



City of Clearwater Council Meeting Notice

Tuesday March 13, 2018 at 6:30pm

129 E Ross Clearwater, KS 67026

www.clearwaterks.org

Please call the Clerk's office at 620-584-2311 or the Kansas Relay Service 800-876-3777 at least 48 hours in advance if you require special accommodations to participate in this meeting. We make every effort to meet reasonable requests.

AGENDA

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

1. Call meeting to order and welcome

2. Invocation and flag salute

3. Roll Call

Burt Ussery, Mayor

Laura Papish, Councilmember President

Yvonne Coon, Councilmember

Shirley Palmer-Witt, Councilmember

Tex Titterington II, Councilmember

Chris Griffin, Councilmember

4. Action: Approve March 13, 2018 meeting agenda

5. Public Forum

Pursuant to Ordinance No. 917 and Section 2.08.010 adopted by the governing body and approved by the Mayor on November 24, 2009, members of the public are allowed to address the Mayor and City Council for a period of time limited to not more than five minutes.

6. Action: Approve Consent Agenda

a. [Minutes 02/27/18 Council Meeting](#)

b. [Mayoral Appointments](#)

c. [EMS Resignation](#)

7. Staff Reports

8. Action: [Victory Pyrotechnics](#)

9. Action: [Nuisance Abatement Resolution 8-2018](#)

10. Action: [Summer Baseball MOU](#)

11. Discussion: [Chisholm Ridge Drainage](#)

12. Action: [Claims and Warrants](#)

13. Council Reports

14. Executive Session

15. Adjournment

NOTICE: SUBJECT TO REVISIONS

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
February 27, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

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

2. Invocation and Flag Salute

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

3. Roll Call

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

Mayor Burt Ussery, Councilmembers; Yvonne Coon, Laura Papish, Shirley Palmer-Witt, Tex Titterington and Chris Griffin were present.

The following staff members were present:

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

Others present: Savanna Gillespie, Mallory Hancock, Tessa Kramer, Ron Witt, Ruth Glenn, Allie Palmer

4. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated an executive session needed to be added between item 13 and 14.

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

Motion: Griffin moved, **Papish** seconded to accept the February 27, 2018 agenda as modified. Voted and passed unanimously.

5. Public Forum

Leigh Sizemore, 230 Gorin, announced the 2nd annual Love Clearwater project. She stated, instead of 1 large project the group will be doing many small projects in one day. She said the projects can be for inside and outside. People can sign up or nominate people for these project by filling out a form that will be located City Hall and the Senior & Community Center. Not only will be people be able to sign up to have work done people will be able to sign up to volunteer. They will try and match volunteers to the projects.

The Love Clearwater day will be Saturday April 28th from 8am to 5pm.

6. Approve Consent Agenda

Minutes January 23, 2018 Council Meeting Minutes

Mayoral Appointments

Jeanne Pace – Emergency Services as Administrative Assistant

Elizabeth Riddel-Kindle - EMT

Mayor Ussery asked if there was any discussion on the items.

Griffin stated he would like to discuss item 6b.

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

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

7. Staff Reports

Administration – Ron Marsh

- Reminder: Curbside City-wide cleanup will be April 21st. All items must be at curbside by 7:00 am.
- Still looking for people to serve on PAV, Library Board and Historical Society Board
- We have received 2 responses to the RFT for the Planning Walkable Places Study. Selection committee meets March 7th to begin selection process
- SKT will be connecting City Hall & PD to fiber on 2/28
- KMIT conducted the annual audit earlier this month and due to the efforts of the City staff, Clearwater has achieved Gold status giving us 5% off our worker compensation insurance
- As a follow-up to the email I sent to the Governing Body last week, please let me know if there is anything in particular you would like to see done or budgeted so staff can get costs/ prices/ etc. prior to the budget workshop.

PD – Bill Hisle

- On February 21 a burglary and theft happened. Lieutenant Gearhardt was able to identify the suspect and apprehend them. All burglarized cars were left unlocked by the owner.
- Hoover will be graduating from the academy on March 30th at 1pm
- Talked with Mr. Becker about school safety and taking a more active approach it.

Emergency Service – Scott Cooper

- 11 EMS calls – 8 transports, 2 refusals, 1 assist
- 1 fire call that was mutual aide
- Working on grants
- Still working on finding a new brush truck for the department
- Michael Cowherd passed EMT course
- Looked into if refusals have increased since ambulance charges started and there is no significant increase since billing started.
- The fire alarm at the school that didn't get to dispatch was explained that the principal reset the alarm before it was transmitted out for dispatch.

Public Works – Cole Hollis

- Ponds passed the TSS but failed the BOD. The BOD was close enough to a pass that they'll re-test and be able to combine both results to see if it will pass.

Council pointed out that the paint at the crosswalk is done and would like it repainted or another application that will last longer.

6B Appointments

Administrator Marsh read off the appointments for Council.

Griffin asked why a position description was attached when council should just be appointing the people. There was no mention of approving a position description.

Marsh answered the description was included as a reference for anyone who wanted to know what an administrative assistant duties are for Emergency Services.

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 7:03 p.m.

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

Mayor Ussery reconvene the meeting at 7:03pm and stated there was no action taken in executive session

Mayor Ussery stated there is a modification in the appointments. The appointments are to include Elizabeth Riddel-Kindle as EMT for the Emergency Services. Mayor Ussery asked to rework the job description for administrative assistant.

Motion: Palmer-Witt moved, **Papish** seconded to approve the appointment. Voted and passed unanimously.

8. Park Advisory Board Ordinance 1040

Marsh explained the ordinance is to re-establish the Park Advisory Board.

Motion: Griffin moved, **Papish** seconded to adopt ordinance 1040. Coon, yea; Papish, yea; Palmer-Witt, yea; Titterington, yea; Griffin, yea.

9. Park Advisory Board By-Laws

Marsh explained the City Council needs to adopt the by-laws that the Park Advisory Board will be governed by. The PAB currently has two members appointed by the mayor and approved by Council. Once a quorum of members has been appointed and approved the PAB will meet to adopt the by-laws.

Motion: Griffin moved, **Coon** seconded adopt the Park Advisory Board by-laws. Voted and passed unanimously.

10. Recodification of City Code Ordinance 1041

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

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

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

Marsh stated that legal has reviewed the new code and approves of the changes. Parker did state there are some minor changes that he would like to see changed in future modifications.

Parker explained the ordinance can be adopted now and any modification that need to be made can be made through ordinances.

Mayor Ussery asked that all questions regarding the new code should be directed to staff for them to look into.

Motion: Palmer-Witt moved, **Papish** seconded to adopt ordinance 1041 for the recodification of the city code. Voted and Passed unanimously.

11. Request for Annexation Resolution 7-2018

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

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

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

Motion: Titterington moved, **Griffin** seconded to adopt resolution 7-2018 accepting the request for annexation for 8010 Butterfly Street. Voted and passed unanimously

12. Claims and Warrants

Meyer stated that the claims and warrants were \$110,870.91. Meyer stated that approximately \$50,000 is for bond payments and \$28,000 is for the budgeted SCBA purchase.

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

13. Council Reports

Griffin had nothing to report

Titterington stated he attended the Town Hall Meeting. He stated through the discussion it was mentioned the Senior Center will be considered for more funding.

Palmer-Witt asked what the city's ice and sand procedure is. Marsh stated he is working through the procedure. The day of ice was when public works was reading meters. Marsh said there should have been one person pulled off of meters to sand the roads. The sand will not be neglected in the future.

Palmer-Witt also asked how many volunteers the city has on the fire and EMS department. Cooper answered approximately 25 on fire and 10 on EMS.

Coon asked if there could be crosswalks painted in the 1st block of Ross and also identify the handicap stalls more clearly.

Mayor Ussery asked that if staff is looking at crosswalks in this section of downtown, to evaluate and identify all crosswalks.

Papish had nothing to report

Ussery stated the city has received letters that have been sent anonymously. He wanted to say that any the governing body's phone numbers, address and email is posted on the city's website. They can be reached by social media. He said the city is not obligated to respond to all complaints, especially anonymous ones, however some of the complaints have made points to consider.

Mayor Ussery wanted to state that if a resident has a complaint they need to stand behind it. Anonymous complaints will not be recognized. He encourages individuals or groups to reach out personally to City staff or the Governing Body if they have complaints or concerns.

INSERT 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 7:50 p.m.

MOTION: *Coon* moved, *Papish* seconded to recess into executive session. Voted and passed unanimously.

Mayor Ussery reconvened the meeting at 7:50 pm stating there was no action taken in executive session.

14. Executive Session

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. The open meeting will reconvene in the City Council Chamber at 8:05 p.m.

MOTION: *Titterington* moved, *Palmer-Witt* seconded to recess into executive session. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 8:05 PM stating there was no action taken in executive session.

15.

Adjournment

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

MOTION: *Palmer-Witt* moved, *Griffin* seconded to adjourn the meeting. Voted and passed unanimously.
The meeting adjourned at 8:07 PM

CERTIFICATE

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

I, Courtney Meyer, City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the February 27, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 13th day of March 2018

Courtney Meyer, City Clerk

UNAPPROVED

**City of Clearwater
City Council Meeting
March 9, 2018**

Item # (Consent Agenda): Mayoral Appointment

Background: Per City Code and State Statute, the Mayor appoints City representatives to various boards serving the City. These appointments are done annually at the first meeting in May. However, from time to time vacancies occur and the Mayor can appoint citizens to fill the remaining terms of the vacancies.

Analysis: The following individual has agreed to serve on the following board for the remaining term:

John Graham – Planning Commission (2015 – 2019)

Financial: There is no financial consideration

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Approve Mayoral appointment for the unexpired term.



March 9, 2018

Burt Ussery, Mayor

City of Clearwater, Kansas

129 E. Ross

Clearwater, KS 67026

Dear Mayor Ussery;

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

Josie Ray- resigned with notice. Ms. Ray is preparing to attend Paramedic school and doesn't have the time to commit to our organization.

Respectfully,

Scott Cooper

Director of Emergency Services

City of Clearwater, Kansas

**City Council Meeting
March 9, 2018**

Item # 8: Fireworks Display – Victory Pyrotechnics

Background: Cody Hanna, a Clearwater High School graduate, founded his company Victory Pyrotechnics while a student in the Youth Entrepreneurs class at CHS. He has been staging fireworks displays for several years and has teamed up with a light show expert and laser expert to produce musically themed fireworks laser light shows. Cody reached out to staff earlier this year about producing the Clearwater 4th of July fireworks show.

Analysis: After a demonstration of the company’s capabilities, staff wanted to bring the concept to Council for their input. The laser and light part of the show would use the football stadium while the fireworks would be launched from city property northeast of the stadium. If Council agreed to move forward, Cody would present to the School Board in April for their approval to use the stadium.

Financial: The city has budgeted \$5000.00 for the fireworks show this year. Victory Pyrotechnics will work within our budget.

Legal Considerations: Cody is licensed to handle the commercial grade of fireworks consistent with our show; carries \$1,000,000 of insurance; the laser and light personnel are also licensed to handle their respective equipment.

Recommendations/Actions: Recommend moving forward with Victory Pyrotechnics.

**City Council Meeting
March 9, 2018**

Item #9: Resolution 8-2018 - Nuisance Abatement 211 S. Lee

Background: The property located at 211 S. Lee has a history of nuisances dating back to at least 2012. Nuisance abatement letters were sent on 11/27/17 and 1/22/18 to the property owner, Dale Blubaugh, who resides in Mulvane. Mr. Blubaugh contacted staff in January stating he would take care of the problem but has never followed through. A final letter of abatement was sent certified mail on 2/28/18.

Analysis: Before any formal action can be taken, the Governing Body needs to approve Resolution 8-2018 issuing a formal order for removal and abatement on said property if the nuisance is not removed within 10 days of the date of the resolution. At that time the City will contract to have the nuisance removed.

Financial: The City will front the cost of abatement and bill the property owner upon completion. If the property does not pay within 30 days, the City will add the cost of abatement to the property owners tax bill, IAW K.S.A. 12-1, 115 and Clearwater Code 6.23.090.

Legal Considerations: Counsel has reviewed and approved the documents.

Recommendations/Actions: Approve Resolution 8-2018.

CITY OF CLEARWATER

P.O. Box 453
129 E. Ross Ave.
Clearwater, KS 67026



620-584-2311
Fax: 620-584-3119

www.clearwaterks.org

OFFICIAL WRITTEN STATEMENT

March 13, 2018

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

FROM: Ron Marsh, City Administrator

RE: Dale Blubaugh, 1309 N. Hillside, Mulvane, KS 67110

This official written statement is issued and filed with the City Clerk of the City of Clearwater, Kansas pursuant to and in compliance with K.S.A. 12-1617e.

In my official capacity, on the 28th day of February, 2018, I viewed the property legally described as Lots 51, 53 and 55, Lee Avenue, Tracy and Byer's Addition to the City of Clearwater, Sedgwick County, Kansas, with a commonly known address of 211 S. Lee St., Clearwater, Kansas, and identified a nuisance thereupon which "is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City" and is described as follows:

Unsheltered open storage of personalty (equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured); filth, lumber, brush paper, trash metal and other offensive or disagreeable things and substances left on the above-described property.

Submitted this 13th day of March, 2018.

A handwritten signature in black ink, appearing to read "Ron Marsh", written over a horizontal line.

[Signature]

CITY OF CLEARWATER, KANSAS

RESOLUTION NO. 8-2018

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS AND ORDERING THE REMOVAL AND ABATEMENT OF SAID NUISANCE.

WHEREAS, the provisions of K.S.A. 12-1617e empower the Governing Body of the City of Clearwater, Kansas to determine by resolution that a nuisance exists based upon an official written statement filed with the City Clerk identifying a nuisance and stating that such nuisance is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City; and

WHEREAS, the provisions of K.S.A. 12-1617e further empower the Governing Body of the City of Clearwater, Kansas to thereupon order the owner or agent of the owner of property to remove and abate any and all nuisances from any lot or parcel of ground within the City of Clearwater, Kansas, and if the owner or agent fails to comply with the requirements of the order, to proceed to have the things described in the order removed and abated from the lot or parcel of ground; and

WHEREAS, on the 13th day of March, 2018, an official written statement was filed with the City Clerk identifying a nuisance on property legally described as Lots 51, 53 and 55, Lee Avenue, Tracy and Byer's Addition to the City of Clearwater, Sedgwick County, Kansas, with a commonly known address of 211 S. Lee St., Clearwater, Kansas. The identified nuisance was described as follows: unsheltered open storage of personalty (equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured); filth, lumber, brush paper, trash metal and other offensive or disagreeable things and substances left on the above-described property; and

WHEREAS, said official written statement stated that such identified nuisance is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City.

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

Section 1. After reviewing the official written statement filed with the City Clerk identifying a nuisance described as follows:

Unsheltered open storage of personalty (equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured); filth, lumber, brush paper, trash metal and other offensive or disagreeable things and substances left on the above-described property,

the Governing Body of the City of Clearwater, Kansas determines that such nuisance does exist and is a menace and dangerous to the health of the inhabitants of the City of Clearwater, Kansas, and/or of a neighborhood, family or resident of the City of Clearwater, Kansas.

Section 2. The Governing Body of the City of Clearwater, Kansas herewith orders the owner and/or agent of the owner of the property legally described as Lots 51, 53 and 55, Lee Avenue, Tracy and Byer's Addition to the City of Clearwater, Sedgwick County, Kansas, with a commonly known address of 211 S. Lee St., Clearwater, Kansas to remove and abate from said property, on or before the 23rd day of March, 2018 the nuisance described as follows:

Unsheltered open storage of personalty (equipment and personal property of any kind which is no longer safely usable for the purpose for which it was manufactured); filth, lumber, brush paper, trash metal and other offensive or disagreeable things and substances left on the above-described property.

Failure to do so may result in removal and abatement of said nuisance by the City of Clearwater, Kansas with the cost of the same assessed to the owner of the property.

Section 3. Before the expiration of the above-stated ten (10) day time period or any extension thereof, the recipient thereof may request a hearing before the City Administrator of the City of Clearwater, Kansas. The governing body of the City of Clearwater, Kansas hereby authorizes the City Administrator to grant written extensions of the above-stated ten-day time period if the owner and/or agent of the owner of the property demonstrates that due diligence is being exercised in abating the nuisance.

Section 4. If, at the expiration of the above-stated ten (10) day time period or final extension thereof, the above-described nuisance is not successfully removed and abated by the owner or agent of the owner, the City of Clearwater, Kansas shall proceed to have said nuisance removed and abated from the lot or parcel of ground. Any motor vehicle determined to be a nuisance which is removed and abated from property other than public property or property open to use by the public will be disposed of in compliance with the procedures for impoundment, notice and public

auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto.

Section 5. If the City abates or removes the above-described nuisance, the City shall give notice to the owner or agent of the owner by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost of such removal or abatement and all necessary notice, including any postage, is not paid within the thirty (30) day period, the cost shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located.

Section 6. In accordance with K.S.A. 12-1617e, this Resolution shall be served on the owner or agent of the owner of the property by mailing it via certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, this Resolution shall be served by mailing it via certified mail, return receipt requested, to the last known address of the owner.

However, if the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of this type of notice during the preceding twenty-four month period, this Resolution shall be served by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

Adopted by the City Council this 13th day of March, 2018.

Approved by the Mayor this 13th day of March, 2018.

MAYOR, BURT USSERY

ATTEST:

CITY CLERK, COURTNEY MEYER

NOTICE OF SERVICE

I certify that on this ____ day of _____, 20__, a copy of the foregoing Resolution was served on _____, as the owner or agent of the owner of the property, and whose address is _____, by:

- ___ mailing it via certified mail, return receipt requested, to the above address,
- ___ personal service,
- ___ door hangers,
- ___ conspicuously posting notice of such order on the property,
- ___ telephone communication, and/or
- ___ first class mail

City Council Meeting
March 9, 2018

Item # : Memorandum of Understanding between City of Clearwater and Clearwater Outlaws

Background: The Clearwater Outlaws are a summer Collegiate Baseball team that plays in the Kansas College Baseball summer league. The Outlaws began in 2017 under the direction of Scot Palmer, a Clearwater native and had a successful first year. A meeting was held with Scot Palmer, Clearwater Indians; Beki Zook, Parks & Recreation Director and Ron Marsh, City Administrator to discuss and outline various duties and responsibilities.

Analysis: The MOU covers all the basics pertaining to an agreement between two parties and it focuses on 3 areas: Field Maintenance, Scheduling and Concessions. The parties involved have reviewed and agreed to the provisions of the MOU.

Financial: The City waives all fee's associated with field usage

Legal Considerations: Counsel has reviewed and approved

Recommendations/Actions: Authorize the Mayor to sign

MEMORANDUM OF UNDERSTANDING
for
Use of Chisholm Trail Sports for Collegiate Summer Baseball Team

This Memorandum of Understanding (MOU) entered into this ____ day of _____, 2018 (“the Effective Date”), is by and between City of Clearwater, a Kansas governmental entity authorized under Kansas law (“City”) and the Clearwater Outlaws Summer Collegiate Baseball Team (“Outlaws”).

WHEREAS, City owns and operates the Chisholm Trail Sports Complex located on East 103rd St. South, and

WHEREAS, the Outlaws desire to obtain the right to use Field One for their home games and tournaments and the City is willing to permit such use upon the terms and conditions provided herein.

NOW, THEREFORE, the parties agree as follows:

1. Scheduling. The City agrees to and does hereby allow the Outlaws use of Field One and necessary appurtenances thereto, for their home games and tournaments commencing May , 2018 and ending July , 2018, pursuant to the Outlaws schedule of games (attached when available in Exhibit 1), including the schedule of practices as agreed to by the parties.
 - A. A preseason meeting will be held between the Outlaw coach, City Parks & Recreation Director and City to discuss field maintenance, concessions, equipment usage and scheduling.
 - B. Clearwater Recreation gets top priority on all field usage
 - C. Legion teams will have 2nd priority
 - D. Club teams will have 3rd priority
 - E. All scheduling is to be coordinated with and approved by the Parks & Recreation Director; schedules will be finalized prior to the start of each team’s season and the Parks & Recreation Director will maintain a master copy of the schedule.
 - F. Any and all Outlaws games cancelled due to inclement weather or poor field conditions shall be rescheduled through and approved by the Parks & Recreation Director. The final decision whether to play after inclement weather will be made by the City.

2. Fees. The City will waive all rental fees for the Outlaws associated with the Chisholm Trail Sports Complex to include usage, lights and maintenance fees for the duration of this MOU.

3. Term & Renewal The term of this MOU shall be from May , 2018 to July , 2018 and shall automatically be deemed renewed and extended for sequential term during each calendar year thereafter on the terms and conditions herein provided unless either party gives the other party written notice not to extend and renew at least sixty 60 days prior to the commencement date of a sequential term of renewal.

4. Compliance Outlaws agrees to abide by the Chisholm Trail Sports Complex Rules and Regulations established by the City, and to ensure that players, guests, invitees and other persons associated with Outlaws games and activities conducted at the Sports Complex abide by the same.

5. Indemnification Outlaws shall furnish a Certificate of Insurance evidencing coverage for any damage caused by the Outlaws players, or Outlaws agents, employees, guests, invitees, and/or individuals participating in the event(s) described herein. Such Certificate of Insurance shall name the “City of Clearwater, Kansas” as additional insured and shall be in the amount of \$500,000.00 combined single limit per occurrence for bodily injury, personal injury, and property damage. Said Certificate shall be submitted to the City Clerk, 129 E. Ross, Clearwater, KS 67026. Failure of Outlaws to provide City an approved Certificate of Insurance prior to use of fields shall cancel and make void this agreement. Outlaws shall reimburse City for any cost associated with damage to the Sports Complex Field One and/or other portions of City facilities that exceeds normal or routine maintenance requirements.

6. Concessions The City recognizes that concession sales are a means of fund raising for the Outlaws. However,

- A. Clearwater Recreation has arranged for a school organization to run concessions during all Rec games.
- B. The concession stand will stay open until 10PM for games played after Recreation teams play.
- C. Outlaws agree that on days the Outlaws and Rec Teams both play the Outlaws will not run their own concessions. This includes the Outlaws selling from coolers, vehicles, etc. on the grounds of the Sports Complex.
- D. On days/nights the Recreation teams do not play, the concession stand will not be available for use by other organizations, including the Outlaws. The City agrees during these situations the Outlaws may sell concessions in a manner convenient for them i.e. coolers, setting up a table with product, etc.
- E. The Outlaws are solely responsible for remittance of sales tax.

7. Maintenance City will provide mowing and watering of the Sports Complex fields and the Outlaws will be in charge of field maintenance for all their games conducted at the Sports Complex. Outlaws will coordinate with the Clearwater High School Baseball Head Coach for use of field maintenance equipment. Proper field maintenance techniques will be discussed by the Outlaws and the Clearwater HS Baseball Head Coach before and during the season. Outlaws will be expected to follow these techniques. The Outlaws are also required not to damage any of the City's facilities and equipment, and to return the same to the City in the same condition they were in prior to their use by the Outlaws, normal wear and tear excepted.

8. Termination Either party may terminate this MOU upon thirty (30) days prior written notice without cause. City has the right to terminate this MOU at any time without prior written notice if the Outlaws fail to comply with the requirements of this MOU, including but not limited to proper maintenance and use of all City facilities and equipment.

9. Binding Effect; Assignability. This MOU shall be binding on the parties hereto and shall inure to the benefit of the parties, their heirs, successors and assigns. This MOU shall

not be assigned or modified without the written consent of all parties. This agreement represents the entire agreement of the parties hereto into which all prior agreements, written or oral, have been merged.

IN WITNESS WHEREOF, the parties have set their hands the day and year first above written.

CITY:

MAYOR, BURT USSERY

ATTEST:

CITY CLERK, COURTNEY MEYER

CLEARWATER OUTLAWS COLLEGIATE BASEBALL TEAM:

By _____

Print Name _____

Its _____

**City Council Meeting
March 9, 2018**

Item #11: Chisholm Ridge/Sports Complex Drainage

Background: During heavy rains in 2016, the City received complaints of flooding at two addresses in Chisholm Ridge. Drainage for Chisholm Ridge is in to the two ponds south of the development, which then drain under 103rd St. through the Chisholm Trail Sports Complex to the south of town. Initially it was thought the flooding was caused by poor drainage flow through the Sports Complex which kept the ponds from draining adequately and constructing a drainage ditch through the complex would address the problem.

Analysis: After meeting with the Certified Engineering Design, the City Engineer, it was decided to have CED complete a drainage study to ensure we were addressing the problem.

Financial: TBD

Legal Considerations: Counsel will review and approve any documentation involved with securing easements, etc.

Recommendations/Actions: Approve moving forward to obtain drainage easement.