, ***Coon*** seconded to accept the September 25, 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 09/11/18 Council Meeting
Library Memorandum of Understanding
Mayoral Appointment to Fire Service
Mandy Guy - Firefighter

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

6. Claims and Warrants

Meyer stated that the claims and warrants were \$27,217.63.

Griffin asked if the lift station that was being paid is an annual item. Misak reported that the backup pump had to be repaired and checked on other backup pumps. The other backup pumps were too costly to repair so the administrator authorized to replace them.

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

7. Staff Reports

- a. Scott Cooper, Emergency Service Director - Stated council had is report and additionally he reported there was a structure fire on Sunday in which Sedgwick County assisted on. Cooper also reported a KU fire training exercise done last Saturday.
- b. Lieutenant Jason Gearhardt – had nothing to add to Chief Hisle’s report.
- c. Ernie Misak, Public Works Director – in addition to the report the council had, Misak explained the air stripper on well #2 was installed in 2007 when Misak was hired because wanted to utilize the well and the air stripper would clean the water from the contaminations from the 70’s and 80’s. In August the bacteriological sample pulled from well#2 was positive for colloform. With the positive reading public works had to collect more samples and the second samples were positive on well #2 which led to a level 1 assessment. A level one assessment requires multiple samples and forms and questions to be answered and reported the state for assessment. All other testing for this passed and no more assessment is needed for well #2. Misak has asked the state if we can remove the air stripper from well #2 since the well does not seem to be an issue since the positive reads were not coming from the section where the air stripper is located. Waiting to here from the state.

Titterington asked when we were going to discharge the ponds again. Misak said due the rain we will probably discharge in November.

Misak also reported that the required progress report has been submitted to the state for the sewer lagoon. The next report will be due in December.

8. Business

- a. **Approve Notice of Award to APAC Construction for Chisholm Ridge Phase 3**

At the April 10, 2018 meeting the Governing Body Approved Resolution 9-2018 authorizing street, water, sewer and drainage improvements for Chisholm Ridge Phase 3.

Street and drainage improvement bids were opened Thursday, September 6, 2018 at 1:30 pm. Three responses were received with APAC Construction being the low bid at \$277,773.55. Logan Mills, P.E. with Certified Engineering Design, P.A. will be present to answer any questions.

The engineers estimate for the street and drainage improvements was \$362,091.00, saving the City \$84,317.45 in costs.

Council asked Logan Mills if there was anything that stuck out that if APAC was awarded would all requirements be met by the specifications made? Mills answered yes.

Motion: *Coon* moved, *Papish* seconded to authorize the mayor to sign the “Notice of Award” for APAC Construction in the amount of \$277,773.55. Voted and passed unanimously.

- b. **Authorize Mayor to Sign Construction Documents**

If Council approves authorizing the Mayor to sign the “Notice of Award” for APAC Construction, they will have 10 days to submit their construction documents for approval.

Construction documents include performance bond, maintenance bond, statutory bond, certificates of insurance, etc. APAC Construction submits them to Certified Engineering Design, P.A. (CED) for review, then they would come back to council at the next meeting for approval. To eliminate this step, the Governing Body can authorize the Mayor to sign the documents when they are submitted. This allows the preconstruction conference to be scheduled and notice to proceed issued.

Motion: *Titterington* moved, *Palmer-Witt* seconded to authorize the Mayor to sign the construction documents from APAC Construction when they are submitted. Voted and passed

unanimously.

c. Considering an Appropriation Resolution

As was discussed last Council meeting, the City of Clearwater currently runs accounts payable to coincide with Council meetings. Because we only run accounts payable twice a month, staff processes invoice 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.

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.

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

Griffin question the sentence in section 1 that said “the City Administrator shall be authorized to adjust all salaries, including exempt positions” would actually give the Administrator authority to adjust salaries? Parker stated yes.

Mayor Ussery clarified that Clearwater has an Administrator and not a Manager and the Administrator does not have that power.

Council discussed and asked that to find out what other cities of the 3rd class do and to reword the resolution that would not include the administrator having authority to adjust salaries.

This item was tabled until the next meeting.

9. Administrators Report

Meyer stated the administrator report was in the agenda packet. Were there any questions?

It was asked if the administrator was going to continue to report for the Recreation Commission and the Park Advisory Board. Meyer stated yes for the Park Advisory Board since he is over that board right now and stated that Marsh still working out for when the City appointed Recreation Commission members come before council and report.

Mayor Ussery reminded staff that it was discussed that 1 of the 2 appointed people would come quarterly to report.

10. Governing Body Comments

Griffin had nothing to report

Titterington had nothing to report

Palmer-Witt asked who was responsible for the maintenance of the railroad tracks because they are rough going out of town. Misak reported it was the railroads responsibility and they need to be contacted.

Papish stated she was thanked for the No Parking signs at Park Glen Estates.

Coon said the city staff was doing well since she had not heard any complaints.

Mayor Ussery asked if there were any concerns with the Fall Festival? Staff report no. He then stated that he would still like the City to compile a list of requirements or needs for the fall festival so as the board turns over the City has a packet of information to hand over each year to help the process.

11. Executive Session: To Discuss Data Related to financial Affairs of Trade Secrets of the Corporations, Partnerships, Trusts and Individual Proprietorships.

Motion: *Papish* moved, *Coon* seconded to recess into executive session pursuant to the financial affairs or trade secrets of a second party to include the City Attorney and the City Administrator. The open meeting will reconvene in the City Council Chamber at 7:40 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 7:40 and stated there was no action taken during executive session.

Motion: *Coon* moved, *Titterington* seconded to authorize the Mayor to sign the Letter of Intent to sell West Half of Lot 1, Block 4 of the Clearwater Business Park Addition to the City of Clearwater, Sedgwick County, Kansas. Voted and passed unanimously

12. Adjournment

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

MOTION: *Papish* moved, *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:41 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 September 25, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of October 2018

Courtney Meyer, City Clerk

City of Clearwater, Kansas
Sedgwick County
City Council Special Meeting - **MINUTES**
October 2, 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 6:00 p.m.

2. Roll Call

The Mayor 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 were present.

The following staff members were present:
Ron Marsh, City Administrator

Others present: KSN, Denise Lewis, Chrissy Bartel, Victoria Clark, Paul Clark, Haley Roberts, KWCH.

Chris Griffin arrived via phone at 6:05 p.m.

3. Executive Session: Non-Elected Personnel.

Motion: *Papish* moved, ***Coon*** seconded 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 Chambers at 6:45 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 6:45 and stated there was no action taken during executive session.

Mayor Ussery announced councilmember Chris Griffin joined the executive session via phone.

Mayor Ussery explained council had received a letter of resignation from Emergency Service Director, Scott Cooper with a severance package attached. He would like to invite the City Attorney, the City Administrator, Scott Cooper and himself to gauge his acceptance.

Mayor Ussery, City Attorney, City Administrator, and Scott Cooper returned to the meeting at 7:01 p.m.

Mayor Ussery called for a motion to accept the resignation effective today 10/2/2018 with the severance package.

Motion: *Palmer-Witt* moved, ***Coon*** seconded to accept the resignation of Scott Cooper with severance package. Voted and passed unanimously

4. 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 7:02 PM

After the adjournment of the council meeting 8 members (4 firefighters, 1 probationary firefighter, 3 cadets) of the Emergency Service Department stated they resigned from the department.

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 October 2, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of October 2018

Courtney Meyer, City Clerk

**City of Clearwater
City Council Meeting
October 5, 2018**

Item: Emergency Services Mayoral Appointment

Background: Per K.S.A. 15-204 volunteers appointed by the Mayor upon approval of the City Council shall require majority vote of the Governing Body to remove them from their position.

Analysis: The following members of Clearwater Emergency Services (CES) resigned from their positions with CES effective 10/2/18:

John VanKlei – Firefighter
Trevor Carney – Firefighter
Jeanne Pace - Firefighter
Luke Davis – Cadet
Haley Roberts – Cadet
Robert Schoeder - Cadet
Madison Carney – Probationary Firefighter

Financial: There is no financial consideration

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Approve the resignations and removal from CES.

To: Mayor and City Council

From: Bill Hisle
Police Chief

Date: October 9, 2018

Re: Police Department Staff Report

- Fall Fest. Everyone from the PD worked a number of hours covering activities at Fall Fest, including the parade and carnival. This year's events seemed to go well and appeared to be enjoyed by everyone in attendance.
- 18-1074 & 18-1117 We assisted the County on two different fire scenes as traffic control, 79 St S and 135 St. W, structure fire and 79 St. S and 119 St. W, combine/hay fire.
- 18-1076 – Narcotics arrest – Possession with intent to distribute.
- 18-1116 – Domestic Disturbance. Subject incarcerated on felony charges.
- We continue to answer mental health related calls.

To: Mayor and City Council

From: Ernie Misak, Public Works Director

Date: October 9, 2018

Re: Public Works Staff Report

- Our department has spent countless hours during the past two weeks with preparation for, removal of and cleanup for the Clearwater Fall Festival.
- Changed/repaired crossing lights at the pedestrian crosswalk to the park between 2nd and 3rd Avenues on Ross.
- Repaired lights/replaced ballast in lighting at the Museum.
- Repaired lights/replaced ballast in lighting at the Library as needed.
- Fabricating a "Windmill" stand for street name sign at Tracy/Ross Intersection.
- Chisholm Ridge 3rd. Addition water and sewer has been completed. All pressure testing and bacteriological testing has been successfully completed
And passed. Final Inspection of project has been completed and project has been approved.
- Traffic Control Signs that have been leaning have been straightened. (Most anyway, we may have missed a few)
- No Parking areas have been designated by signage as per staff request. Currently replacing faded and/or illegible signage.
- More street name signs have been ordered.
- Due to "Facebook" request, "Kimberly Court" sign has been removed and repainted until new replacement sign is received.
- With the continued rain, we are still busy with groundskeeping.
- 21 Shutoffs for non-payment was completed, with 1 remaining off.

Special Note: My special thanks to my PW staff for the amount and quality of the work that was assigned and performed to make our City shine for the annual Fall Festival.

Many positive comments were received in thanks for how well the City looks.

Have a great day!

**City of Clearwater
City Council Meeting
October 5, 2018**

Item: Consider Updates to the Insurance Proceeds Ordinance

Background: Per K.S.A. 40-3901 The City of Clearwater is required to adopt an ordinance establishing and implementing an insurance proceeds fund. Clearwater Ordinance 765 was adopted in 1998 for Insurance Proceeds.

Analysis: In 2016 the State statute was updated and requires the City ordinance to be updated also. Insurance proceeds are the claim payments (not to exceed 15% of claim) from an insurance company for building or structures damaged in excess of 75%. The state statute requires the local municipality to deposit these funds in an interest-bearing account until a building inspector (Sedgwick County MABCD) has issued a certificate that the insured has brought the property up to code. Once the certificate is issued, the City turns the insurance funds plus interest over to the insured.

Financial: No financial impact

Legal Considerations: The City Attorney has drafted the ordinance update.

Recommendations/Actions: Approve Ordinance 1049, Insurance Proceeds

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

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1049

AN ORDINANCE CONCERNING CLAIMS AND PAYMENTS ON BUILDING INSURANCE PROCEEDS BY THE CITY OF CLEARWATER, KANSAS IN ACCORDANCE WITH K.S.A. 40-3901 ET SEQ. BY AMENDING DIVISION 2 OF ARTICLE II OF 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 determined it advisable to establish procedures, in accordance with the provisions of K.S.A. 40-3901 *et seq.*, for insurance companies to follow before paying a claim of a named insured for loss or damage to any building or other structure located within the City of Clearwater, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure.

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

SECTION 1. AMENDMENT. Division 2 of Article II of Chapter 8 of the Clearwater Municipal Code is hereby changed and amended to read as follows:

"DIVISION 2. CLAIMS ON INSURANCE PROCEEDS

Section 8-71 – Scope and Application.

The City of Clearwater is hereby authorized to utilize the procedures established by K.S.A. 40-3901 *et seq.*, whereby no insurance company shall pay a claim of a named insured for loss or damage to any building or other structure located within the City, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, unless there is compliance with the procedures set out in this Division.

Section 8-72 – Lien Created.

The governing body of the City of Clearwater hereby creates a lien in favor of the City on the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure located within the City, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy(s) covering such building or other insured structure. The lien arises upon any unpaid tax, special ad valorem levy, or any other charge imposed upon real property by or on behalf of the City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss.

Section 8-73 – Same; Encumbrances.

Prior to final settlement on any claim covered by Section 8-72, the insurer or insurers shall contact the County Treasurer, Sedgwick County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that owing under the encumbrances a draft payable to the County Treasurer, Sedgwick County, Kansas.

Section 8-74 – Same; Pro Rata Basis.

Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

Section 8-75 – Procedure.

A. When final settlement on a covered claim has been agreed to or arrived at between the named insured or insureds and the company or companies, and the final settlement exceeds seventy-five percent (75%) of the face value of the policy covering any building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City of Clearwater City Treasurer in an amount equal to the sum of fifteen percent (15%) of the covered claim payment, unless the building official of the City has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.

B. Such transfer of funds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.

C. Upon the transfer of the funds as required by subsection A. of this Section, the insurance company shall provide the City with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to or arrived at between the insurance company or companies and the insured or insureds, whereupon the building official shall contact the named insured or insureds by certified mail, return receipt requested, notifying them that said insurance proceeds have been received by the City and apprise them of the procedures to be followed under this Division.

Section 8-76 – Fund Created; Deposit of Moneys.

The City Treasurer of the City of Clearwater is hereby authorized and shall create a fund to be known as the "Insurance Proceeds Fund." All moneys received by the City Treasurer provided for by this Division, other than moneys received in satisfaction of encumbrances as provided in Sections 8-72 and 8-73 hereof, shall be placed in said fund and deposited in an interest-bearing account.

Section 8-77 – Building Official; Investigation; Removal of Structure.

A. Upon receipt of moneys as provided for by this Division, the City of Clearwater City Treasurer shall immediately notify the building official of said receipt, and transmit all documentation received from the insurance company or companies to the building official.

B. Within thirty (30) days of the receipt of said moneys, the building official shall determine, after prior investigation, whether the City shall initiate proceedings under the provisions of K.S.A. 12-1750 *et seq.*, as amended.

C. Prior to the expiration of the thirty (30) days established by Subsection B. of this Section, the building official shall notify the City Treasurer whether he or she intends to initiate proceedings under K.S.A. 12-1750 *et seq.*, as amended.

D. If the building official has determined that proceedings under K.S.A. 12-1750 *et seq.*, as amended, shall be initiated, he or she will do so immediately but no later than forty-five (45) days after receipt of the moneys by the City Treasurer.

E. Upon notification to the City Treasurer by the building official that no proceedings shall be initiated under K.S.A. 12-1750 *et seq.*, as amended, the City Treasurer shall return all such moneys received, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies.

Such return shall be accomplished within forty-five (45) days of the receipt of the moneys from the insurance company or companies.

Section 8-78 – Removal of Structure; Excess Moneys.

If the building official has proceeded under the provisions of K.S.A. 12-1750 *et seq.*, as amended, all moneys in excess of that which is ultimately necessary to comply with the provisions for the removal of the building or structure, less salvage value, if any, shall be paid to the insured.

Section 8-79 – Same; Disposition of Funds.

If the building official, with regard to a building or other structure damaged, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City of Clearwater City Treasurer under the authority of 8-75 relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the building official shall immediately effect the release of the lien resulting therefrom. Should the expenses incurred by the City exceed the insurance proceeds paid over to the City Treasurer under Section 8-75, the building official shall publish a new lien as authorized by K.S.A. 12-1756, in an amount equal to such excess expenses incurred.

Section 8-80 – Effect Upon Insurance Policies.

This Division shall not make the City a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

Section 8-81 – Insurers; Liability.

Insurers complying with this Division or attempting in good faith to comply with this Division shall be immune from civil and criminal liability and such action shall not be deemed in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this Division, or releasing or disclosing any information pursuant to this Division.

Sections 8-82 – 8-99 – 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 9th day of October, 2018.

Approved by the Mayor this 9th day of October, 2018.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

40-3901. Cities; payment of proceeds of insurance policies; procedure; release of proceeds. (a)

The governing body of any city is hereby authorized to establish, by ordinance, a procedure for the payment of not to exceed 15% of the proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure. The ordinance shall apply only to a covered claim payment which is in excess of 75% of the face value of the policy covering a building or other insured structure.

(b) The insurer first shall pay all amounts due the holder of a first real estate mortgage against the building or other structure pursuant to the terms of the policy and endorsements thereto and then shall withhold from the covered claim payment a sum not to exceed the amount authorized pursuant to subsection (a) and shall pay such moneys to the city to deposit into an interest-bearing account, unless the city has issued a certificate pursuant to K.S.A. [40-3906](#), and amendments thereto.

(c) The city shall release the insured's proceeds and any interest which has accrued on such proceeds received under subsection (b) within 45 days after receipt of such moneys, unless the city has instituted legal proceedings under the provisions of K.S.A. [12-1752](#), and amendments thereto. If the city has proceeded under the provisions of K.S.A. [12-1752](#), and amendments thereto, all moneys in excess of that necessary to comply with the provisions of K.S.A. [12-1750](#) et seq., and amendments thereto, for the removal of the building or structure, less salvage value, shall be paid to the insured.

History: L. 1982, ch. 192, § 2; L. 1997, ch. 102, § 2; L. 2016, ch. 72, § 2; July 1.

CITY OF CLEARWATER, KANSAS

RESOLUTION NO. __-2018

A RESOLUTION PROVIDING FOR THE APPROPRIATION, BY FUND, OF THE BUDGET OF THE CITY OF CLEARWATER, KANSAS FOR THE YEAR BEGINNING JANUARY 1, 2018; AND APPROPRIATING MONEY FROM THE VARIOUS FUNDS THEREOF TO PAY PAYROLL AND CLAIMS AGAINST THE CITY OF CLEARWATER FOR THE 2018 CALENDAR YEAR.

WHEREAS, the 2018 proposed annual budget and financial statement for the City of Clearwater, Kansas, as shown on standard State budget forms and subject to notice of hearing and public hearing, has been approved, adopted and appropriated, by fund, by the governing body of the City of Clearwater, Kansas, as the maximum amount of funds to be expended by the City of Clearwater, Kansas for the budget year starting January 1, 2018; and

WHEREAS, the governing body of the City of Clearwater, Kansas has determined it to be prudent and expedient to capitalize on the capabilities of City staff to pay payrolls and claims as provided in the 2018 approved budget for the City of Clearwater, Kansas, without the need to wait on formal approval of such payrolls and claims by the governing body of the City of Clearwater, Kansas during a regular City Council meeting.

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

Section 1. Appropriation.

The 2018 Approved Budget of the City of Clearwater, Kansas, as adopted by the governing body of the City of Clearwater, Kansas, shall hereby constitute an appropriation of the money so budgeted, and the City Administrator of the City of Clearwater, Kansas shall be authorized to pay payrolls, at the pay rates and/or salaries established by the governing body of the City of Clearwater, and claims as provided in said Budget of the City of Clearwater; provided that all such payments made shall be deducted from the accounts so appropriated and that the total of all payments made shall not exceed the amount appropriated within said budget and that all claims and charges against each fund shall, at all times, comply with the provisions of the cash basis law of the State of Kansas.

Section 2. Regulations.

The City Administrator shall establish regulations as to the manner of payment and the periodic dates on which payroll and claims shall be paid, provided, that all employees of the City of Clearwater, Kansas shall continue to be paid biweekly and no payroll or claim shall be paid until it has been approved by the Mayor, City Administrator, City Clerk and/or the City Treasurer.

Section 3. Method of Payment.

The payment of payrolls, claims, and line item appropriations shall be by warrant check, as provided by law, and such warrant checks shall be signed by the following three people, in accordance with K.S.A. 10-803 and K.S.A. 10-805: the Mayor, or in his absence the City Council President or other City Councilmember authorized by the governing body of the City of Clearwater to act as City Council President in the absence of the City Council President, the City Clerk, and the City Treasurer. All such warrant checks issued in payment of payrolls and claims shall be delivered to the officers, employees, agents, vendors and other claimants of the City by the City Treasurer, and it shall be his/her duty to maintain a record of all warrant checks so delivered in accordance with K.S.A. 10-805.

Adopted by the City Council this ___ day of _____, 2018.

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

BURT USSERY, MAYOR

ATTEST:

SEAL

COURTNEY MEYER, CITY CLERK

**City of Clearwater
City Council Meeting
October 5, 2018**

Item: Consider Stipend for Co-Interim EMS Directors

Background: With the resignation of the Emergency Services Director, I have asked Esther Harp, AEMT, and Justin Patrick, Paramedic, to be co-interim EMS Directors until a new director is hired.

Analysis: The EMS side of Emergency Services has a considerable amount of paperwork including run reports, medicine inventory, billing reports, etc. They are in the process of going through the credentialing process for Sedgwick County and running calls. Both Esther and Justin have full time jobs and families and I believe co-interim directors will help spread the responsibilities and not overwhelm one person. I would like to pay each of them \$500 per pay period as a stipend for taking on the additional responsibilities and runs.

Financial: \$7,101.00. This is available in the Emergency Services payroll line items.

Legal Considerations: Comment as necessary

Recommendations/Actions: Approve the stipend of \$500 per pay period for each co-interim director.

**City of Clearwater
City Council Meeting
October 5, 2018**

Item: Discussion of Chisholm Ridge Phase 3 Lot Sales

Background: This year council authorized the infrastructure improvements for Chisholm Ridge Phase 3 with the intent to improve the lots to sell. Initial discussion began in May 2018 to discuss how to market these lots.

In initial discussion staff recommended selling the lots for \$15,000, pay off existing specials, pay for new water and sewer improvements, and leave the street improvements for the new property owners to pay. This would leave a balance of \$42,059.48 to pay for the drainage improvements of \$48,000 that are designed to help the alleviate the flooding concerns we have for Chisholm Ridge and the Sports Complex.

Analysis: Council has now awarded bids for water, sewer, streets, and drainage for Chisholm Ridge Phase 3.

The construction bids came in lower than the engineers estimate except for the drainage improvement which is now \$71,279. Below are some options for selling the lots.

Option	Selling Price	Incentive Options	Balance after Specials Paid	Approx. Monthly Special Payment
#1	\$15,000	Pay existing specials – Plus New Water and Sewer Improvements	\$132,346.76	\$57.16
#2	\$12,000	Pay existing specials – Plus New Water and Sewer Improvements	\$78,346.76	\$57.16
#3	\$10,000	Pay existing specials ONLY	\$154,567.45	\$74.82 - \$98.33

City has already paid \$28,515 total for the specials for these lots in 2015, 2016 and 2017.

Financial: Depending on the Governing Body's decision, the financial impact is how much of the drainage improvements costs the City will have to cover.

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Discuss and direct staff

**City of Clearwater
City Council Meeting
October 5, 2018**

Item: Street Number Agreement

Background: On September 11, 2018 City Council adopted ordinance 1047 requiring address numbers to be displayed on residences and businesses. Through the implementation process council staff proposed and council approved that the city would offer to install the house numbers if requested.

Analysis: Staff and Counsel thought it would be best if a formal agreement be made between the property owner and the city. The agreement states that this will be free of charge, the owner hold the City and employees harmless from damages, and the city will not warranty the street numbers it places on the homes.

Financial: No financial impact

Legal Considerations: The City Attorney has drafted the agreement.

Recommendations/Actions: Authorize the City Administrator to sign the agreements on the City's behalf each time a new request for installation of Street Numbers is received.

STREET NUMBER AGREEMENT

THIS AGREEMENT is entered into this ____ day of _____, 20__ between the City of Clearwater, Kansas (hereinafter referred to as "City"), and _____ (hereinafter referred to as "Owner"), for the installation of Street Number on Owner's property located at _____, Clearwater, Kansas (hereinafter referred to as the "Property").

For and in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the parties as follows:

1. Free of cost and to assist with the Owner's compliance with City Code, Clearwater will install Street Numbers in locations upon the Property designated by Owner in compliance with the newly adopted Clearwater Street Number Ordinance, Ordinance Number 1047.
2. Owner hereby indemnifies and agrees to hold the City and its agents, servants, officers, officials, employees, contractors, volunteers and invitees, harmless in all claims and suits for damages on account of the acts, omissions or services provided by the City and/or its agents, servants, officers, officials, employees, contractors, volunteers and invitees, in the installation of the Street Numbers.
3. The City hereby disclaims any warranty as to the viability or quality of the Street Numbers installed on the Property.

This is the entire Agreement between the parties concerning the contents and subject matter of this Agreement.

IN WITNESS WHEREOF, the undersigned affirmatively state that they are authorized to enter into and execute this Agreement on the date first written above.

CITY OF CLEARWATER, KANSAS

City Administrator, Ron Marsh

OWNER

Printed Name: _____

Clearwater

Financials YTD SEPTEMBER 2018

We are 75% of the way through our budget year

	CY Budget	CY YTD Actual	CY ATD % Budget	NOTES
Fund: 100 - GENERAL				
Revenues				
Dept: 000.000	1,837,794.50	1,525,656.13	83.02	
Revenues	1,837,794.50	1,525,656.13	83.02	
Expenditures				
Dept: 000.000				
ADMINISTRATION	511,945.82	288,376.45	56.33	
SENIOR & COMMUNITY CENTER	52,242.37	20,748.76	39.72	
POLICE	701,588.95	421,560.57	60.09	
COURT	89,560.79	63,705.56	71.13	
PUBLIC WORKS	14,160.00	7,635.72	53.92	
SANITATION	168,167.50	110,207.54	65.53	
EMS	430,910.73	251,472.18	58.36	
PARK	209,885.57	108,825.91	51.85	
POOL	89,432.00	63,266.14	70.74	
MUSEUM BUILDING	7,815.00	6,138.94	78.55	
STREET LIGHTS	26,500.00	18,139.34	68.45	
PERSONNEL DEVELOPMENT	13,100.00	8,751.02	66.80	
LIBRARY	10,700.00	8,793.55	82.18	
Expenditures	2,326,008.73	1,377,621.68	59.23	
Fund: 205 - SPECIAL LIABILITY				
Revenues				
Dept: 000.000	10,474.00	10,052.23	95.97	
Revenues	10,474.00	10,052.23	95.97	
Expenditures				

Dept: 000.000	8,752.60	7,943.00	90.75	EMC Insurance
Expenditures	8,752.60	7,943.00	90.75	

Fund: 206 - SPECIAL HIGHWAY

Revenues				
Dept: 000.000	97,280.00	75,138.64	77.24	
Revenues	97,280.00	75,138.64	77.24	
Expenditures				
Dept: 000.000	137,582.90	41,590.15	30.23	
Expenditures	137,582.90	41,590.15	30.23	

Fund: 212 - CITY CAPITAL IMPROVEMENT

Revenues				
Dept: 000.000	79,638.00	77,638.85	97.49	
Revenues	79,638.00	77,638.85	97.49	
Expenditures				
Dept: 000.000	66,000.00	5,543.12	8.40	
Expenditures	66,000.00	5,543.12	8.40	

Fund: 501 - WATER OPERATING

Revenues				
Dept: 000.000	356,370.00	266,848.36	74.88	
Revenues	356,370.00	266,848.36	74.88	
Expenditures				
WATER - GEN. & ADM.	434,526.93	247,907.95	57.05	
Expenditures	434,526.93	247,907.95	57.05	

Fund: 550 - SEWER OPERATING

Revenues				
Dept: 000.000	528,200.00	352,481.50	66.73	
Revenues	528,200.00	352,481.50	66.73	
Expenditures				
SEWER - COMMERCIAL & ADM.	587,985.55	173,373.79	29.49	
Expenditures	587,985.55	173,373.79	29.49	