

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
February 11, 2020  
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; Justin Shore, Shirley Palmer-Witt, and Chad Pike were present.

Chris Griffin and Yvonne Coon were absent.

The following staff members were present:

Ron Marsh, City Administrator, Courtney Meyer, City Clerk; Austin Parker, City Attorney.

Others Present: Jason Martin, Tricia Nichols, Michele Dinwiddie, Tina Welch, GW Wilber, Ruth Glenn, Kirk Ives, Capsa Reed, Cindy Miles.

**3. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated item 14a needs to be changed to 8a.

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

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

**4. Public Forum**

None

**5. Approve Consent Agenda**

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

Minutes: 01/28/20

Claims and Warrants 02/05/20 = \$36,939.53

Mayoral Appointment – Craig Mellen – Park Advisory Board term 2018 - 2022

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

**6. Census 2020 Presentation**

Jason Dean with the Census Bureau spoke to Council and audience about the upcoming 2020 Census. Residents will start to get mailers in March and will have an opportunity to take the Census via phone or computer. If they don't the Census staff will be going door to door to complete the Census. Mr. Dean stated that the information is demographics only and the data is used to determine Federal funding for

the area. He emphasized that everyone needs to be counted so the area in which they live will receive the accurate amount of funding. The Census data is also used when applying for Grants and companies use the Census data as a tool to determine growth.

Griffin enters at 6:40 PM

## **7. Library Year End Report**

Tina Welch, Library Director, updated council on 2019 Library activities. She stated aside from circulation the Library runs many programs; Trunk or treat participants, Cowskin Clydesdales, Storytime, National Pizza Day, Honey Day, Fire Safety, Holiday Elf, Lego Land, Big Read, Summer Reading, Books & Beyond Geek Con, and Interactive Mystery Dinner Theater. Welch reported that there were 1000 that participated in the summer reading program and 3000 overall in all the programs throughout the year.

## **8. Staff Reports**

- a. Police Department – Jason Gearhardt – councilmember Palmer-Witt asked if there were solutions to the preventing the vandalism in the Park. Staff said we are working on finding alternative camera system. Council had no other questions.
- b. Fire Department – Council had no questions
- c. Public Works – Ernie Misak – stated, in addition to his report, the public works staff has been working on the ball diamonds. Palmer-Witt questioned if the City was notified of changes to the meter. Misak stated no, we weren't, we were notified during the lastest inspection that the meter was no longer compliant. It was the first inspection we had on the meters in 17 years.
- d. Senior Center – Sonja Froggatte – Council had no questions.

## **9. Business Park Proposal**

Jason Martin, with J. Martin Co, stated he was interested in lots 2 and 3 Block 3 of the Industrial Park. He has been working with a business that would like to relocate to Clearwater. Currently there is no road or water to those lots. Martin is proposing to put in the road and drainage improvements to the two lots in exchange for the lot purchase. With the road improvement it would also give access to lots 1 and 2 in the Industrial Park. The Reserve A would be improved to hold any runoff from the improved lots. The Reserve A would then drain East of Chisholm Ridge. The road Martin is proposing is 6" compacted rock base with crushed asphalt. This would be an open ditch concept. Griffin questioned why curb and gutter wasn't considered. Marsh stated that the subdivision regulations did not call for curb and gutter.

- a. **Executive Session – K.S.A. 75-4319(b) (4) To Discuss Data Related to Financial Affairs or Trade Secrets of Corporations, Partnerships, Trusts, and Individual Proprietorships.**

**Motion:** *Palmer-Witt* moved, *Shore* seconded to recess into executive session pursuant to the financial affairs or trade secrets of a second party to include the City Administrator, City Attorney, and Jason Martin. 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.

**Motion:** *Palmer-Witt* moved, *Pike* seconded to authorize staff to generate a contract between the City of Clearwater and Jason Martin for lots 2 and 3 Block 3 of the Clearwater Industrial Park, with the discussed terms put into the contract. Voted and passed unanimously.

## 10. Business

### a. **Street Closure Request for Art Walk**

In 2016 City Council established an application process to close roads for special events. This was to create a more coordinated process, so the City departments are aware of the street closures.

The 6<sup>th</sup> annual Art Walk will be held April 3, 2020 from 6 to 9pm. The event has requested road closures between 5:00pm to 9:30pm to allow for safe set up, attendance and tear down.

The road closure includes Ross Ave between Byers and Gorin and Gorin from Ross to the Baptist Church driveway.

This event is hosted by the Clearwater Community Foundation and sponsored by various Clearwater organizations and businesses.

**Motion:** *Griffin* moved, *Palmer-Witt* seconded to approve the street closures for the Art Walk. Voted and passed unanimously.

### b. **Consider Ordinance 1057, Limited Time Parking at Library**

Over the past couple of months library staff has brought to the attention of City staff that employees of a private business are parking in the city owned lot behind the library, when there is a parking lot provided for the employees at the business. The concern is that with the business's employees parking in the lot during the day, there are not enough spaces left for adequate library patron parking, particularly during the busy summer months.

Library staff as well as the Police Department have spoken with the business's management and the situation improves for a while then regresses.

The Library Board is requesting the Governing Body designate the city owned parking lot behind the library as "Limited Time Parking Zone". The 2019 Standard Traffic Ordinance for Kansas Cities allows cities to establish limited time parking zones by lawful authority (STO Sec. 97 per K.S.A. 8-2002(a)(1)). Clearwater adopted the 2019 STO in August of 2019 by Ordinance 1052 and in discussions with the City Attorney, lawful authority means adopting an ordinance. Therefore, to establish an enforceable limited time parking zone on city owned property the Governing Body must approve an ordinance establishing the parking zone.

Library staff has requested that the limited time parking be for not more than 2 hours, 8:00am – 8:00pm, Monday – Friday.

Michele Dinwiddie and GW Wilbur spoke to council on behalf of the Library Board and stated that the elderly patrons are having a hard time getting to the Library when the back-parking lot is full. It is easier for those patrons to park out back because there are no stairs or curbs in the back. The Board is only requesting 2-hour parking for Monday – Friday because they don't feel that the parking is an issue on Saturdays.

Council discussed and asked if the program they host will exceed 2 hours? Welch stated no they wouldn't. Council also asked Interim Chief Gearhardt how they will police the area. Gearhardt stated he believe the signs will be a deterrent but if it continues to be a problem, even with the signs up, they will mark the tire(s) with a chalk mark and be able to monitor it that way.

**Motion:** *Griffin* moved, *Palmer-Witt* seconded adopt Ordinance 1057. Shore, yea; Palmer-Witt, yea; Pike, yea; Griffin, yea. Voted and passed unanimously.

**c. Consider Fireworks Proposal**

Victory Pyrotechnics has submitted a proposal to produce the firework show for the City of Clearwater on July 4, 2020.

The show will consist of fireworks only, no pyrotechnics, lights, lasers.

The cost of the show will not exceed \$8000, which the City has budgeted for fireworks in 2020.

**Motion: Palmer-Witt** moved, **Shore** seconded accept the fireworks proposal from Victory Pyrotechnics. Voted and passed unanimously.

**11. Discussion**

**a. Budget Transfer of Excess Funds**

Through the 2018 audit process the Auditor suggested the Governing Body consider transferring funds that finished the year under budgeted expenditures to the equipment reserve to help offset future purchases that otherwise may have an impact on future mil levies.

After wrapping up the 2019 budget year some departments were under their budgeted expenditures, and staff is suggesting the following transfer schedule to the Equipment Reserve Fund:

Department	Left in 2019 Budgeted Exp.	Suggested Reserve Use	Reason under Budget
Admin	\$60,000.00	Office Improvements/ Pool Slide Repair/ Discretionary	Personnel Insurance/ Abatements/ Incentives
PD	\$41,000.00	Office Remodel	Personnel (salaries & ins)
Court	\$19,000.00	Fingerprint Scan/ Video Court	Contractual Services
PW	\$5,800.00	Tools	Contractual Services
Fire/ EMS	\$51,000.00	Fire Equipment	EMS Department Closed
Park	\$29,000.00	Park Improvements	Personnel (didn't hire)
Pool	\$1,400.00	Pool Repair	Equipment Repairs
Museum	\$1,200.00	Building Maintenance	Gas/ Electric
Library	\$3,300.00	Building Maintenance	Gas/ Electric
Special Hwy	\$110,900	2019 Street Project \$105,000/ Discretionary	Project not completed/ Street Supplies
Water	\$9,450	Tools/ Water Line Improvements	Personnel/ Pipes, valves, & fittings
Sewer	\$55,539	2019 Reline 8" Line \$20,000/ Discretionary	Project not completed/ Personnel

All the funds would be transferred into the respective equipment reserve fund for future use. This has no impact on the mil levy.

Councilmember Griffin questioned whether it was a good idea to keep the funds separated or to put the funds all together. Council discussed and decided to move forward with the staff recommendations of keeping it separated.

**Motion: Shore** moved, **Palmer-Witt** seconded approve the year end transfer schedule presented by staff. Voted and passed unanimously.

**b. Aquatic Center Hours of Operation**

At the end of the 2019 pool season, some members of the Governing Body expressed concern about the hours of operation for the aquatic center. There was concern that pool usage was not being maximized, particularly around 5:00pm when citizens were driving past on their way home from work and saw an empty pool. Council directed staff to look at when the pool was open and if there was a way to extend or make better use of the time for pool operation.

Here are hours of operation for the pool for previous years:

First week the pool is open:	Daily swim	Everyday	1:00pm – 6:00pm
Second Week to End of Season	Daily swim	Monday – Friday Saturday – Sunday	1:00pm – 5:00pm 1:00pm – 6:00pm
	Twilight Swim (\$1)	Mon, Wed, Fri	7:00pm – 8:30pm
	Pool Parties	Tuesday & Thursday Saturday & Sunday	7:00pm – 8:30pm 6:00pm – 9:00pm
	Swim Lessons	Monday – Friday	9:00am – 12:00pm 6:00pm – 7:00pm
	Swim Team	Monday – Friday	8:00am – 9:00am 5:00pm – 6:00pm

**With this schedule the pool is open for public swim 33 hours per week.**

Staff met with the pool manager and swim team manager and tried to develop a new schedule that will meet the needs of swim lessons and swim team while increasing the time the pool is open for daily swim.

Start of Season to End of Season	Daily Swim	Everyday	1:00pm – 6:00pm
	Twilight Swim (\$1)	Friday	6:00pm – 8:00pm
	Pool Parties	Saturday & Sunday	6:00pm – 9:00pm
	Swim Lessons	Monday – Friday Monday – Thursday	11:00am – 1:00pm 6:00pm – 7:00pm
	Swim Team	Monday – Friday Monday – Thursday	10:00am – 11:00am 7:00pm – 8:00pm

There are 6 weeks of Swimming Lessons and 5 weeks of Swim Team

**With this revised schedule the pool is open for public swim for 37 hours per week.** Staff believes a more streamlined schedule will be easier for residents to follow.

In addition to the schedule change, staff is working with the pool manager to create a new swim lesson program. Clearwater has been losing swim lesson participants due to the limited lesson times we have been able to offer. We contacted numerous municipal pools to get feedback and use their models to help create a new swim lesson program that we believe will increase our participation rates by offering more lessons within the swim lesson window. With the new program, we need to create a new position, the Swim Lesson Coordinator. The Swim Lesson Coordinator will be under the direction of the Pool Manager. The Coordinator will be responsible for a safe pool environment which includes day-to-day planning and supervision of the swim instruction program; supervision of all swim lesson staff and interaction with parents and participants.

The proposed schedule increases personnel costs for the pool. In 2019 those costs were \$38,000, and for 2020 the projected costs are \$44,000. The difference in costs include the addition of a

swim lesson coordinator (\$2400), lifeguard additional hourly wages and increase for the Pool Manager.

Council questioned if \$6000 was worth opening the pool for 4 more hours a week. Staff stated that the new schedule also comes with a new swim lesson schedule that would offer more swimming lessons. With the change, staff hopes that it will also increase the revenue in swimming lessons that has been decreasing over the year.

Council also questioned whether moving from 3 nights of night swim to 1 night will be adequate. Staff suggested that once swim team and swim lessons are over, we could re-open the pool for night swim on Monday's and Wednesday's as well. Council decided that if the new schedule doesn't work, we can always go back to the old schedule the following year.

**Motion:** *Shore* moved, *Palmer-Witt* seconded to approve the new Aquatic Center schedule as presented. Voted and passed unanimously.

**c. 2020 Housing Incentives**

Mayor Ussery addressed council and pointed out some facts related to the incentive programs the city has had in the last 4 year.

	Completed/ Pending Single-Family Residents
Park Glen Estates	9
Chisholm Ridge	18
Other	2

The City started with 37 lots in Phase 2 & 3 and now there are only 11 left.

*Purpose*

- Increase revenue through long term city property tax.
- Attract new families to support the community, school district, etc.

*Expectations*

- Attract new home building in Clearwater by providing incentives to the homebuyer.
- Continue momentum in Chisholm Ridge and Park Glen Estates
- Expand to "any" new home building within Clearwater
- Builders benefits from the additional motivation of buyers.

Proposed **2020 Incentives** Include two features:

- Property Tax Rebate Program (City Portion of Sales Tax)
  - 50% tax rebate will have a different impact based on the size of the property.
  - The PTRP serves to motivate a new buyer with savings of the City Portion of Sales Tax over a 3-year period.
    - 3-year period is to encourage long term homeownership

- Homebuyer Cash Allowance
  - Homebuyer will receive a cash payment of \$1,500.00 to be used without restrictions

*Can be either a “builder to occupy” or “buyer” of a NEW SINGLE-FAMILY RESIDENCE!*

Eligibility:

- Enter into agreement to purchase a new single-family residence within the City Limits of Clearwater during the program year.
- Take possession (Closing or Certificate of Occupation) within a specific period of time.
- Must be the first owner of the new property
- Must apply for the program through the City Clerk as set forth in the program.
- The residence must be used as the primary dwelling.
- Property Taxes must be paid and current to receive rebate.
- Applies only to the original applicant and is not transferable.
- *Tax rebate may be delayed until the first-year taxes are fully based on appraisal of improved property.*
- Qualifying residence must be connected to available City services.
- Property titling must be in the individual property owner’s name/trust, and not a corporation, company, LLC, etc.

Council reviewed the Mayors suggestions and wanted to add clarification on when applications are due/ accepted and how much time a person must collect on their homebuyer allowance some.

Council asked staff to prepare a document with the proposed changes and send it out to Council to see if they have any other suggestions before bringing the final document back to the next council meeting for adoption.

## **12. Administrators Report**

- Gilmore Solutions is officially on board as our IT company. They still need to install their own firewalls and send up a report on vulnerabilities they see that we will need to address.
- Midland GIS has received the executed contract. The crew will be onsite to start collecting data in about 6-8 weeks. The project manager will meet with us by the end of this month to set up the kick-off and planning of the project.
- The Sedgwick County Household Hazardous Waste department will be in Clearwater this summer to hold a remote collection event. It is tentatively scheduled for either June 13 or 20.
- As the school district is our biggest employer, I attended all four meet and greet sessions during the superintendent interviews.
- City offices will be closed Monday February 17<sup>th</sup> for President’s Day.
- The annual audit is penciled in for the 1<sup>st</sup> week of March.
- The League of Kansas Municipalities “Governing Body Institute and Kansas Mayors Conference” is April 24-25 in Manhattan. This event provides new officials with information on municipal operations helpful to success in public office. Re-elected officials will also find value in up-to-date information. If you are interested, please let Courtney or I know.
- Earlier this year the Mayor directed me to provide Council members with a synopsis of the Request for Proposal/Request for Bid vendor solicitation process. Please review at your convenience and if you have any questions or concerns, please do not hesitate to phone, email or come in and see me.

## **13. Governing Body Comments**

Griffin had nothing to report

Pike had nothing to report

Palmer-Witt had nothing to report.

Shore mentioned that Commission O'Donnell dad passed away on Super Bowl Sunday.

Ussery had nothing to report

**14. Executive Session**

**A. K.S.A. 75-4319(B) (1) To DISCUSS PERSONNEL MATTER OF NONELECTED PERSONNEL**

**Motion:** *Griffin* moved, *Palmer-Witt* seconded to enter executive session to discuss personnel matters and to include the City Administrator and City Attorney. Council will reconvene the open meeting at 9:40 PM. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 9:40 PM and stated there was no action taken in executive session

**15. Action as a result of Executive Session**

**Motion:** *Palmer-Witt* moved, *Shore* seconded to appoint Kirk Ives as Chief of Police with a start date of March 1, 2020. Staff is to develop an employment agreement with the terms set by council. Voted and passed unanimously.

**16. Adjournment**

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

**MOTION:** *Palmer-Witt* moved; *Pike* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 9:45 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 February 11, 2020 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 25<sup>th</sup> day of February 2020

\_\_\_\_\_  
Courtney Meyer, City Clerk