



City of Clearwater Council Meeting Agenda
Tuesday March 27, 2018 at 6:30pm
129 E Ross Clearwater, KS 67026

www.clearwaterks.org

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

1. CALL TO ORDER

2. INVOCATION AND FLAG SALUTE

3. ROLL CALL

4. APPROVAL OF AGENDA

5. PUBLIC FORUM

Members of the public can address the Mayor and City Council limited to not more than five minutes.

6. 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. Should a member of the Governing Body desire to discuss any item, the item will be removed from the Consent Agenda and considered separately.

- a. [Minutes 03/13/18 Council Meeting](#)
- b. [Consider Fire Fighter Retirement – Gerald Ready](#)
- c. [Authorize hiring of Public Works seasonal employee](#)

7. CLAIMS AND WARRANTS

8. STAFF REPORTS

9. BUSINESS

- a. [Consider an Ordinance Annexing 8010 Butterfly St into City Limits](#)
- b. [Consider Petition for Improvements for Chisholm Ridge Phase 3](#)
- c. [Consider Ambulance Fee Reduction](#)

10. CITY ADMINISTRATORS REPORT

11. GOVERNING BODY COMMENTS

12. EXECUTIVE SESSION

13. ADJOURNMENT

Next Assignment Numbers

Charter Ordinance: 20

Ordinance: 1042

Resolution: 9-2018

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 6:00 and 6:30 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
March 13, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

Council President Papish called the meeting to order at 6:30 p.m.

2. Flag Salute

Council President Papish led 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:

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

Mayor Burt Ussery was absent.

The following staff members were present:

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

Others present: Carl Fry, Kurtis Lauterbach, Breanna Fry, Kelly Jackson, Journey Schule, Olivia Seiter, Ruth Glenn, Ron Witt, Beki Zook, Sydni McBee, Molly Blasi, John Graham.

4. Approval of the Agenda

Council President Papish asked if there were any modifications to the agenda. Marsh stated item 14 executive session needed to be stricken.

Council President Papish called for a motion to approve the agenda as modified.

Motion: *Coon* moved, *Palmer-Witt* seconded to accept the March 13, 2018 agenda as modified.
Voted and passed unanimously.

5. Public Forum

None

6. Approve Consent Agenda

Minutes February 27, 2018 Council Meeting Minutes
Mayoral Appointments
John Graham – Planning Commission 2015-2019

Motion: *Titterington*, moved, *Coon* seconded to approve the consent agenda as presented.
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 PAB, Library Board and Historical Society Board.

- Reminder: please let me know if there is anything you would like to see done or budgeted so Staff can get costs/prices/etc. prior to the budget workshop.
- The selection committee for the Planning Walkable Spaces RFP met March 7th to evaluate the 2 responses received. Responses were received from Vireo and SE3; both are out of Kansas City and SE3 has a Wichita branch. The committee agreed to have both companies interview before making a final decision. The interviews will be on March 15th.
- Chipping at the brush dump is complete and Evergreen finished in the 16-hour window. However during the process, it was discovered we needed a loader and the City doesn't have one so I authorized an additional \$1000 for Evergreen to bring their loader. Starting today, we will post on the City website and FB page there is free, untreated wood chips available at the brush dump during normal operating hours and it is load your own.
- The developer interested in Chisholm Ridge Phase III has stepped away from the project due to another project he has going. Staff fields several calls per day asking when Phase III will open; when improvements will be made; etc. To keep momentum going in the development, staff has begun moving forward in the process (contacting financial advisor & bond council). We expect to start having decision documents beginning on the March 27 or April 10 agenda.
- Painted striped crosswalks are not required in the downtown area. We have low speeds (20 mph) and not too much traffic. The only way pedestrians are supposed to cross the street is at the intersections, however many people don't obey this rule in our downtown. As for the midblock crossing, if we do one, the county may or may not restripe it (during a brand-new mill and overlay) depending on where it is located and if it doesn't create a safety concern for them. The engineer's opinion is that we don't need "painted" cross walks at the intersections unless the Governing Body desires them, or we are having problems with people not paying attention to pedestrians at the intersection when they are driving. Ideally you keep crosswalks at intersections because usually people pay more attention at intersections for cars and people. If a mid-block crossing is desired, then it should be painted. For the area between Lee and Tracy, we will need 4 crossings for Ross Avenue at each of the two intersections (2 per intersection).
- Recurring Business was left on the desk for council to review. If there are any questions, please contact me.
- Also, a copy The Windmill is in front of you for your review. This copy will go in the next utility bill.

Public Works – Ernie Misak

- Staff is setting a new meter at 8010 Butterfly Street.
- Kansas Ave between 2nd and 3rd will be closed next week for repairs in the road.
- 2nd sample that was taken at the sewer ponds failed. EBH has sent a recirculation proposal was sent over and preliminary material costs will be \$6000. Public works will do the install.

PD – Bill Hisle

- 3 DUI arrest were made in the last 10 days
- Hoover is doing well at the academy and is due to graduate on March 30 at 1PM.
- Officer Riggs and Lieutenant Gearhardt will be attending PTSD training.
- Chief Hisle will be attending training for Traumas of Law Enforcement.
- Sergeant Harp will be attending training on child abduction.

Emergency Service – Scott Cooper

- 5 EMS calls in the last few weeks. 3 Transports and 2 Refusals
- 4 Fire calls
- On March 5 there were 16 people who attended the annual Severe Weather training at the Senior & Community Center.
- Chief Cooper attended Good Shepard preschool for a Read-a-Thon and had truck demo.
- Chief Cooper will be attending the Career Resource Management Training this week.

8. Victory Pyrotechnics

Marsh explained that 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.

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.

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

Marsh stated that Victory Pyrotechnics is offering a 15-20-minute show to include laser display, intelligent fixtures, RGB Pixel Net & wash lights, and flame projectors all within the city's budget of \$5000

The proposed shoot site will be, for the laser and light show, at the school football stadium and for the fireworks display, the open field Northeast of the stadium. Marsh explained if council approves to move forward with this company the next step would be to go to the school board and ask their permission for use of the stadium and their land for the show. If the school board does not approve, Victory would do a standard firework show in the designated field it has been on in the past.

Motion: *Coon* moved, *Palmer-Witt* seconded to move forward with Victory Pyrotechnics as long as their ATF 1.4G certification is approved. Voted and passed unanimously.

9. Nuisance Abatement Resolution 8-2018

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.

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.

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.

Counsel has reviewed and approved the documents.

Marsh stated, since the last letter was sent out the owner has been in contact with Marsh and Marsh has confirmed the owner is making progress on this property.

By moving forward with the resolution this will allow the City Administrator to abate the property if the home owner does not continue to make progress on the property and remove all the violations.

Motion: *Palmer-Witt* moved, *Titterington* seconded to adopt Resolution 8-2018 abating the property at 211 S Lee. Voted and Passed unanimously.

10. Summer Baseball MOU

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.

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.

The City waives all fees associated with field usage.

Marsh mentioned there were some minor changes to the MOU since it went out in the packet. The changes consist of cleaning up the language on the scheduling. The way it was worded indicated the city could make changes after the schedules were set and the other change was the contract cancellation time was changed to December 1st of the year prior instead of 30 days prior to the season.

Motion: *Griffin* moved, *Titterington* seconded to authorize the Mayor to sign the Memorandum of Understanding for the Summer Baseball. Voted and passed unanimously.

11. Chisholm Ridge Discussion

Marsh stated, 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.

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. The drainage study has been completed and the determination was as follows:

The berm that ran along the north and East side of the addition has been broke allowing 4 times more water to run into the storm water drainage system then was intended. By reconstructing the berm this will divert the water South where it was designed to go. Also, to construct a detention pond North of the addition was help alleviate run off into the addition.

Marsh said the City would have to obtain an easement from the property owner, Clearwater Cemetery District, to construct the berm and detention pond. He stated the city will be looking into financing these fixed with the Chisholm Ridge Phase 3 project.

12. Claims and Warrants

Meyer stated that the claims and warrants were \$60,712.49. Meyer stated that this check run consists of direct expenses.

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

13. Council Reports

Griffin had nothing to report

Titterington asked about the Welcome signs the Chamber was to be bringing to the Council. Papish reported the Chamber will be bringing the information to the council soon.

Palmer-Witt said she was asked to bring up the council to speak up or wear their microphone. There are times they can't be heard.

Coon asked that 116 S. Gorin be looked at for yard cleanup.

Papish had nothing to report

14. Adjournment

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

MOTION: *Coon* moved, *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:33 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 March 13, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of March 2018

Courtney Meyer, City Clerk

UNAPPROVED

**City of Clearwater
City Council Meeting
March 27, 2018**

Item 6b: Lump sum Payment for Retiring Firefighter

Background: IAW Kansas Statute 40-1701 et.seq. Firefighters Relief Act, section c(1), "In any fire department consisting of volunteer firefighters, such moneys may be used to establish an annuity for each firefighter who served for not less than 20 years with such fire department and who attended and fought not less than 75% of the fires which were attended by such fire department during such period of time and which the firefighter was available to attend, **as verified by the governing body of such fire department**, but such annuity shall not exceed the amount paid to fully paid members of fire departments of comparable size to such volunteer department."

Analysis: The Clearwater Firefighter Relief Association is requesting Governing Body verify the following retiring firefighter meets the above requirements to qualify for a lump sum payment:

Name	Join	Retire	2013*	2014*	2015*	2016*	2017*
Gerald Ready	1993	2018	4%	7%	4%	4%	0%

*Participation rates for all calls

Financial: There is no financial obligation to the City.

Legal Considerations: IAW K.S.A 40-1706 (g) the City Attorney has drafted a letter of certification.

Recommendations/Actions: Verify the years of service and attendance of the firefighter.

AUSTIN K. PARKER
Attorney at Law
200 E. Douglas, #320
Wichita, Kansas 67202

March 27, 2018

Carl Fry, Treasurer
Clearwater Fireman's Relief Association
129 E. Ross
P.O. Box 453
Clearwater, Kansas 67026-0453

Dear Mr. Fry:

This letter is written in my capacity as the City Attorney for Clearwater, Kansas. K.S.A. 40-1706 (g) requires "In all cases involving expenditures or payments in an amount of \$1,500 or more prior certification shall be obtained from an attorney designated by the governing body of the city, township, county or fire district that such expenditure or payment complies with the requirements of the firefighters relief act." K.S.A. 40-1707 (c)(1) provides "In any fire department consisting of volunteer firefighters, such moneys may be used to establish an annuity for each firefighter who served for not less than 20 years with such fire department and who attended and fought not less than 75% of the fires which were attended by such fire department during such period of time and which the firefighter was available to attend, as verified by the governing body of such fire department, but such annuity shall not exceed the amount paid to fully paid members of fire departments of comparable size to such volunteer department." K.S.A. 40-1707(c)(1) further provides "Any benefits or coverage accruing to individual members of the department under such policies shall be and shall remain the property of the firefighters relief association except as follows . . . a member who retires under the retirement plan in effect for the fire department, shall, upon termination of employment, be entitled to any benefits or coverage available to an individual member under the provisions of the contract".

Article 8 of the Bylaws of the Clearwater Fireman's Relief Association provides for the purchase of a single annuity policy under K.S.A. 40-1707(c)(1), and annual disbursements to the first three (3) eligible retiring members that provide written requests for the same. The Clearwater Fireman's Relief Association received a distribution request from Mr. Gerald Ready. The Governing Body of the City of Clearwater, Kansas, as the Governing Body for the Clearwater Fire Department, verified during its March 27, 2018 regular City Council meeting that Mr. Ready served the Fire Department for not less than 20 years and attended and fought not less than 75% of the fires which were attended by the Fire Department during such period of time that he was available to attend.

Therefore, I certify that the above-referenced distribution of annuity benefits to Mr. Gerald Ready is a payment that complies "with the requirements of the firefighters relief act".

If you have any questions, please call me at (316) 209-6591.

Sincerely,

Austin K. Parker
Clearwater City Attorney

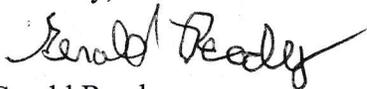
Feb12,2018

Carl Fry
Clearwater Emergency Service
319 W Ross
Clearwater, Ks 67026

Although I am looking forward to retiring, I would like to collect my retirement funds from the Clearwater Fire Department as of March 31,2018.

I have always enjoyed serving with the fire department and the volunteers throughout the years. I would like to continue serve with the department and help where I can.

Sincerely,

A handwritten signature in black ink that reads "Gerald Ready". The signature is written in a cursive style with a long horizontal stroke at the end.

Gerald Ready
331 S 1st ST
Clearwater, Ks 67026

**City of Clearwater
City Council Meeting
March 27, 2018**

Item 6c: Authorize the Hiring of Public Works Seasonal Employee

Background: Each year Public Works hires a seasonal employee to work during the spring and summer months. This employee primarily mows but also helps where ever is necessary.

Analysis: Andrew Candillo has worked as the seasonal employee for several years and will do so again in 2018.

Financial: \$12,000 is budgeted in 2018 for this position.

Legal Considerations: Mr. Candillo is hired per the City's hiring policies.

Recommendations/Actions: Approve hiring Andrew Candillo as the Public Works seasonal employee.

**City of Clearwater
City Council Meeting
March 27, 2018**

ITEM 9a: Annexation – 8010 Butterfly Street

Background: Last month the city received and approved a Consent for and Petition to Annex into the corporate limits of the City of Clearwater from the property owners at 8010 Butterfly Street. The property is part of the Prairie Meadows Estates Sub-division and as such is required to petition for annexation to receive city water service. At the February 27, 2018 meeting the Governing Body did adopt Resolution 7-2018 finding it advisable to annex the referenced property. That resolution was subsequently sent to the Sedgwick County Board of County Commissioners pursuant to state statute. At their March 21, 2018 meeting the Sedgwick County BOCC did adopt a resolution allowing the city to annex the property pursuant to state statute.

Analysis: Sedgwick County BOCC has approved the release for annexation. A separate Ordinance needs to be adopted officially annexing the property into the city.

Financial: Property owners in the area pay approximately \$800 per year in special assessments for the water line that was installed in 2007. Once finished the new residential home would generate approximately \$1,500 in city property taxes based on similarly constructed homes in the area.

Legal Considerations: Review and Comment as Necessary.

Recommendations/Actions: It is recommended the City Council adopt an Ordinance annexing 8010 Butterfly Street into Clearwater city limits.

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

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. ____

AN ORDINANCE ANNEXING AND INCORPORATING
CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY
OF CLEARWATER, KANSAS PURSUANT TO AND IN
ACCORDANCE WITH THE PROVISIONS OF K.S.A. 12-
520c.

WHEREAS, in February 2018, a written Consent to and Petition for Annexation was filed with the City Clerk of the City of Clearwater, Kansas; and

WHEREAS, the land described in said written Consent to and Petition for Annexation is legally described as Lot 1, Block 1 of the Prairie Meadow Estates Addition to Sedgwick County, Kansas, with a commonly known address of 8010 Butterfly Street, Clearwater, Kansas 67026, and is located between 79th Street South on the north, 135th Street West on the east, 87th Street South on the south and 151st Street West on the west; and

WHEREAS, said tract does not currently adjoin the boundaries of the City of Clearwater, Kansas but is proximate to and within the natural growth area of the City of Clearwater, Kansas and may be served with potable water from an existing adjacent City of Clearwater, Kansas water main; and

WHEREAS, K.S.A. 12-520c (c) requires that the Board of County Commissioners of Sedgwick County, Kansas, by a 2/3 vote of the members thereof, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas before the City of Clearwater, Kansas may annex such land; and

WHEREAS, on February 27, 2018 the governing body of the City of Clearwater, Kansas adopted Resolution Number 7-2018 finding it advisable, desirable, beneficial and in the interests of the public to island annex said land and requesting the Board of Sedgwick County Commissioners to find and determine that such annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas pursuant to K.S.A. 12-520c; and

WHEREAS, on February 28, 2018 the City of Clearwater, Kansas filed with the Sedgwick County Board of County Commissioners a certified copy of Resolution Number 7-2018, pursuant to K.S.A. 12-520c; and

WHEREAS, on March 21, 2018 the Sedgwick County Board of County Commissioners, by a 2/3 vote of the members thereof, adopted Resolution Number 004-2018 finding and determining that based upon the available evidence, the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Sedgwick County, Kansas, pursuant to K.S.A. 12-520c.

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

Section 1. Annexation

Pursuant to K.S.A. 12-520c, the following described land is hereby annexed and incorporated within the corporate limits of the City of Clearwater, Kansas, to-wit:

Lot 1, Block 1 of the Prairie Meadow Estates Addition to Sedgwick County, Kansas, with a commonly known address of 8010 Butterfly Street, Clearwater, Kansas 67026.

Section 2. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Adopted by the City Council this 27th day of March 2018.

Approved by the Mayor this 27th day of March 2018.

MAYOR, BURT USSERY

SEAL
ATTEST:

CITY CLERK, COURTNEY MEYER

RESOLUTION NO. 041-2018

A RESOLUTION PURSUANT TO K.S.A. 12-520c TO FIND AND DETERMINE THAT THE PROPOSED ANNEXATION BY THE CITY OF CLEARWATER WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR THAT OF ANY OTHER INCORPORATED CITY LOCATED IN SEDGWICK COUNTY

WHEREAS, K.S.A. 12-520c sets forth a procedure where a city may request the Board of County Commissioners (the Board) to find and determine whether a proposed annexation by the City of Clearwater (the City) will hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County; and

WHEREAS, on February 28, 2018, Sedgwick County received a copy of City Resolution No. 7-2018, which had been submitted by the Clerk of the City, and within which the City requests the Board make the statutory finding; and

WHEREAS, the Board, after considering the information provided, has found and determined that the proposed annexation by the City will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, THAT THE CITY BE NOTIFIED OF THESE FINDINGS AND DETERMINATIONS:

Section I. On February 28, 2018, the Clerk of the City filed with the Sedgwick County Board of County Commissioners a certified copy of Resolution No. 7-2018, pursuant to K.S.A. 12-520c. The Board considered this matter at its regular agenda on March 21, 2018.

Section II. The land proposed to be annexed is located entirely within Sedgwick County, and it is generally described as land located near the intersection of 79th Street South and 135th Street West, and is specifically described in the City's resolution cited in the above section.

Section III. The owners of the land described have consented to annexation into the City by filing a Consent for Annexation with the City.

Section IV. The Board hereby finds and determines that sufficient information has been presented to the Board to support a finding that the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County; and therefore, the Board finds and determines that based on the available evidence, the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located in Sedgwick County.

Section V. This resolution will take effect upon its passage. The County Counselor's office is directed to send a copy of this resolution by mail to the City.

Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>aye</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>absent</u>
JAMES M. HOWELL	<u>aye</u>

Dated this 21st day of March, 2018.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

Kelly B. Arnold

KELLY B. ARNOLD, County Clerk



David T. Dennis

DAVID T. DENNIS, Chairman
Commissioner, Third District

David M. Unruh

DAVID M. UNRUH, Chair Pro Tem
Commissioner, First District

APPROVED AS TO FORM:

Justin M. Waggoner

JUSTIN M. WAGGONER
Assistant County Counselor

Michael B. O'Donnell, II

MICHAEL B. O'DONNELL, II
Commissioner, Second District

Richard Ranzau
RICHARD RANZAU
Commissioner, Fourth District

James M. Howell

JAMES M. HOWELL
Commissioner, Fifth District

**City of Clearwater
City Council Meeting
March 27, 2018**

Item 9b: Consider a Petition for Improvements to Chisholm Ridge Phase 3

Background: Wanting to build on the momentum of the success of Chisholm Ridge Phase 2, Staff worked with the City's Bond Attorney, Kevin Cowan and Financial Advisor, John Haas to initiate the process of making improvements in phase 3.

Analysis: Since the City is the majority property owner liable for assessment in phase 3, IAW K.S.A. 12-6a01, the City must sign the petition requesting the improvements. Estimated cost of the improvements:

Water \$154,810
Streets \$469,627
Sewer \$95,331
Drainage \$50,231

Water, streets and sewer improvements will be assessed equally by lot in the improvement district. The drainage improvements will be paid by the City.

Financial: The overall cost of the improvements is \$769,999, of which \$719,768 will be assessed to each property.

Legal Considerations: The petition has been prepared by the City bond attorney Kevin Cowan of Gilmore & Bell.

Recommendations/Actions: Approve the Mayor signing the petition for the City.

PETITION

TO: The City of Clearwater, Kansas

1. The undersigned, being the owners of record of more than one-half of the area liable for assessment for the hereinafter described proposed improvements of the City of Clearwater, Kansas (the "City"), do hereby request that said improvements be made in the manner provided by K.S.A. 12-6a01 *et seq.* (the "Act").

(A) The improvements proposed to be made are as follows:

(i) Constructing water system improvements consisting of 8" water line, fire hydrant and appurtenances to serve the Improvement District defined herein (the "Water Improvements").

(ii) Constructing street paving improvements, including curb and gutter and appurtenances to serve the Improvement District defined herein (the "Street Improvements").

(iii) Constructing drainage, storm sewer and berm improvements to serve the Improvement District defined herein (the "Drainage Improvements").

(iv) Constructing sewer system improvements consisting of 8" sanitary sewer pipe and appurtenances to serve the Improvement District defined herein (the "Sewer Improvements," and, jointly, with the Water Improvements, the Street Improvements and Drainage Improvements, the "Improvements").

(B) The estimated or probable cost of the proposed Improvements is:

(i) For the Water Improvements, \$154,810, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Water Improvements.

(ii) For the Street Improvements, \$469,627, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Street Improvements.

(iii) For the Drainage Improvements, \$50,231, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Drainage Improvements.

(iv) For the Sewer Improvements, \$95,331, to be increased at the pro rata rate of 1 percent per month from and after the date of adoption of a resolution authorizing the Sewer Improvements.

(C) The extent of the improvement district (the "Improvement District") to be assessed for the costs of the proposed Improvements is:

For the Water Improvements, Street Improvements, and Drainage Improvements, Lots 40-51, Block 1, and Lots 15-28, Block 3, all in Chisholm Ridge Addition, an addition the City of Clearwater, Sedgwick County, Kansas.

For the Sewer Improvements, Lots 44-47 and Lots 49-51, Block 1, and Lots 23-28, Block 3, all in Chisholm Ridge Addition, an addition the City of Clearwater, Sedgwick County, Kansas.

(D) With respect to the costs of the Improvements to be assessed to the Improvement District, the method of assessment is: equally per lot.

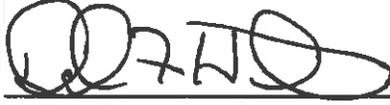
(E) The apportionment of the cost of the Improvements, between the Improvement District and the City at large, is:

(i) For the Water Improvements, Street Improvements and Sewer Improvements, 100% to be assessed against the Improvement District and 0% to be paid by the City-at-large.

(ii) For the Drainage Improvements, 0% to be assessed against the Improvement District and 100% to be paid by the City-at-large.

2. It is further requested that the proposed Improvements be made without notice and hearing as required by the Act.

3. Names may not be withdrawn from this Petition by the signers hereof after the Governing Body commences consideration of this Petition, or, later than seven (7) days after the filing hereof, whichever occurs first.

<i>Name</i>	<i>Date</i>	<i>Property Owned Within Proposed Community Improvement District</i>
<p>City of Clearwater, Kansas</p> <hr/> <p>Title: Mayor</p>		<p>Lots 40-51, Block 1 and Lots 23-28, Block 3, Chisholm Ridge Addition</p>
 <hr/> <p>Title: Owner</p>	<p>3/26/18</p>	<p>Lots 15-22, Block 3, Chisholm Ridge Addition</p>
<hr/> <p>Title:</p>		

THIS PETITION was filed in my office on _____, 2018; and was examined, considered and found sufficient by the Governing Body of the City of Clearwater, Kansas on _____, 2018.

City Clerk

20-Mar-18

City of Clearwater, KS
 General Obligation Temporary Notes
 Series 2018

Alternative B: Petition Sizing -3 Year Notes

Non-Financing Costs	Water		Sanitary		Streets		Totals	
Construction		108,770.00		66,980.00		362,091.00		537,841.00
Contingency	10.00%	10,877.00		6,698.00		36,209.10		53,784.10
Design Eng.	10.00%	10,877.00		6,698.00		36,209.10		53,784.10
Const. Insp.	6.50%	7,070.05		4,353.70		23,535.92		34,959.67
Survey		0.00		0.00		4,000.00		4,000.00
Total Non Financing Costs		137,594.05		84,729.70		462,045.12		684,368.87
Financing Costs - Temporary Notes								
Bond Counsel		1,000.68		616.21		3,360.30		4,977.19
Municipal Advisor		755.45		465.21		2,536.84		3,757.50
Official Statement		502.63		309.52		1,687.85		2,500.00
Paying Agent		249.31		153.52		837.17		1,240.00
Rating		0.00		0.00		0.00		0.00
Miscellaneous		505.94		311.55		1,698.95		2,516.44
Total Costs of Issuance		3,014.01		1,856.01		10,121.11		14,991.13
Underwriter's Discount (A)		1,511.91		931.03		5,077.06		7,520.00
Temporary Note Interest (B)		9,071.49		5,586.17		30,462.34		45,120.00
Total Temporary Notes		151,191.46		93,102.91		507,705.63		752,000.00
(A) Underwriter's Discount is assumed to be				1.00%				
(B) Temporary Note Interest is assumed to be				2.00%	for	3.00	Years	
Bond Sizing								
Total Temporary Notes		151,191.46		93,102.91		507,705.63		752,000.00
Bond Counsel		1,354.59		834.15		4,548.76		6,737.50
Municipal Advisor		1,025.37		631.42		3,443.21		5,100.00
Official Statement		502.63		309.52		1,687.85		2,500.00
Paying Agent		253.83		156.31		852.36		1,262.50
Rating		0.00		0.00		0.00		0.00
Miscellaneous		482.53		297.14		1,620.33		2,400.00
Total Costs of Issuance		3,618.95		2,228.54		12,152.51		18,000.00
Total Bonds		154,810.41		95,331.45		519,858.14		770,000.00
Non Assessed Costs								
Construction - Storm Sewer						24,845.00		24,845.00
Construction - Berm						13,511.00		13,511.00
Contingency						3,835.60		3,835.60
Design Eng.						3,835.60		3,835.60
Const. Insp.						2,493.14		2,493.14
Survey						423.72		423.72
Total		0.00		0.00		48,944.06		48,944.06
% of Non Financing Costs		0.00%		0.00%		10.59%		7.15%
Financing Costs Not Assessed		0.00		0.00		1,287.31		1,287.31
Total Not Assessed		0.00		0.00		50,231.37		50,231.37
Total Assessments		154,810.41		95,331.45		469,626.77		719,768.63
Total City at Large		0.00		0.00		50,231.37		50,231.37

Number of Lots Assessed	26.00	13.00	26.00
Assessment Per Lot	5,954.25	7,333.19	18,062.57

<u>Block</u>	<u>Lot</u>	<u>Water Assessment</u>	<u>Sewer Assessment</u>	<u>Streets Assessment</u>	<u>Total Assessments</u>
1.00	40.00	5,954.25	0.00	18,062.57	24,016.82
1.00	41.00	5,954.25	0.00	18,062.57	24,016.82
1.00	42.00	5,954.25	0.00	18,062.57	24,016.82
1.00	43.00	5,954.25	0.00	18,062.57	24,016.82
1.00	44.00	5,954.25	7,333.19	18,062.57	31,350.01
1.00	45.00	5,954.25	7,333.19	18,062.57	31,350.01
1.00	46.00	5,954.25	7,333.19	18,062.57	31,350.01
1.00	47.00	5,954.25	7,333.19	18,062.57	31,350.01
1.00	48.00	5,954.25	0.00	18,062.57	24,016.82
1.00	49.00	5,954.25	7,333.19	18,062.57	31,350.01
1.00	50.00	5,954.25	7,333.19	18,062.57	31,350.01
1.00	51.00	5,954.25	7,333.19	18,062.57	31,350.01
3.00	15.00	5,954.25	0.00	18,062.57	24,016.82
3.00	16.00	5,954.25	0.00	18,062.57	24,016.82
3.00	17.00	5,954.25	0.00	18,062.57	24,016.82
3.00	18.00	5,954.25	0.00	18,062.57	24,016.82
3.00	19.00	5,954.25	0.00	18,062.57	24,016.82
3.00	20.00	5,954.24	0.00	18,062.57	24,016.81
3.00	21.00	5,954.24	0.00	18,062.57	24,016.81
3.00	22.00	5,954.24	0.00	18,062.57	24,016.81
3.00	23.00	5,954.24	7,333.19	18,062.57	31,350.00
3.00	24.00	5,954.24	7,333.19	18,062.56	31,349.99
3.00	25.00	5,954.24	7,333.19	18,062.56	31,349.99
3.00	26.00	5,954.24	7,333.19	18,062.56	31,349.99
3.00	27.00	5,954.24	7,333.18	18,062.56	31,349.98
3.00	28.00	5,954.24	7,333.18	18,062.56	31,349.98
Totals		154,810.41	95,331.45	469,626.77	719,768.63

Table 3
City of Clearwater, KS
2018 Temporary Notes

Calendar

<u>Activity</u>	<u>Date</u>
City Council considers petition for improvements	27-Mar-18
Initiate drafting of Bid Documents	28-Mar-18
Bond Counsel provides draft documents to the City	5-Apr-18
City Council considers resolution authorizing the project and and resolution calling for a Temporary Note Sale	10-Apr-18
Draft Bid Documents are distributed for comments	16-Apr-18
Comments due on Bid Documents	20-Apr-18
Distribute Bid Documents to potential bidders	24-Apr-18
Bond Counsel provides draft documents to the City	3-May-18
City Council considers resolution for the sale of Temporary Notes	8-May-18
Closing	1-Jun-18

**City of Clearwater
City Council Meeting
March 27, 2018**

Item 9c: Consider Ambulance Fee Reduction

Background: The Governing Body asked Staff to review the ambulance billing fee after one year and recommend any changes that Staff felt was necessary.

Analysis: Staff reviewed billing for 2017 looking at amount billed, collections and insurance contract adjustments. After discussions with our billing company Delisa and the Emergency Services Director, Staff recommends reducing the amount billed per service as shown in the following table:

Call/Service Type	2017 Rate	2018 Recommended Rate
ALS 2	\$1500	\$700
ALS 1	\$1200	\$600
BLS 2 (Emergency BLS)	\$850	\$500
BLS 1	\$750	\$450
Transfer	\$500	\$275
Mileage	\$18/mile	\$13/mile

The recommended rate for 2018 better reflects what the City actually collects based on insurance contract adjustments. It also represents a more accurate figure for budget purposes and for the Public.

Financial: No cost to adjust the rates

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Approve the ambulance fee reduction authorizing the City Attorney to draft an amendment to Resolution 10-2016.