

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
October 9, 2018  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**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, Tex Titterington, and Chris Griffin were present.

Shirley Palmer-Witt was absent.

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief; Ernie Misak, Director of Public Works; Austin Parker, City Attorney.

Others present: Justin Patrick, Emergency Services; Esther Harp, Emergency Services; Stephanie Patrick, Caven Lewis

**3. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated a drainage easement needed to be added after Chisholm Ridge Phase 3 discussion.

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

**Motion:** *Papish* moved, *Coon* seconded to accept the October 9, 2018 agenda as modified. 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.

Marsh asked that Fire Service Resignations be moved to the top of the business.

Minutes 09/25/18 Council Meeting  
Minutes 10/02/18 Special Council Meeting

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

**6. Claims and Warrants**

Meyer stated that the claims and warrants were \$117,812.68.

It was asked if the malpractice insurance was an annual amount. The answer is yes.

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

## 7. Staff Reports

- a. Chief Hisle stated his report was in the packet and asked if there were any questions. Council asked if there were any problems with Fall Fest and Chief answered no. Griffin asked if the department was able to obtain car seats. Chief answered yes.
- b. Ernie Misak, Public Works Director – Council asked if the river came up to the ponds. Misak stated there was a little back up in the ponds before they could get it capped. He stated we will have to discharge in November is not sooner.  
  
Titterington asked if the one-way sign on Kansas at 1<sup>st</sup> street was necessary. When coming up to the intersection you can go either way but with a one-way sign it appears you can only go one way. Staff said they would look at options.
- c. Ron Marsh, Administrator – reported for Emergency Services – 4 fire calls and 10 EMS calls, 2 of which Sedgwick county had to transport.

## 8. Business

### INSERT – Fire Service Resignations

Marsh reported that Luke Davis and Haley Roberts have spoken to Captains and we would like to take them off of the resignation list for now. Marsh asked to approve all resignations except for Luke Davis and Haley Roberts.

**Motion:** *Titterington* moved, *Griffin* seconded to approve the resignations. Voted and passed unanimously.

### a. Approve Ordinance 1049 Insurance Proceeds Ordinance

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.

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.

Marsh explained this is a house cleaning ordinance and no direct business spurred this ordinance.

**Motion:** *Coon* moved, *Papish* adopt ordinance 1019. Coon, yea; Papish, yea; Titterington, yea; Griffin, yea. Voted and passed unanimously.

### b. Consider an Appropriation Resolution

Marsh explained that the resolution was revised based on the comments made from the prior meetings.

Mayor Ussery stated the changes satisfied his concerns.

**Motion:** *Titterington* moved, *Papish* seconded to approve the appropriation resolution. Voted and passed unanimously.

**c. Considering a Stipend for Co-Interim EMS Directors**

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.

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.

The total financial commitment through the end of the year is \$7,101.00. This is available in the Emergency Services payroll line items.

**Motion:** *Papish* moved, *Griffin* seconded to approve the co-Interim stipend of \$500 each per pay period. Voted and passed unanimously.

**d. Discuss: Chisholm Ridge Phase 3 Lots**

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 alleviate the flooding concerns we have for Chisholm Ridge and the Sports Complex.

Council has now awarded bids for water, sewer, streets, and drainage for Chisholm Ridge Ph 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.

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

Staff stated at this time they are not recommending any other incentives to go with Phase 3.

Council discussed and all agreed option #1 was the best option for now. Council stated if needed they could come back and discuss further incentives at a later time. Since they all knew what

they wanted to move on Mayor Ussery asked if anyone wanted to make a motion to allow staff to sell Chisholm Ridge Phase 3 lots at a set price.

**Motion:** *Titterington* moved, *Papish* seconded to approve the sale of each lot @ \$15,000 and offer to pay off existing specials and new water and sewer improvements. Voted and passed unanimously.

**e. Drainage Easement**

As part of the Chisholm Ridge Phase 3 Infrastructure improvements, Council approved a drainage project to be done in conjunction with the improvements. This drainage project is designed to better channel and redirect the drainage from the farming land north and east of the Chisholm Ridge development.

The drainage work was let with the street improvements, recently awarded to APAC. In order to complete the drainage improvements, a 20' drainage easement and 10' temporary construction easement was required from the current property owner, Janet Reusser. Staff has been working with Ms. Reusser and her attorney the past several weeks to obtain the easement and have reached an agreement acceptable to all parties. The agreement is attached.

Acquiring the easement will cost \$6500 (+ filing fee with the County Register of Deeds) which will come from the bonds issued for the project. The costs for the drainage project will not be passed on to property owners in Chisholm Ridge.

**Motion:** *Coon* moved, *Titterington* seconded to authorize the mayor to sign and accept the drainage easement agreement. Voted and passed unanimously.

Mayor Ussery saw there was one more item that needed to be discussed and added another item to the agenda

**INSERT Street Sign Agreement**

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.

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.

The City Attorney has drafted the agreement.

**Motion:** *Coon* moved, *Griffin* seconded to authorize the City Administrator to enter and sign the street sign agreements for the residents who request numbers to be installed on their house. Voted and passed unanimously.

**9. Review: 3<sup>rd</sup> Quarter Financials**

Meyer reported that all the funds are healthy and are either in line or below budget as of September 30<sup>th</sup>. Meyer asked if council had any questions.

Council had no questions.

**10. Administrators Report**

City Attorney has drafted a Field Usage Agreement for the Recreation Commission. I will present it to the Park Advisory Board for their comments and bring to the Governing Body at the next meeting.

Vireo is wrapping up the final draft of the pedestrian transportation plan for the City. They expect to have it to us sometime this week.

Update on YTD water sales compared to last year:

1 QTR 2017 – 23% total projected revenue  
2 QTR 2017 – 46.8% total projected revenue  
3 QTR 2017 – 75.1% total projected revenue

1 QTR 2018 – 26.9% total projected revenue  
2 QTR 2018 – 54.8% total projected revenue  
3 QTR 2018 – 82.4% total projected revenue

Increase in the water rates approved for this year continue to provide the increased revenue needed for the fund to be self-sustaining.

Fall City wide cleanup will be 19-20 October. Containers will be at Public Works shop for citizens to drop off their items.

Marsh also commented that the leadership of the Fire and EMS department have gone above and beyond. He also wanted to report that the department is still very robust.

**11. Governing Body Comments**

Griffin had nothing to report

Titterington asked if someone was still following up on the grants Scott Cooper was working on. Marsh stated yes. Tex also asked if we should have a town hall meeting to settle the turmoil and answer the questions.

Papish asked what the timeline for a committee to be put together for a new director. Marsh stated he still needed to speak with the Mayor about that however the job description is posted on HRE Partners. Papish also asked when a strategic plan meeting was going to be. Marsh said he is trying to plan a meeting sometime in January or February.

Coon stated when it comes to city plans most citizens just wait to see how things will fall. If they don't like what has happened then they will voice their concern. If it doesn't bother them or they like the change you are less likely to hear from them.

Mayor Ussery stated that I-235 will be closed Friday at 6pm through Sunday this weekend to finish the highway. He also wanted to echo Marsh's comments on the leadership in the Fire and EMS department. Mayor Ussery also stated when it comes to social media that all city and governing body members are accountable for what they say on social media. When a message goes out from a member of the city it looks as though the city has sent the message. He just asked that whatever is put out there to be cautious.

**12. Adjournment**

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

**MOTION:** *Coon* moved, *Papish* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:26 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 October 9, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 23<sup>rd</sup> day of October 2018

  
Courtney Meyer, City Clerk



