

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
January 23, 2018  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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

Laura Papish 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: Corbin Hill, Oscar Martinez, Grant Martin, Kurtis Lauterbach, and Allie Palmer.

**4. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda.

Marsh stated Item #13 needs to be stricken and a second executive session needs added for reasons of non-elected personnel.

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

**Motion: *Titterington* moved, *Palmer-Witt* seconded to accept the January 23, 2018 agenda as modified. Voted and passed unanimously.**

**5. Public Forum**

None

**6. Approve Consent Agenda**

Minutes January 9, 2018 Council Meeting Minutes  
Boundary Resolution 2-2018

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

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

**7. Staff Reports**

Administration

- Curbside City-wide cleanup will be April 21<sup>st</sup>. All items must be at curbside by 7:00 am. Courtney will post on website and City FB page as the day gets closer.

- Still looking for people to serve on Recreation Commission, PAB, Library Board and Historical Society Board.
- Breakfast at the Senior & Community Center Saturday netted over \$100, the largest to date.
- Marsh will be having lunch with our County Commissioner this Thursday for lunch to discuss 2018. If you have anything you would like me to address, please let me know by close of business Wednesday.
- I have been unsuccessful trying to contact Bralk Brothers about grinding tree debris at the brush dump. Looking at some other options: renting wood chipper, paying to have someone do it, etc.
- Working with AYSO to get a sign up at the east entrance to the sports complex.
- The Planning Walkable Places Study (Clearwater Pedestrian Plan) RFP hit the streets January 18<sup>th</sup>. This a \$20,000 grant from KDOT through WAMPO funded 80/20 with the awarded city. Council approved spending \$4300 in October 2017. Pre-proposal meeting with bidders is February 1<sup>st</sup> at 4pm.
- Marsh also pointed out the Recurring Business Report is in front of the council and asked if they had any questions. Marsh also stated he will be bringing that to report to council quarterly.

Coon asked when the letting for the WAMPO grant was. Marsh stated February 23<sup>rd</sup>.

PD – Bill Hisle

- Hisle reported that two officers went to Wichita to recover property
- Hisle also reported that officers responded to 2 calls over the weekend for deceased people.

Public Works – Ernie Misak

- Misak reported that waste water sample for January passed
- KDHE will be coming down on Friday to review the sewer ponds
- EBH is analyzing the results that have been reported
- Problems at the wet well located at the sewer ponds. Auger broke and will possibly cost thousands of dollars to replace if it can't be repaired. A welder is coming out this week to look at it.
- Pumps were pulled at the ponds and found a woven rug in it.
- Also, what appears to be baby wipes is clogging the filters.
- 2 water leaks were found in the city's line and fixed

Mayor Ussery asked staff to publicize to the public about the condition of the sewer ponds and what they can do to prevent these conditions.

Emergency Service – Scott Cooper

- 15 EMS calls – 2 deaths
- 1 fire call
- March 5 will be the Sedgwick county Severe Weather Class @ 6:30 at the Senior & Community Center
- Cooper will be at the Emergency Management Academy on Wednesday and Thursday in Wichita at no cost
- The SCBA air compressor will be picked up this week.

Mayor Ussery asked the status of the used brush truck. Cooper reported the committee is still working on it.

### **8. Right of Way Ordinance 1039**

Marsh stated 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 defining "temporary signs".

Mayor Ussery asked if there was any further discussion. With no further discussion Mayor Ussery called for a motion to adopt Ordinance 1039.

**Motion: Titterlington moved, Coon seconded to adopt ordinance 1039. Coon, yea; Palmer-Witt, yea; Titterlington, yea; Griffin, yea. Voted and passed unanimously.**

### **9. Fee Resolution 3-2018**

The city by resolution, ordinance or other means has established fees for a variety of municipal services. These fees are spread throughout our Municipal Code. With the recodification of our Municipal Code it is necessary to adopt a

fee resolution, as the fees listed in the Municipal Code reference a fee schedule. The fee schedule will be reviewed on an annual basis.

The fees established in the resolution are reflective of current fees that the city charges and some suggested changes.

**Suggested changes:**

- Daily Swim – change to \$3.50 from \$3.25
- Punch Card – change to \$38.00 from \$35.00
- Water Rates – as discussed in December of 2017
- Bulk Water - change to \$13.00/ 1000 gal from \$12.00/ 1000 gal
- Sewer Rates – raise 1% as per city code
- Return Check fee – change to \$25.00 from \$10.00

Daily swim rates have not been adjusted since 2008. Lifeguard salaries have increased over the years to help retention however fees have remained the same year over year. By increasing the daily rate by a quarter, we can estimate to increase the revenue by approximately \$1,200. With the increase in daily admission it is recommended to increase the punch card price as well.

Bulk water is suggested to raise to follow suite with regular water rates and the return check fee is suggested to raise as \$10.00 does not cover the cost of added work that is required to collect the funds. The night swim is requested to increase because it costs more to run the pool than the pool makes in revenue.

With no discussion Mayor Usery called for a motion to adopt resolution 3-2018

**Motion:** *Griffin* moved, *Titterington* seconded to approve resolution 3-2018 as presented. Voted and passed unanimously.

**10. Chisholm Ridge Incentive Resolution 4-2018**

At the last council meeting the governing body asked staff and counsel to prepare a resolution with the suggested changes of the Chisholm Ridge Incentives for 2018.

Staff and counsel prepared Resolution 4-2018 for the one remaining lot the City owns. Lots are sold for the established price of \$10,000.

Incentives Include	Guideline and Eligibility
<ol style="list-style-type: none"> <li>1. 50% reduction in building permits</li> <li>2. 50% Water and sewer abatement</li> <li>3. Abatement of remaining specials</li> <li>4. Builder rebate</li> </ol>	<ol style="list-style-type: none"> <li>1. The applicant must provide within 15 days of this agreement financial commitment of purchase, which may consist of a pre-qualification letter, letter of credit, or similar documents. Failure to submit required documents in the 15-day timeframe could result in the applicant forfeiting the requested lot(s)</li> <li>2. The property listed in EXHIBIT "A" to this document is eligible to participate in this Program so long as a New Home Building Permit is issued prior to December 31, 2018.</li> <li>3. The minimum livable square footage of a newly constructed home must be 1,000 square feet as determined and approved on the building permit application. It must include a front façade composed of at least 25% stone, brick or other masonry material.</li> <li>4. Only single family residential structures are eligible for this program.</li> <li>5. Construction must be completed within a</li> </ol>

	<p><b>180-business day window.</b></p> <p>a. Extensions of this time frame may only be granted in writing at the discretion of the City Administrator.</p> <p>6. A fully executed Certificate of Occupancy must be submitted to the City Clerk to be eligible to receive a builder incentive payout.</p>
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For Chisholm Ridge, there is 1 lot remaining to sell in the current addition. The Chisholm Ridge lots are sold for \$10,000 which pays builder incentives after specials are paid off. This results in no effect on the 2018 budget.

Griffin asked about the financial impact on the budget for all the incentives.

Marsh explained that the lots already under the incentive programs, the city is committed for 2018 to paying out \$57,544.30. For the unsold lots that would be potential costs to the city, the city could also be responsible for up to \$42,422. The council budgeted \$106,000 to go towards incentives in 2018.

**Motion:** *Titterington* moved, *Palmer-Witt* seconded to adopt resolution 4-2018. Coon, yay; Palmer-Witt, yay; Griffin, yay; Titterington, yay.

**11. Park Glen Incentives Resolution 5-2018**

At the last council meeting the governing body asked staff and counsel to prepare a resolution with the suggested changes of the Park Glen Estates Incentives for 2018.

Staff and counsel prepared Resolution 5-2018 for the first 5 remaining lots available in Park Glen Estates.

Incentives Include	Eligibility
<p>5. 50% reduction in building permits</p> <p>6. 50% Water and sewer abatement</p> <p>7. Cash payment to Builder at the time of closing amounting to 2% of the sale price or real-estate appraisal, whichever is lower, not to exceed \$8,000</p> <p>8. Cash incentive to homeowner equal to 50% of the city's portion of the property tax bill for a period of five years.</p>	<p>1. The properties listed in EXHIBIT "A" to this document are eligible to participate in this Program so long as a New Home Building Permit is issued prior to December 31, 2018.</p> <p>2. Program participation initiates at the receipt of the builder's permit.</p> <p>3. Construction must be completed within a 180-business day window.</p> <p>4. Extensions of this time frame may only be granted in writing at the discretion of the City Administrator.</p> <p>5. A fully executed Certificate of Occupancy must be submitted to the City Clerk to be eligible to receive incentive payouts.</p> <p>6. All ad valorem property taxes and special assessments, if any, on the property for which an application is submitted may not be delinquent. If any ad valorem property taxes or special assessments are delinquent, such property will not be eligible for the program until all taxes and special assessments due and owing are paid in full and proof thereof is provided to the City of Clearwater City Clerk.</p> <p>7. Any delinquent years are not eligible for the 50% cash incentive.</p> <p>a. Tax rebate request must be submitted no later than 90 days after expiration of the requested tax year.</p> <p>b. Tax rebate payouts are non-transferable to the next homeowner and cannot be carried over to another property.</p>

	<ul style="list-style-type: none"> <li>i. Spec homes that are uninhabited are allowed to transfer ownership of a tax incentive to the first homebuyer.</li> <li>8. Only single family residential structures are eligible for this program.</li> <li>9. This Incentive program is limited to the first five (5) permits pulled in 2018 for the development of lots in Park Glen Estates.</li> </ul>
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For the 2018 budget the city has budgeted \$106,000 to cover incentives for 2018. If all five lots were built on and completed in 2018, the maximum the city would have to pay is \$40,000 for Park Glen Estates.

**Motion:** *Palmer-Witt* moved, *Titterington* seconded to adopt Resolution 5-2018. Voted and passed unanimously

**12. Indian Lakes Incentives Resolution 6-2018**

the last council meeting the governing body asked staff and counsel to prepare a resolution with the suggested changes of the Indian Lakes Incentives for 2018 to expire December 31, 2020.

Staff and counsel prepared Resolution 6-2018 for the first 6 remaining lots in the established Indian Lakes Phase 3 developer's agreement.

Incentives Include	Eligibility
<ul style="list-style-type: none"> <li>9. 50% reduction in building permits</li> <li>10. 50% Water and sewer abatement</li> <li>11. Cash Incentive to the property owner equal to 50% of the City's portion of the property tax bill for a period of five years on a graduating scale.</li> </ul>	<ul style="list-style-type: none"> <li>1. The properties listed in EXHIBIT "A" to this document are eligible to participate in this Program so long as a New Home construction is completed by December 31, 2020. <ul style="list-style-type: none"> <li>a. Program participation initiates at the date of the Certificate of Occupancy is issued.</li> </ul> </li> <li>2. Homes must be complete within the calendar year to be eligible for a current year tax rebate on the graduating scale established in EXHIBIT "B" to this document. <ul style="list-style-type: none"> <li>a. Extensions of this time frame may only be granted in writing at the discretion of the City Administrator.</li> </ul> </li> <li>3. All ad valorem property taxes and special assessments, if any, on the property for which an application is submitted may not be delinquent. If any ad valorem property taxes or special assessments are delinquent, such property will not be eligible for the program until all taxes and special assessments due and owing are paid in full and proof thereof is provided to the City of Clearwater City Clerk. <ul style="list-style-type: none"> <li>a. Any delinquent years are not eligible for the 50% tax rebate.</li> <li>b. Tax credit request must be submitted no later than 90 days after expiration of requested tax year.</li> </ul> </li> </ul>

	<p>c. Tax credit payouts are non-transferable to the next homeowner and cannot be carried over to another property.</p>
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For the 2018 budget the city has budgeted \$106,000 to cover incentives for 2018. If all lots were completed in 2018, the city would not start paying the 50% in taxes until 2019

**Motion:** *Griffin* moved, *Titterington* seconded to adopt Resolution 6-2018. Voted and passed unanimously

**13. Sewer Pond Presentation**

Stricken

**14. Claims and Warrants**

Meyer stated that the claims and warrants were \$56,826.28. Meyer pointed out that \$37,500 was for the sewer reline project that was completed in 2017.

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

**15. Council Reports**

Coon had nothing to report

Palmer-Witt had nothing to report

Titterington had nothing to report

Griffin had nothing to report

Ussery asked what the status of the flag pole was. Staff reported they did not have an update right now. Ussery also asked if staff was putting together a work session for council. Marsh answered yes.

**16. Executive Session**

**Motion:** *Griffin* moved, *Titterington* seconded to recess into executive session to discuss the acquisition of real estate to include the City Attorney, City Administrator, and the City Clerk. The open meeting will reconvene in the City Council Chambers at 7:40 PM

Mayor Ussery called the meeting back to order at 7:40 stating there was no action taken in executive session.

**INSERT Executive Session**

**Motion:** *Griffin* moved, *Palmer-Witt* seconded to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters, to include the City Administrator and the City Attorney. They City Council will reconvene the open meeting in the City Council Chambers at 7:50 PM

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

**17. Adjournment**

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

**MOTION: Griffin moved, Palmer-Witt seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:52 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 23, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 13<sup>th</sup> day of February 2018

*Courtney Meyer*  
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Courtney Meyer, City Clerk



