



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

City of Clearwater Council Meeting Agenda
Tuesday February 9, 2021 at 6:30pm
129 E Ross Clearwater, KS 67026

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- 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. [01/26/20 Council Meeting Minutes](#)
 - b. [Claims and Warrants](#)
 - c. [Mayoral Appointments](#)
- 6. Staff Reports**
- 7. Presentation: KOMA Update – Jennifer Hill, City Attorney**
- 8. Business**
 - a. [Approve: Agreement between Sedgwick County Fire District #1 and City of Clearwater](#)
- 9. Administrators Report**
- 10. Governing Body Comments**
- 11. Executive Session** K.S.A. 75-4319(b) For the preliminary discussion of the acquisition of real property
- 12. Adjournment**

Next Assignment Numbers

Charter Ordinance: 21

Ordinance: 1066

Resolution: 3-2021

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**
January 26, 2021
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor Burt 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, Councilmembers; Shirley Palmer-Witt (phone), Chad Pike, Chris Griffin and Justin Shore were present.

The following staff members were present:

Ron Marsh, City Administrator, Courtney Zollinger, City Clerk, Cole Hollis, Chadd Posch, Kirk Ives, Jared Dinwiddie, Justin Patrick.

3. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated no. Mayor Ussery called for a motion to approve the agenda as submitted.

Motion: *Shore* moved, ***Pike*** seconded to accept the agenda as presented. Voted and passed unanimously.

4. Appointment of new Councilmember & Oath of Office

Mayor Ussery informed council he would like to appoint Crystal Walter to the council.

Motion: *Shore* moved, ***Pike*** seconded to approve the appointment of Crystal Walter. Voted and passed unanimously.

Zollinger administered the Oath of Office to Crystal Walter. Crystal then took her place at the council seat.

5. Public Forum

Sara Lopez, new Sedgwick County Commissioner, introduced herself and asked if there was anything she could take back to the Commission on behalf of the City.

Griffin stated he would like to see Clearwater Road patrolled by the Sherriff's department.

Lopez stated she is looking for people to serve on a Citizen Advisory Board so if anyone is interested please contact her.

Mike Snyder, 200 S Grant, (phone) addressed council about the spending and taxes in Clearwater. He voiced that he felt the raising of taxes are unfair and it is becoming too expensive to live in town.

6. Approve Consent Agenda

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

1/12/21 Minutes
Claims and Warrants
Resolution 02-2021 Housing Incentives

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

7. Staff Reports

- a. Clerks Office – Courtney Zollinger – Council had no questions.
- b. Fire Department –Jared Dinwiddie –Griffin inquired about Sedgwick County EMS and their response times. Dinwiddie reported that the rapid response vehicle that has a paramedic staffed is on scene within 3 minutes, but the ambulance is still 17 minutes out. Griffin stated the report was unclear on the response times and asked if Dinwiddie could better identify the vehicles and their response times in future reports. Council had no questions.
- c. Police Department – Kirk Ives – Council had no questions.
- d. Park – Chadd Posch – Council had no questions.
- e. Public Works – Cole Hollis – Council had no questions.

8. Business

a. Certified Engineering Street Inventory and Street Improvement Recommendations

Harlon Foraker and Logan Mills gave the presentation. The inspection procedure: drive street, fill out inspection form, identify pavement failures, and take pictures. Mills stated that core samples are scheduled to be taken of the streets to get a better idea of their state.

Within the study CED labeled each street either:

- Red (Poor) - Paved streets with many cracks and/or potholes, a poor cross-slope with poor drainage conditions, indications of a failing subgrade, and/or poor pavement that will contribute to the continued degradation of the subgrade, rendering surface treatments non-economical. Full depth reconstruction improvements including subgrade treatment and full depth asphalt pavement will be recommended for streets in this category.
- Yellow (Fair) - Paved streets with few repairable cracks, a sufficient cross -slope, no indications of failing subgrade, and sufficient pavement that can be improved with minimal corrective measures to prevent water from damaging the subgrade. Preventative maintenance improvements or micro surfacing or mill and overlay of existing asphalt surfacing will be recommended for streets in this category.
- Green (Good) - Streets that have pavement with no or few small cracks, a good cross-slope with good drainage conditions, a wearing surface providing good tire friction, no indication of subgrade failure, and pavement good enough to prevent water from damaging the subgrade. The recommended streets in this category will be a surface seal as a preventative or preservation treatment.

The maintenance options are as follows:

- Crack seal - Should be performed Yearly in Fall or Spring when Cracks are in the “middle” of their opening range. Most City Maintenance Departments Perform This Activity. Goal - Keep Water Out!!
- Rejuvenating Seals - Test the product out on one block of street before you do the entire town. Mills stated personally doesn’t have a lot of knowledge about them.
- Pavement Preservation – Micro surfacing: Polymer is Added. Applying on shady streets isn’t a problem. Slurry Seal: Older Method (Not performed by Wichita or Sedg. Co.). Chip Seal: Public Doesn’t Like look of it. More rough. Rocks get kicked Up.
- Mill and Overlay – street elevation will stay the same

Probable cost for good streets would be \$1.00 - \$3.00 per square yard. For Fair streets \$15.00 per square yard and for Poor streets \$40.00 per square yard.

Marsh stated after the core sampling has been completed staff will be able to identify a maintenance schedule and bring options back to council.

9. Administrators Report

- I am in process of setting up a joint meeting between the City Council, School Board and Recreation Commission.
- Approved an upgrade to the tool storage boxes for the Fire Department Brush Truck and the installation of a charger for the wireless headset. The boxes will be larger with easier to operate doors and the charger will prevent draining the battery. The total additional cost is \$1245.00.
- Park Glen Lift Station work is scheduled to begin February 16th.
- Working with Parks and TruGreen Commercial Landscaping to come up with a turf maintenance program for the athletic fields.

10. Governing Body Comments

Griffin had nothing to report.

Palmer-Witt had nothing to report.

Shore welcomed Crystal Walter.

Walter had nothing to report

Pike had nothing to report.

Ussery explained that he and the Superintendent of schools have been having monthly meetings and the Clearwater Recreation Commission has come up as a topic. They both thought it would be good to have a joint meeting to see what the Rec's short term and long-term plans. Ussery also explained he and Marsh have met with the Park Glen HOA and they voiced again they do not like the new Yvonne Drive as an access point for everyone to use. They believe it will encourage people to drive through the neighborhood and make the residential road dangerous.

11. Executive Session: K.S.A. 75-4319(b) For the preliminary discussion of the acquisition of real property

MOTION: *Shore* moved; *Pike* seconded to recess into executive session to discuss the acquisition of real estate to include the City Attorney and the City Administrator. The open meeting will reconvene in the City Council Chamber at 7:50 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 7:50 and stated there was no action taken in executive session.

12. Adjournment

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

MOTION: *Walter* moved; *Shore* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:50 PM

CERTIFICATE

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

I, Courtney Zollinger, 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 January 26, 2021 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of February 2021

Courtney Zollinger, City Clerk

Check Register Report

Date: 02/02/2021

Time: 2:48 pm

Page: 1

City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
EMPRISE BANK Checks								
47061	02/03/2021	Printed			ALL S	ALL SEASONS SPORTSWEAR,DEPT SHIRTS INC		2,130.00
47062	02/03/2021	Printed			ALMAR	ALMAR INTERNATIONAL	CHALLENGE COINS	1,250.00
47065	02/03/2021	Printed			AMA	AMAZON	MATERIALS	497.38
47066	02/03/2021	Printed			AMAZ	AMAZON BUSINESS	CAMERA MOUNT	1,025.56
47067	02/03/2021	Printed			BBL1	B & B LUMBER	SR CENTER PAINT/SPRAY/FILLER	28.68
47068	02/03/2021	Printed			BH01	BECKY C. HURTIG	PROFESSIONAL SERVICES	915.00
47069	02/03/2021	Printed			CHAD S	CHAD SCHMIDT	HOME BUYER CASH ALLOWANCE	1,500.00
47070	02/03/2021	Printed			CI W	CIRUS WATER	POLICE DEPT	22.50
47071	02/03/2021	Printed			CP04	CIVICPLUS	WEBSITE ANNUAL FEES	4,080.63
47072	02/03/2021	Printed			CWC02	CLEARWATER WELLNESS CENTER	STATEMENT	45.00
47073	02/03/2021	Printed			CPSI	CREATIVE PRODUCT SOURCING, INC	DARE SUPPLIES	804.10
47074	02/03/2021	Printed			FAR	FARREL LANGE	RESTITUTION	80.00
47075	02/03/2021	Printed			FC2	FASTENAL COMPANY	SUPPLIES	15.79
47076	02/03/2021	Printed			FIREB	FIREBRAND, LLC	SHIELDS/PPE	448.84
47077	02/03/2021	Printed			GAB1	GILMORE & BELL	SERVICES RENDERED	7,000.00
47078	02/03/2021	Printed			GILM	GILMORE SOLUTIONS, INC	MOVING INTOXILIZER	218.70
47079	02/03/2021	Printed			GT	GT DISTRIBUTORS, INC	EQUIPMENT	1,029.73
47080	02/03/2021	Printed			H002	HACH COMPANY	CHLORINE	283.16
47081	02/03/2021	Printed			HEATH	HEATHER EDE	JANUARY CLEANING	225.00
47082	02/03/2021	Printed			HIGH	HIGH TOUCH TECHNOLOGIES	REPAIR CONF PHONE	22.50
47083	02/03/2021	Printed			HOME	HOME DEPOT	STATEMENT	700.69
47084	02/03/2021	Printed			JHS1	J & H STORAGE	STATEMENT	65.00
47085	02/03/2021	Printed			LA LI	J. LARRY LINN	PROSECUTION SERVICES	885.00
47086	02/03/2021	Printed			KDR1	KANSAS DEPARTMENT OF REVENUE	4TH QUARTER WATER PLAN	815.92
47087	02/03/2021	Printed			KMJ1	KANSAS MUNICIPAL JUDGES ASSOC.	MEMBERSHIP DUES HURTIG	25.00
47088	02/03/2021	Printed			KMA	KANSAS MUSEUMS ASSOCIATION	MEMBERSHIP DUES	25.00
47089	02/03/2021	Printed			KOC1	KANSAS ONE CALL SYSTEM, INC.	37 LOCATES	44.40
47090	02/03/2021	Printed			KANS PAV	KANSAS PAVING	PAID SHORT OF ORIGINAL BILLING	110.00
47091	02/03/2021	Printed			KTW1	KANSASLAND TIRE	4 TIRE ROTATION	14.00
47092	02/03/2021	Printed			AOM1	KATHLEEN KINKAID BRINKERHOFF	SPV STICKERS	250.00
47093	02/03/2021	Printed			LFP1	LEASE FINANCE PARTNERS	COPIER LEASE	563.61
47094	02/03/2021	Printed			MW SS	MIDWEST SINGLE SOURCE	COURT FORM	74.00
47095	02/03/2021	Printed			NU-LINE	NU-LINE SIGNS LLC	FRAME/COVER	1,825.00
47096	02/03/2021	Printed			RA01	PITNEY BOWES	POSTAGE	300.00
47097	02/03/2021	Printed			PEC	PROFESSIONAL ENGINEERING CONS	CITY PARK SHELTER DRAWINGS	1,150.00
47098	02/03/2021	Printed			REAP	REAP	2021 REAP ASSESSMENT	608.00
47099	02/03/2021	Printed			RLM1	RUSSELL L. MILLS	STATEMENT	500.00
47100	02/03/2021	Printed			SWSC	SALINA WHOLESALE SUPPLY CO	METER LOCKS	595.10
47101	02/03/2021	Printed			SSC1	SALISBURY SUPPLY COMPANY	OIL/CHAIN LUBRICANT	28.25
47102	02/03/2021	Printed			SCAC	SEDGWICK COUNTY	2021 MEMBESHIP DUES	150.00
47103	02/03/2021	Printed			STA	STAPLES	PRINTER RECEIPT ROLLS	338.48
47104	02/03/2021	Printed			TUOK	THE UNIVERSITY OF KANSAS	CASE MANAGEMENT/GEARHARDT	35.00
47105	02/03/2021	Printed			TSN1	TIMES-SENTINEL NEWSPAPERS	VARIANCE	130.50
47106	02/03/2021	Printed			UNI	UNIFRIST CORPORATION	SUPPLIES	36.80
47107	02/03/2021	Printed			VAN	VAN ASDALE CONSTRUCTION LLC	PHASE 2 109 S. LEE	12,303.00
47108	02/03/2021	Printed			VER	VERIZON WIRELESS	STATEMENT	160.04
47109	02/03/2021	Printed			WTC1	WICHITA TRACTOR CO.	ENGINE FILTER	17.25

Check Register Report

Date: 02/02/2021

Time: 2:48 pm

Page: 2

City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
EMPRISE BANK Checks								
47110	02/03/2021	Printed			WICH	WICHITA WINSUPPLY CO	CPLG W/STOP	8.51
47111	02/03/2021	Printed			ZACHARY	ZACHARY NOLAN	YEAR 1 RETENTION BONUS	500.00

Total Checks: 49

Checks Total (excluding void checks): 43,881.12

Total Payments: 49

Bank Total (excluding void checks): 43,881.12

Check Register Report

Date: 02/02/2021

Time: 2:48 pm

Page: 3

City of Clearwater

BANK:

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
Checks								
914	02/03/2021	Printed			CGSI	CASEY'S	STATEMENT	1,366.14
915	02/03/2021	Printed			LIBERTY	LIBERTY NATIONAL	STATEMENT	351.16
916	02/03/2021	Printed			SKT1	SKT	SENIOR CENTER	75.99
917	02/03/2021	Printed			SKT1	SKT	ELECTRONIC SIGN	61.41
918	02/03/2021	Printed			SKT1	SKT	PARKS & FACILITY MAINT	19.68
919	02/03/2021	Printed			SKT1	SKT	FIRE	466.56
920	02/03/2021	Printed			SKT1	SKT	PUBLIC WORKS	89.88
921	02/03/2021	Printed			SKT1	SKT	POLICE DEPT	302.04
922	02/03/2021	Printed			SKT1	SKT	HISTORICAL SOCIETY	100.77
923	02/03/2021	Printed			SKT1	SKT	CITY BUILDING	311.97
924	02/03/2021	Printed			SEHP	STATE EMPLOYEE HEALTH PLAN	STATEMENT	20,736.51
925	02/03/2021	Printed			ZACK	ZACK FORD OKLAHOMA LLC	2016 F-250 TRUCK	41,998.00

Total Checks: 12

Checks Total (excluding void checks): 65,880.11

Total Payments: 12

Bank Total (excluding void checks): 65,880.11

Total Payments: 61

Grand Total (excluding void checks): 109,761.23

**City of Clearwater
City Council Meeting
February 5, 2021**

Mayoral Appointments

Background: Per State statute K.S.A. 12-1222, the Mayor with Council approval appoints representatives to the Library Board annually and as vacancies occur.

Per City Code 2-164 Planning Commission, the Mayor appoints representatives for Council approval to the Planning Commission as vacancies occur.

Analysis: The following individual has agreed to serve out the remaining term:

Doris Schulze 2021 - 2024 Library Board

John Hurley 2021 – 2022 Planning Commission

Financial: There is no financial consideration

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Approve Mayoral appointments

To: Mayor and City Council

From: Courtney Zollinger
City Clerk

Date: February 4, 2021

Re: Clerk Staff Report

- City offices will be closed Monday February 15th for President's Day.
- Met with PEC to go over shelter layout. We are still in the design and layout stages of the project. Our goal is to keep the project with design and construction under \$300,000 with options to decrease the price if necessary.
- Chamber of Commerce have been in meetings to discuss future plans for how to best serve the businesses in Clearwater. At this point the Chamber is not collecting dues until a plan is put into action.
- Wichita Summer of Discover is planning on attending the Aquatic Center this summer again. We will know more as it gets closer to swim season. I let them know that we would be monitoring the COVID-19 regulations and keep them informed of any restrictions.
- We will be sending out letters to last year lifeguards to see who would like to return to the pool for summer employment. Chuck Reitberger will also be making announcements at the school to see who will be interested.
- A new KNOWBE4 training went out. Please be sure to complete the training by 2/23/21.

To: Mayor and City Council

From: Jared Dinwiddie
Clearwater Fire Chief

Date: February 4, 2021

Re: Fire Department Staff Report

- Clearwater Fire responded to 6 medical calls and 4 Fire calls since last meeting.
- Average response time for SGCO EMS on medical calls has been around 18 minutes. Sedgwick County EMS Community Response Vehicle (CRV81) response time has averaged about 3 minutes.
- To Date: The department has been unable to respond to 4 emergency calls.
- The International (New Brush Truck) is complete and almost ready to be placed on track. All that is left to do is have the radios and wireless headset system installed by ProCom. Kate from Art-O-Mobilia will be placing decals on the vehicle Tuesday the 9th. Members will be “broke-in” on the apparatus before being placed on track.
- Capt. Fry, Capt. Templin, and FF Cowherd attended the funerals of Waynoka firefighters Chief Bolar and Firefighter Bradford on Friday the 5th.
- Fire and Medical training were conducted last Tuesday and Thursday.
- The department is currently in the process of applying for an AFG and SAFER grant to be utilized for the purchase of a new fire pumper. Also looking for other grants to apply for as well.
- The department implemented a “No more than 2 responders” policy for medical calls. This is to reduce the amount of PPE equipment used per call and allow our supply to last longer. Exceptions are allowed for high priority calls such as Code Blues, Shootings, etc.

****Personnel are being kept up to date on the ever-changing circumstances with COVID-19. The Dept. has a response policy in place and to date, no exposures have been reported.**

To: Mayor and City Council

From: Kirk Ives, Chief of Police

Date: February 5th, 2021

Re: Police Department Staff Report

Officers:

I have been participating in Mrs. Mays class this week talking with students about career opportunities.

Officer Jacks and Lieutenant Gearhardt are back to work after being off because of COVID-19 related issues.

Building update:

Phase two is complete. Chadd Posch has been in painting the remaining walls this week.

Vehicles:

All other vehicles are still working great with no issues.

Matters of interest since last meeting on Police Activity:

We had 42 dispatched/reported calls since my last report. (does not always include self-initiated calls). Some calls were as follows:

A runaway was recovered in Wichita.

Adult arrested for Driving Under the Influence, the passenger was charged with Transporting an open Container.

Speeding and Driving While Suspended arrest.

Speeding and Driving While Suspended arrest.

Adult was arrested for Possession of Methamphetamines.

Took an auto theft report and the vehicle was recovered during a pursuit.

Assisted the Sheriff Department with a person suffering from mental health issues twice.

Dispatched to vehicle fire south of Clearwater.

Assisted the Sheriff Department with a domestic disturbance.

Arrested an adult for a Sedgwick County warrant.

An adult was arrested in Wichita for a Clearwater Municipal Court traffic warrant.

Assisted the Sheriff Department with an injury accident.

Arrested an adult for Expired Tag, Drive While Suspended and No Proof of Insurance.

Driver cited for Speeding, Driving While Suspended, and No Proof of Insurance.

Driver cited for Expired Tag and Drive While Suspended.

Driver arrested Driving Under the Influence, Transport Open Container, and Drive Left of Center.

Contacted several citizens around Clearwater reference parking ordinance violations.

Driver cited for Driving While Suspended and Defective Headlight.

To: Mayor and City Council

From: Chadd Posch

Date: 02/05/2021

Re: Parks and facilities

- Cleaning out shops and bays of old unusable materials
- Painting at the police station
- We have been working on the ballfield's (infields fence lines)
- Pumped down the pool
- Work orders
- Getting equipment ready for ball season
- Performing all other normal duties

To: Mayor and City Council Members

From: Cole Hollis, Public Works Director

Date: February 9, 2021

Subject: Public Works Summary

1. Performed shutoffs and work orders as needed
2. Performed locates as needed
3. Well 7 Generator is still down (at Central Powers facility)
4. Continue process of moving water line at bridge located on 103rd St. S between 119th St. W and 103rd St. W.
5. Haul compost to windrow
6. Grade W. Wood Ave.
7. Finished replacing street signs (not Park Glen)
8. Perform samples for water and wastewater and take to lab.
9. Received Monitoring schedule from KDHE we will have a minimum of 107 lab water samples in 2021
10. Bought 2016 F-250 to replace 2000 Chevy 2500
11. Fly dump asphalt on alleys
12. Other normal duties and responsibilities



Clearwater Senior Center

Staff Report

February 4, 2021

To: Mayor & City Council

From: Amber Ives, Coordinator

As our doors are reopening, we will continue to follow the mask guidelines and social distancing. Some activities that we are adding to the previous schedule are:

Walk the Block Wednesdays

Mind Games on Tuesday (working their mind with puzzles and word puzzles)

Pamper Me (partnering with Chrystal at Posed Spa)

Wii Play

Movie Monday

Make It/Take It

I have also submitted a proposal for grant money from the Community Foundation to help purchase chairs that are easy to sanitize, as well as tables. I have also asked for a new computer and printer for members to use as well. These will be available for use when the center is open, in the back room.

Meals on wheels has continued to deliver during the center shutdown. Currently, they are not looking at starting congregate meals back up. People miss this, so we are discussing our options for a possible monthly city-wide luncheon.

Respectfully,
Amber Ives
Senior Center Coordinator

**City of Clearwater
City Council Meeting
February 5, 2021**

Fire Code Inspection Agreement with Sedgwick County Fire District #1

Context: Clearwater Fire Department does not have the resources to conduct plan review and fire code inspection services for new construction within city limits.

Since the City of Clearwater is not part of Sedgwick County Fire District #1, and the City and Sedgwick County Fire District #1 currently have a mutual aid agreement for fire response, the Clearwater Fire Department has reached out to SCFD#1 for inspection assistance.

Sedgwick County Fire District #1 has agreed to provide those services for the City under the terms of the attached agreement.

The fire code inspection agreement will not affect the mutual aid agreement.

Financial: There is no cost to the City for entering into this agreement or for the outlined services in the agreement.

Legal Considerations: The City Attorney has reviewed and approved the agreement.

Recommendations/Actions: Approve the agreement between Clearwater and SC Fire District #1 for plan review and fire code inspection services.

**GOVERNMENT SERVICES AGREEMENT
FOR FIRE CODE INSPECTION BY SEDGWICK COUNTY FIRE DISTRICT
NUMBER ONE AND ENFORCEMENT BY SEDGWICK COUNTY, KANSAS
IN THE CITY OF CLEARWATER, KANSAS**

THIS AGREEMENT is entered into this _____ day of _____, 2021, by and between the City of Clearwater, Kansas (“City”), Sedgwick County, Kansas (“County”), and Sedgwick County Fire District No. 1 (“Fire District”).

WHEREAS, the City, County, and Fire District (“the parties”) are desirous of providing the best fire safety services for the citizens of the City and its environs; and

WHEREAS, the parties are authorized to enter into an agreement for such services pursuant to K.S.A. 12-2908, and such agreement shall not be regarded as an interlocal agreement under the provisions of K.S.A. 12-2901, *et seq.*; and

WHEREAS, County has a fire code that is effective within all of the unincorporated areas of Sedgwick County, Kansas and those cities within Sedgwick County which have by action of their governing bodies adopted the Sedgwick County Fire Code.

NOW, THEREFORE, in consideration of the mutual promises and covenants recited herein, the parties do agree as follows:

1. When requested by the City in writing, the Fire District shall provide plan review and fire code inspection services for new construction in accordance with the Sedgwick County Fire Code, 2019 Edition (Adopting the 2018 International Fire Code, as amended, hereinafter “Sedgwick County Fire Code”, with such term including any amendments to such code or subsequent versions of such code), adopted within Sedgwick County Resolution No. 218-2019, and any amendments thereto, or any subsequent version of the Sedgwick County Fire Code. The Sedgwick County Fire Code shall only apply to the extent that the City specifically requests the Fire District to provide services under this Agreement and the terms and conditions of the Sedgwick County Fire Code adopted within the City shall be limited in scope to the extent it applies to the work contemplated within this Section. For example, provisions within the Sedgwick County Fire Code regarding fireworks and annual inspections of businesses would not apply.
2. The City will not be responsible for any payments to the County or the Fire District for the services provided by the County and the Fire District under this Agreement. Neither the County nor the Fire District shall be responsible for any payments to the City under this Agreement.
3. On matters the City has requested the Fire District’s assistance, as specified within Section 1 of this Agreement, the Fire District shall receive all monies owed

for registration, licenses, permits, plan reviews, inspections or other related fees required by the Sedgwick County Fire Code. Fire District staff shall provide City with any information necessary for contractors to submit permits, plans, payments, and other information to Fire District.

- 4. By entering into this Agreement, the governing body of the City has consented to the County exercising local legislation and administration, including but not limited to enforcement of the Sedgwick County Fire Code within the corporate limits of the City, to the extent indicated within Section 1 of this Agreement, such that this Agreement does not infringe upon the City’s home rule powers, pursuant to K.S.A. 19-101a(4).
- 5. The City’s governing body has taken formal action to adopt the Sedgwick County Fire Code within the City’s corporate boundaries, such that it shall apply to the extent indicated within Section 1 of this Agreement.
- 6. The City consents to the County’s jurisdiction to prosecute violations of the Sedgwick County Fire Code that occur within the City’s corporate boundaries in the Sedgwick County Court, pursuant to Sec. 8-1, et seq., of the Sedgwick County Code. Such jurisdiction would only apply to the extent that the City has requested the Fire District’s assistance, as indicated within Section 1 of this Agreement.
- 7. Any of the parties shall have the right to terminate this Agreement upon notice to the other parties as set forth hereinafter. Written notice of termination issued on lawful authority of the terminating party shall be given in writing not less than 30 days prior to the effective date of termination. Notice shall be sent to:

COUNTY Sedgwick County Fire District No. 1
 and Attn: Fire Chief
 FIRE DIST.: 7750 N. Wild West Dr.
 Park City, KS 67147

and

County Counselor’s Office
 Attn: Contract Notification
 Sedgwick County Courthouse
 525 N. Main, Suite #359
 Wichita, KS 67203

CITY: City of Clearwater
 Attn: City Administrator
 129 E Ross Avenue, Box 453
 Clearwater, KS 67026

8. The City shall indemnify the County, and its elected and appointed officials, officers, managers, members, employees and agents, against any and all loss or damage to the extent such loss and/or damage arises out of the City's negligence and/or willful, wanton or reckless conduct in the provision of goods and equipment or performance of services under this Agreement.
9. The City shall indemnify the Fire District, and its elected and appointed officials, officers, managers, members, employees and agents, against any and all loss or damage to the extent such loss and/or damage arises out of the City's negligence and/or willful, wanton or reckless conduct in the provision of goods and equipment or performance of services under this Agreement.
10. The County shall indemnify the City, and its elected and appointed officials, officers, managers, members, employees and agents, against any and all loss or damage to the extent such loss and/or damage arises out of the County's negligence and/or willful, wanton or reckless conduct in the provision of goods and equipment or performance of services under this Agreement.
11. The Fire District shall indemnify the City, and its elected and appointed officials, officers, managers, members, employees and agents, against any and all loss or damage to the extent such loss and/or damage arises out of the Fire District's negligence and/or willful, wanton or reckless conduct in the provision of goods and equipment or performance of services under this Agreement.
12. City is not within the geographical confines of the Fire District and this Agreement does not encompass fire protection services, although the parties to this Agreement may have other agreements regarding this subject (e.g., mutual aid agreements, etc.).
13. This Agreement contains the entire agreement between the parties relating to the subject matter hereto. No amendment, waiver or modification of this Agreement shall be effective unless reduced to writing and signed by the authorized officers of each of the parties hereto.
14. This Agreement shall become effective upon signature of approval of all parties and upon compliance of City with the provisions at Section 5, above, and shall continue in force and effect until terminated by any party as provided in Section 7, above.

[Remainder of page is intentionally blank]

IN WITNESS WHEREOF, the parties hereto have affixed their signatures on the date herein written.

CITY OF CLEARWATER, KANSAS

SEDGWICK COUNTY, KANSAS

Burt Ussery, Mayor

**Peter F. Meitzner, Chairman
Commissioner, First District**

ATTEST:

ATTEST:

Courtney Zollinger, City Clerk

Kelly B. Arnold, County Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Jennifer Hill, City Attorney

**Justin M. Waggoner,
Assistant County Counselor**

**BOARD OF COUNTY COMMISSIONERS
SITTING AS GOVERNING BODY FOR
SEDGWICK COUNTY FIRE DISTRICT
NUMBER ONE**

**Peter F. Meitzner, Chairman
Commissioner, First District**

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED AS TO FORM:

**Justin M. Waggoner,
Assistant County Counselor**