

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - MINUTES  
April 24, 2018  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**1. Call to Order**

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

**2. Flag Salute**

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

**3. Roll Call**

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

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

Laura Papish was absent.

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief.

Others present: Shelley Duncan, Mich Cayless, RJ Stimson, Elijah Robison, Justin McWendorf, Karl May, Lindy May, Ryan Phelps.

**4. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated that 9b was an addition to the publish agenda and that 9c, Police Department Remodel, will need to be stricken, and an executive session will need to be added before Item 10.

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

**Motion: *Coon* moved, *Titterington* seconded to accept the April 24, 2018 agenda as modified.  
Voted and passed unanimously.**

**5. Public Forum**

None

**6. Approve Consent Agenda**

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

**7. Claims and Warrants**

Meyer stated that the claims and warrants were \$26,591.34.

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

**8. Staff Reports**

**Public Works – Ernie Misak**

- Wastewater April test passed
- The modifications to the recirculation is in. Backfilling is still need. The total project cost was under \$7,000.00. There won't be another discharge for 2-3 months.

Coon asked when the pot hole on 4<sup>th</sup> Ave will be filled where public works did some work. Misak stated they are waiting for the ground to settle before they go back in and fill it.

**PD – Bill Hisle**

- Arrests for stolen automobile at the Nursing home were made
- 2 more auto theft arrests have been made along with 2 methamphetamine and possession of a handgun arrest.

Coon stated her neighbor has been harassed and terrified of a stalker and fears for her safety. Coon asked what the police department can do for the individual. Hisle stated the police department put out trail cameras when the report was made but have not be able to pick up or locate anyone around the house. Hisle asked if her neighbor would be receptive for him to contact them. Coon stated yes.

**Emergency Service – Ron Marsh for Scott Cooper**

- 5 EMS calls – 1 refusal and 1 no show to a call that was outside city limits
- EOP will be ready for the last meeting in June

**9. Business**

**a. Central Plains Healthcare Partnership**

Marsh stated, Project Access is a program of the Central Plains Health Care Partnership, which is affiliated with the Medical Society of Sedgwick County. Since its inception in 1999, Project Access has leveraged donated health care on behalf of low income, uninsured residents of Sedgwick County. As a not-for-profit program, Project Access relies on funding from the municipalities within Sedgwick County, Sedgwick County and United Way of the Plains.

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

Shelly Duncan, Executive Director, stated this program helps low income individuals. They have partnerships with 635 physicians, Via Christi, and Wesley to help people get medical attention at no cost. The program is primarily financed by City of Wichita, Sedgwick County and United Way of the Plains. Funding has been cut and Project Access is asking surrounding communities for funding. Shelly pointed out that 47 Clearwater residents since 1999 have been helped by the service, totaling approximately \$496,000. Project Access is asking Council to consider any type of support for 2019. Every \$1 donated there is \$15.56 return in healthcare costs.

Titterington asked if the 47 were within City Limits or just have a Clearwater address. Shelley stated they had a Clearwater address. They didn't know how many were in the actual city limits.

**b. Discussion of Electrical Utility on Vacant Lot**

As presented earlier this year, Dr. May is requesting the relocation of existing electrical utility on the vacant lot adjacent to his property.

Dr. May pointed out the letter from his insurance agent stated the electrical box on the property next to his poses a potential safety hazard and the new exposure could affect his insurance rates. He also stated he had a second letter from his malpractice insurance stating the same thing, but he wasn't allowed to share that letter with the City. He pointed out he has seen two instances where someone has pulled up in the lot and opened a door and almost hit the electrical unit.

Mayor Ussery stated that Council is turning this letter over to the City Attorney, Austin Parker, so he can contact the insurance company. The City needs to fully understand why this location is a problem. According to Sedgwick County the unit meets code and the City needs to understand what the insurance recommends based on insurance laws.

Mayor Ussery stated there is to be no action tonight.

c. **Consider Changes to the police Department Remodel**

Stricken

d. **Authorize the Funding for New Clearwater Highway Signs**

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

The Governing Body indicated a willingness to fund one sign and asked City staff to reach out the Clearwater Foundation for funding assistance with the other sign. The Foundation has agreed to fund half the cost of one sign, \$2677.50. That would leave \$2677.00 for the Chamber of Commerce.

**Motion:** *Griffin* moved, *Titterington* seconded to authorize the sign donation not to exceed \$5355.00. Voted and passed unanimously.

e. **Discussion on Discharge of Fireworks within City Limits**

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

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

Griffin pointed out that in the minutes from 2014 the motion was made to have the discharge of fireworks be July 2<sup>nd</sup> but the ordinance says July 1<sup>st</sup>. He further questioned how many other times this has happened.

Mayor Ussery stated that in the future when there is an amendment to an ordinance that has been brought before council, council will not adopt it until an updated copy has been presented at a following meeting, so the changes can be verified before adopting.

Council further discussed the discharge and sale of fireworks. They asked staff to bring back to next meeting an ordinance to update the sale of fireworks to coincide with the State Fire Marshall rules and to keep the discharge of fireworks as it is listed, July 1<sup>st</sup> and 2<sup>nd</sup> 10am to 10 pm and July 3<sup>rd</sup> and 4<sup>th</sup> from 10 am to midnight, with exceptions for July 5<sup>th</sup> on a Saturday.

**INTERIM 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 Attorney and the City Administrator. The City Council will reconvene the open meeting in the City Council Chamber at 7:32pm

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

Mayor Ussery called the meeting back to order at 7:32pm and stated there was no action taken.

**10. City Administrators Report**

- The front office remodel is complete. There are some small items staff is working on but the project turned out well and City Hall continues to move towards a more customer friendly environment.
- Kansas Department of Health & Environment informed staff they will be here May 1<sup>st</sup> to inspect the big slide at the City pool.
- Dana Benders, Fall Festival Committee president, continues to keep us updated on Fall Festival proceedings. The list of events should be complete by the end of the month with City needs/requests per venue. Some events aren't completely finalized until late spring/early summer due to awaiting confirmation. Dana is working with City staff to be as proactive as possible.



Below is the logo for 2018:

- Chief Hisle and myself are meeting with the school district to discuss traffic flow on Kansas from Prospect east to 4<sup>th</sup> as a result of the new drop off/pick up configuration at Elementary West. I will keep Council informed as we move through this process.
- I have been working with Athco Mfg to try and resolve the scoreboard malfunctions at field 1 at the Sports Complex.
- Update on YTD water sales compared to last year:  
1 QTR 2017 – 23% total projected revenue      1 QTR 2018 – 26.9% of total projected revenue  
Increase in water rates approved for this year are providing the increase needed to for the fund to be self-sustaining. We will continue to monitor and report back.

**11. Governing Body Comments**

Griffin had nothing to report

Titterington stated the trip to the Governing Body Institute was very worthwhile.

Palmer-Witt agreed with Titterington

Coon had nothing to report.

Ussery pointed out that at the Topeka meeting a Statement of Substantial Interest was handed out and said all council members need to fill it out each year. Second Mayor Ussery read the following letter to the Citizens of Clearwater:

Citizens of Clearwater,

Although it has been the position of the governing body and the advice of our legal counsel not to comment or publicly reply to the numerous anonymous letters that have been sent to each council member and I over the past several weeks, I have now been contacted by members of the community who have themselves received an anonymous letter regarding our fire and EMS department.

Beginning in 2015 the City was informed of the pending retirement of our long-standing Fire Chief and the desire of our Director of EMS to retire as well. The City worked with WSU to conduct a study of our volunteer fire and EMS departments. We asked the team to look at our departments, other departments of equal size that were volunteers and recommend options for the future. That study was completed in 2016. The study provided three options; remain separate departments and separate leadership – all volunteer, to combine the departments and hire fulltime professional leadership with an all-volunteer membership, or to dissolve the volunteer organizations and contract with Sedgwick County for full time coverage.

The decision was made to combine the departments and provide full time leadership over both. That action was done at the beginning of 2017 with the hiring of a Director, Emergency Services.

This move brought on changes in processes, expectations, and accountability of all involved. For years the City had many volunteers on the roles of both fire and EMS that attended a very low percentage of training and/or responded to actual calls. The primary load of both rested with a select few in each organization. The City has an

obligation to ensure the safety of every volunteer and to those they serve. Each volunteer must be willing to train and participate in actual calls. Since 2016 there has been turnover in both the fire department and EMS. Turnover has been a result of retirements, resignations, and removal due to lack of participation. At the same, time both departments have loyal volunteers who continue to serve. There has also been an increase in the volunteers through the cadet program. This program has provided the path of some of our current firefighters and will continue to be a path of recruitment.

The Director, Emergency Services is acting under the direction of the governing body and answers to the City Administrator. No funds are spent without approval. The safety of the residents has not been jeopardized and our volunteer members continue to serve this community with pride, honor, and dedication. We see every day where our emergency services have responded quickly and have been acknowledged for saving lives. No member of the fire department or EMS has been put into a situation that has risked their safety.

Yes, there have been many changes and those who hide behind the numerous anonymous letters do not agree. If you, as a citizen of Clearwater would like to know what is going on in the Emergency Services Department, please ask those how have been served by either the fire department or EMS; or stop by and see for yourself.

I have seen a letter provided to the City stating some of those who have left would come back if leadership is changed. I encourage anyone that desires to serve the community, contribute to the success of the departments, and willing to be a part of the solution to join the volunteer fire and EMS departments of Clearwater.

As the Mayor, I must recommend for appointment and the governing body must approve each member of the fire department and EMS when initially appointed and once each year. For the City to have a volunteer service it will rest with the participation of those who answer a personal calling and have a passion for what they do. If that is you, you're welcome to be a part of the team.

I, and the governing body are committed to the safety of the residents of Clearwater. It is our obligation to ensure the direction is set, the funding is available, and those responsible for the execution and leadership of that direction performs. We have and will continue to hold ourselves and that leadership team accountable.

Burt Ussery  
Mayor  
City of Clearwater

**12. 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 7:45 PM

**CERTIFICATE**

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

I, Courtney Meyer, City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the April 24, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 8<sup>th</sup> day of May 2018

  
Courtney Meyer, City Clerk

