

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

1. Call to Order

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

2. Invocation and Flag Salute

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

3. Roll Call

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

Mayor Burt Ussery, Councilmembers; Paul Clark, Laura Papish, Chris Griffin, and Tex Titterington were present

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief; Scott Cooper, Director of Emergency Services; Ernie Misak, Public Works Director; Kristi Rey, Senior Community Center Director; Beki Zook, Recreation Director.

Others present: Yvonne Coon, Shirley Palmer-Witt, Shaun Weaver, Kurtis Lauterbach, Marvin and Mary Schauf, Karl May, David Coon, Allie Palmer, Ron Witt.

4. Approval of the Agenda

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

Motion: *Clark* moved, *Griffin* seconded to accept the January 9, 2018 agenda as modified. Voted and passed unanimously.

5. Public Forum

None

6. Approve Consent Agenda

Minutes December 12, 2017 Council Meeting Minutes
Salary Resolution 1-2018
Mayer Sewer Cleaning Contract Renewal

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

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

7. New Council Sworn In

Mayor Ussery presented Councilmember Paul Clark with an appreciation plaque for his years of service on city council. Ussery also presented City Administrator Ron Marsh, former City Councilmember, with a plaque for his service as well.

Clerk Meyer sworn in new city councilmembers Yvonne Coon and Shirley Palmer-Witt. Meyer also swore in returning councilmember Chris Griffin.

8. Elect Council President

Mayor Ussery stated each election year a new council president needs to be nominated and elected by the Governing Body. The Council President is responsible for stepping into the Mayor's place when he/she is unable to.

Titterington nominated Laura Papish

Motion: Coon moved, Titterington seconded to elect Laura Papish as Council President. Voted and passed unanimously.

9. Staff Reports

Administration

- Snow & ice treatment for new downtown sidewalk: Ernie found alternative that shouldn't damage concrete (especially decorative section); initially purchased 10 bags plus sand; distributed sand and took letter to each business letting them know to use the sand in the event of snow/ice and that PW would treat with the alternative product.
- The Clearwater Foundation has some funds in the memory of Austin Wood that they would like use towards the City Park. I will be working with Beki and the Foundation to figure out the best use of these funds and bring it to Council.
- My first meeting with Clearwater Foundation board will be Wednesday at noon.
- Looking for people to serve on Recreation Commission, PAB, Library Board and Historical Society Board. FB post has produced three potential volunteers.
- For future reference: will be planning a workshop to discuss long term planning as it relates to the Strategic plan.
- Lions Club would like to put a sign advertising their pancake and sausage feed on the city lot at Tracy and Ross.
- Ron stated he will be out of the office Friday through Tuesday to attend my Dad's memorial service.

PD – Bill Hisle

- Garrett Hoover was off from training for 2 weeks due to the holiday. During that time riding along with other officers. He also did good on his law test.

Emergency Service – Scott Cooper

- February 22, 2017, I took over my position and was fortunate to have Twenty-Five (25) firefighters and Six (6) cadets. There were 11 medically trained personnel including, 3 Paramedics, 2 AEMTs, and 6 EMT's.
- As 2017 progressed, we gained eight (8) new members and lost nine (9) firefighters and Two (2) cadets. Currently, there are Twenty-Four (24) firefighter and (four) 4 cadets. There are 11 medically trained personnel on the roster including 3 paramedics, 2 AEMT, and 6 EMT's. There are 2 personnel that have completed the EMT class and are waiting on results of the written exam. There are another 2 personnel who are attending Hutch Community College this spring for EMT.
- The recruitment and retention of our members is very important. I along with members of CES will be developing a R/R strategy to deploy this spring to try and recruit new members. New membership will bring in new blood and hopefully sustain the organization into the future.
- I was asked to provide a brief update on the responses from 2017. Although we have had changes in my department, we have been able to maintain very well.
- Clearwater Emergency Services responded to 58 fire calls. The call breakdown shows:
 - Structure Fires: 9; Grass/Brush Fires: 15; Other service calls: 34. This category includes MVA's, Electrical issues, water line breaks, smoke investigations ect.
- Clearwater Emergency Services also responded to 274 medical calls. The call breakdown shows:
 - Trauma related: 57; Medical related: 165; Cardiac Arrests: 4; Deceased on scene: 5; Refusals: 43; Clearwater transported 133 patients, Sedgwick County transported 56 patients, Mulvane EMS transported 2 patients and Clearwater PD transported 1.

Recreation – Beki Zook

- Basketball is up and running again since the holiday.
- KRPA conference is in 2 weeks
- Baseball signups will be starting soon.

Public Works – Ernie Misak

- Installing new meters at Chisholm Ridge

- Pulled 2 waste water samples since last meeting and the 1st one failed. Waiting for results from 2nd one.
- Christmas lights have been taken down.
- Entire crew is all back from vacations and holidays. Back up to full staff.

Titterington asked what are the ramifications for failing the waste water tests.

Mayor Ussey asked for staff to come back to next meeting to give an update on the changes that were made to the sewer ponds, what the changes were to do, what will happen if the testing continues to fail.

Senior Community Center – Kristi Rey

- Department on Aging will be out to review attendance numbers to see if Clearwater can move up to next funding level
- Biscuits and Gravy will not be called Breakfast at the Center to try and draw a bigger crowd.
- Working with Tina Welch, Library Director, for a Murder Mystery to be held at the Center.

10. Vacant Lot Electrical Layout Change Request

Karl May spoke to the council and stated he has a problem with where the electrical is on the open lot located at Ross and Tracy. May claims by moving the electrical panel to behind the mail boxes will be safer place and more esthetically pleasing. May stated that the location of the electrical panel could arc and cause his medical equipment to fail and harm patients.

Council discussed and agreed that staff needs to talk with Sedgwick County to see if they are aware of the medical equipment in the next building and if that would change the ruling on the location of the electrical panel.

Council also stated that moving the panel is not in the budget for 2018 however if it deemed a safety hazard then they feel they will need to have it moved in this budget year. If it is not a hazard council will further discuss the pros and cons of moving the panel to another location on the property.

11. Approve Police Department Remodel

During the 2018 budget cycle, Chief Hisle presented plans for a remodel of the Police Department to improve the layout and security of their space. Included in the presentation were plans to move the property & evidence room from its current location to a more secure and logical location. The Governing Body approved \$25,000 in the police budget for the remodeling work.

Included is the layout of the remodel. Chief Hisle received two quotes for the work, one from BBB Construction for \$24,820.00 and one from SCA Construction for \$27,034.00. The SCA quote includes \$6375.00 for a complete rewiring of the PD to put them on their own fuse box. Chief Hisle states the PD will keep its current wiring setup and subtracting the electrical work from the SCA bid lowers it to \$20,659.00. Chief recommends the approving the bid from SCA.

If approved, the cost of the low bid not to exceed \$25,000.

Council wanted to confirm that Triple B did not quote for the rewiring on the remodel. Chief Hisle did confirm that Triple B's bid for \$24,820 and SCA Construction bid for \$20,659 were apples to apples bid.

Motion: *Titterington* moved, *Griffin* seconded to approve the police department remodel and award the bid to SCA Construction with the electrical work subtracted from the quote. Voted and passed unanimously.

12. Land Annexation Ordinance

In September 2017 the city received a Consent for and Petition to Annex into the corporate limits of the City of Clearwater from the property owners at 8027 Butterfly Court. 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 December 12, 2017 meeting the Governing Body did adopt Resolution 8-2017 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 January 3, 2018 meeting the Sedgwick County BOCC did adopt a resolution allowing the city to annex the property pursuant to state statute.

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

Motion: *Griffin* moved, *Titterington* seconded to adopt ordinance 1038. Coon, yay; Papish, yay;

Palmer-Witt, yay; Griffin, yay; Titterington, yay.

13. 2017 Court Write Offs

Annually, the Court Clerk prepares a list of outstanding accounts for write. These accounts are considered uncollectible.

A total of 14 accounts with an accumulated balance of approximately \$4688 have been submitted for write off.

The accounts remain in collections via the state set-off program and if any monies were returned to the city they would be deposited into the general fund under court fines.

The names and cases to be considered for write-off:

Phillip Krieger, Case No. 00-207, Chad Leichardt, Case No. 02-149, Steven Flemming, Case No. 03-48, Preston Hickert, Case No. 94-241, Shawn Mason, Case No. 01-96, Amle Ohmie, Case No. 97-203, Rosario Perales, Case No. 95-102, Ryan Pickett, Case No. 03-26, Benny Slobko, Case No. 03-74, Christopher Tafoya, Case No. 02-146, John Kinkald, Case No. 97-16, Van Kelley, Case No. 01-117, Lynetta Wilkinson, Case No. 99-63.

Motion: *Papish* moved, *Titterington* seconded to approve the court write-offs. Voted and passed unanimously

14. Chisholm Ridge Incentives

Marsh explained that in 2016 City Council Approved Resolution 4-2016 establishing development incentives Chisholm Ridge. The incentives were renewed in total for 2017 and are to be reviewed annually by the governing body to either continue the programs, modify, or discontinue.

By the end of 2017, 17 of 18 City owned lots have been sold under the incentive program. The City owned lots are sold for the established price of \$10,000 and the City pays off the specials against the lot resulting in an abatement of all currently levied special assessments. The rest of the incentives with proposed changes are below:

| Current Incentives | Proposed Changes |
|-------------------------------------|--------------------------------------|
| 1. 50% Reduction in building permit | 1. 50% reduction in building permits |
| 2. Water and Sewer abatement | 2. 50% Water and sewer abatement |
| 3. Builder Incentive payout | 3. Builder Incentive payout |
| 4. \$1500 to homebuyer at closing | |

The proposed changes would be in effect for 2018 for the one remaining city owned lot in Chisholm Ridge.

Reasons for changes:

50% abatement of City sewer and water connection fee to help mitigate the increase in water usage rates necessary to get the water fund to self-sufficiency. In 2017, approximately \$13,200 was abated that could have gone to water revenues. In 2018 approximately \$600 could be revenue.

The \$1500 homebuyer incentive is strictly a cost to the City with no opportunity to recoup. Feedback from builders and buyers indicate it doesn't appear to have much effect on the homebuying decision. In 2017, the homebuyer approximately \$3000 worth of incentive was paid; in 2018 it will be approximately \$13,500.

For Chisholm Ridge, there is 1 lot remaining to sell in the current addition. The Chisholm Ridge lots are sold for \$10,000 which pay for the buyer and builder incentives after specials are paid off. This results in no effect on the 2018 budget.

Marsh asked if there was any discussion or questions.

Titterington asked that staff continue with all the incentives as there are new members on the council and they may or may not be aware of all that the city has offered.

15. Indian Lakes Incentives

Marsh continued to say in 2016 City Council approved a developer's agreement granting incentives for Indian Lakes. The incentives were renewed in 2017 and are to be reviewed annually by the governing body to either continue the program, modify, or discontinue.

At the end of 2017, 3 of 8 lots have qualified for the current incentive program.

| Current Incentives | Proposed Changes |
|--|--|
| <ul style="list-style-type: none"> 5. 50% reduction in building permits 6. Water and sewer abatement 7. 50% reduction in city portion of property taxes for 5 years | <ul style="list-style-type: none"> 1. 50% reduction of building permit fee 2. 50% abatement of City sewer and water connection fee 3. 50% rebate in city portion of general property taxes for 5 years on an established sliding scale ending 12/31/2020. |

The proposed incentives would apply to the five remaining lots originally identified for the incentive program.

Reasons for changes:

50% abatement of City sewer and water connection fee to help mitigate the increase in water usage rates necessary to get the water fund to self-sufficiency. Under current incentives, approximately \$7200 was abated that could have gone to water revenues. Under proposed incentives, potentially \$6,000 would be revenue.

Continuing the property tax rebate helps promote development. By using a sliding scale (see below) the City can limit long term budget payouts while encouraging the developer to take advantage of incentives for new developments.

Sliding scale for property tax rebate:

- 50% for 5 years if construction completed in 2018
- 50% for 4 years if construction completed in 2019
- 50% for 3 years if construction completed in 2020

Indian Lakes has no initial cost to the city however each property will cost approximately \$750 each year for up to 5 years.

16. Park Glen Estates Incentives

In 2016 City Council approved resolution 5-2016 granting incentives for Park Glen Estates. The incentives were renewed in 2017, amended 10/10/17, and are to be reviewed annually by the governing body to either continue the program, modify, or discontinue.

At the end of 2017, 5 of 11 lots have qualified for the current incentive program.

| Current Incentives | Proposed Incentives |
|---|--|
| <ul style="list-style-type: none"> 4. 50% reduction in building permits 5. Water and sewer abatement 6. 2% of the real estate appraisal or the sale price (whichever is lower) at the time of closing 7. \$1500 to homebuyer at closing 8. 50% reduction in city portion of property taxes for 5 years | <ul style="list-style-type: none"> 1. 50% reduction of building permit fee 2. 50% abatement of City sewer and water connection fee 3. 50% rebate in city portion of general property taxes for 5 years 4. Cash payment to builder at time of closing @ 2% of the real estate appraised value or sale price, whichever is lower up to a maximum of \$8000 |

The proposed incentives for 2018 would only apply to the 6 remaining lots originally identified for the incentive program.

Reasons for changes:

50% abatement of City sewer and water connection fee to help mitigate the increase in water usage rates necessary to get the water fund to self-sufficiency. Under current incentives, approximately \$6000 was abated that could have gone to water revenues. Under proposed incentives, potentially \$3600 would be revenue.

The \$1500 homebuyer incentive is strictly a cost to the City with no opportunity to recoup and feedback from builders and buyers indicate it doesn't appear to have much effect on the homebuying decision. In 2017, the homebuyer incentive cost the City approximately \$4500; in 2018 it will cost the City approximately \$3000.

Capping the cash payment allows the City to manage a realistic budget while still encouraging development.

Council has budgeted \$50,000 for the Park Glen incentives for 2018. The total cost for one home in Park Glen Estates is approximately \$7,500 initially and \$1,100 every year for 5 years.

Council agreed with the proposed changes for all incentive programs. Council did advise staff to come back to next meeting with a cost and revenue spreadsheet, so they can see how much the incentives will be costing the city year over year. Council also advised staff to send the incentive information to legal for their review to bring back to the next council meeting.

The Mayor asked staff to look into other incentives for the rest of the city, such as a revitalization program. He stated the incentives in these 3 additions have been successful and the city should look at other opportunities to enhance the city.

17. Right-of-Way/ Sidewalk Ordinance

Marsh stated with the completion of the Streetscape project along the downtown block of Ross Ave., staff has been advised to develop a right-of-way ordinance to regulate the occupancy and use of city right-of-way, including sidewalks.

K.S.A. 17-1902 empowers cities to enact reasonable public health, safety and welfare requirements and regulations for the occupancy and use of the public right-of-way that is competitively neutral and not unreasonably discriminatory.

Adopting a sidewalk ordinance would be consistent with the Strategic Plan Goal 4 Quality of life: Promote the quality of life in Clearwater to ensure stable and sustainable growth and Goal 5 Infrastructure: Provide, maintain and improve infrastructure.

Counsel has added language to the ordinance addressing the Governing Body's concerns regarding residential properties. Such as, temporary signs; no one has to have a permit for a temporary sign. Any property zoned A-L, R-L, R-1, R-1A, R-2, R-3, or PUD are exempt from permitting.

This ordinance will be for "new structures" on sidewalks.

Council asked how a temporary sign is defined. Staff stated there was no definition.

Council asked to have the ordinance amended to incorporate a definition of a temporary sign.

18. Financials

| ACCT | BUDGETED | ACTUAL | % OF BUDGET | NOTES |
|----------------|--------------|--------------|-------------|--|
| GEN – REVENUES | 1,941,784.00 | 2,213,675.92 | 114% | |
| GEN – ADMIN | 464,055.90 | 611,370.75 | 131.75% | Special assessments/ incentive payouts/ lot purchase/ severance/ backstop/ fishing dock |

| | | | | |
|-----------------------------------|---------------------|---------------------|---------------|----------------------------------|
| GEN – SR CENTER | 43,465.69 | 29,511.64 | 67.90 | |
| GEN – PD | 636,110.63 | 540,183.74 | 84.92% | |
| GEN – COURT | 83,700.12 | 87,151.90 | 104.12% | Court Costs (In/Out) |
| GEN – PW | 19,190.00 | 15,334.29 | 79.91% | |
| GEN – SANITATION | 144,202.33 | 174,209.86 | 120.81% | Waste Connections Bills (In/Out) |
| GEN – EMS | 156,638.80 | 150,120.84 | 95.84% | |
| GEN – FIRE | 129,929.00 | 150,763.38 | 118.78% | Engine 1 Repair |
| GEN – PARK | 183,734.45 | 160,288.97 | 87.24% | |
| GEN – POOL | 124,477.00 | 67,790.52 | 54.47% | |
| GEN – MUSEUM | 7,500 | 7,773.44 | 103.65% | Building Insurance |
| GEN – STREET LIGHTS | 25,900 | 24,396.71 | 94.20% | |
| GEN – PERSONNEL DEVELOPMENT | 13,100.00 | 11,011.89 | 84.73% | |
| GEN – LIB BUILDING | 8,900.00 | 7,540.87 | 84.73% | |
| TOTAL GENERAL EXPENDITURES | 2,037,873.92 | 2,037,488.80 | 99.98% | |

| ACCT | BUDGETED | ACTUAL | % OF BUDGET | NOTES |
|-----------------|------------|------------|-------------|-------|
| Special Hwy Rev | 94,770.00 | 97,868.04 | 103.27% | |
| Special Hwy Exp | 95,100.03 | 90,997.90 | 95.69% | |
| Cap Imp Rev | 27,137.00 | 37,942.12 | 139.82% | |
| Cap Imp Exp | 227,000.00 | 182,918.07 | 80.58% | |
| Water Rev | 400,349.39 | 351,898.09 | 87.90% | |
| Water Exp | 424,949.39 | 402,832.04 | 94.80% | |

| | | | |
|-----------|------------|------------|--------|
| Sewer Rev | 527,600.00 | 527,488.11 | 99.98% |
| Sewer Exp | 495,643.84 | 398,848.91 | 80.47% |

Council wanted to thank all of staff for managing the budget so well. They said It's not easy to come within .02% of a \$2,000,000 budget.

19. Claims and Warrants

Meyer stated that the claims and warrants were \$156,379.57.

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

20. Council Reports

Coon stated there are very tall unsafe piles out at the brush dump that need attention. Marsh stated he was addressing the situation

Papish had nothing to report

Palmer-Witt had nothing to report

Titterington had nothing to report

Griffin had nothing to report

Ussery asked staff to look into a neighborhood revitalization program.

21. Adjournment

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

MOTION: *Papish* moved, *Titterington* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:41 p.m.

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 January 9, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 23rd day of January 2018

Courtney Meyer
 Courtney Meyer, City Clerk

