

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - MINUTES
September 11, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor Ussery called the meeting to order at 6:30 p.m. followed by a moment of silence in remembrance of the fallen during 9/11/2001 and 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 and Councilmembers; Yvonne Coon, Laura Papish, Shirley Palmer-Witt, Tex Titterington, and Chris Griffin 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 Mlsak, Director of Public Works; Austin Parker, City Attorney.

Others present: Justin Mills, Madie Bosley, Victoria Weddle

3. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated no.

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

Motion: *Palmer-Witt* moved, *Titterington* seconded to accept the September 11, 2018 agenda as presented. 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 08/28/18 Council Meeting

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

6. Claims and Warrants

Meyer stated that the claims and warrants were \$116,062.28 and stated this being the first check run of the month the direct expenses are in this check run.

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

7. Staff Reports

- a. Scott Cooper, Emergency Service Director - Stated council had his report and asked if there were any questions. Council had no questions

- b. Bill Hisle, Police Chief – Stated council had his report and asked if there were any questions. Griffin stated that Sergeant Harp contacted him and asked if the church had a car seat and Griffin was wondering if that is something the department should already have. Chief said it was something they should have and is working on getting some.
- c. Ernie Misak, Public Works Director – Stated council had his report and asked if there were any questions. Mayor Ussery asked it would be a benefit to put a drain in the pool? Misak stated he looked into that in the previous year and that would be around a \$50,000 investment.

8. Business

a. Consider an Ordinance Requiring House Numbers

The City of Clearwater does not have an ordinance requiring address numbers to be displayed on a residence. There are several homes within the City that do not display the house number on the home which makes it difficult for Police, Fire, EMS and Public Works to locate the home if they are called to the house.

Last meeting the Governing Body reviewed a draft ordinance requiring house numbers to be displayed within the City of Clearwater. Council members suggested a couple of changes and those changes have been made by the City Attorney:

In Section 8-125, Definitions, Paragraph F is revised to remove reference to the United States Postal Service.

In Section 8-126, Minimum Requirements, Paragraph D, subparagraphs a and b are removed and changed to read, "mounted in such a way that is visible from an adjacent street..."

Marsh also explained to council that staff would send out a notice in the utility bill with this change and Public Works, Emergency Services, and Police would put door hangers on the resident's doors that are not in compliance. He explained that someone might get several notices but hopefully they would take advantage of the free service and ask the City to put on numbers on their house.

Council questioned the fine of up to \$500 per day. Parker stated that it will be up to the judge to decide the fine. The lowest would be \$10 up to \$500 per day. After discussion council was fine with the wording.

Council asked if staff was going to document who received the door hangers and staff answered no as the task would be large to start out with. Council suggested rewording the door hanger to include the requirements and to notate who notices are going out to a month prior to the deadline.

Motion: *Palmer-Witt* moved, *Coon* seconded to adopt ordinance 1047. Coon, yea; Papish, yea; Palmer-Witt, yea; Titterington, yea; Griffin, yea. Voted and passed unanimously.

b. Consider an Ordinance Amending Chapter 14 of the Clearwater Municipal Code

Chapter 14 of the Clearwater Municipal Code details the function and responsibilities of the former Clearwater part-time Fire Chief position.

Since 2017 Clearwater has had a full-time Emergency Services director who assumes the duties and responsibilities of the Fire Chief position. Amending Chapter 14 will update the wording of the Code to reflect the new position.

Mayor asked if this was a house cleaning item or was there something that prompted this to be addressed. Marsh stated it was a house cleaning item.

Motion: *Coon* moved, *Titterington* seconded to adopt ordinance 1048. Coon, yea; Papish, yea;

Palmer-Witt, yea; Titterington, yea; Griffin, yea. Voted and passed unanimously.

c. Initial Discussion Considering an Appropriation Resolution

The City of Clearwater currently runs accounts payable to coincide with Council meetings. Because we only run accounts payable twice a month, staff process invoices up to the day of the Council meeting to try and reduce the number of late charges. By doing this, the Governing Body approves the checks prior to them being mailed. It should be noted that Council has already authorized these expenditures through the budget process or approval in prior Council meetings.

As the City frequently incurs late fees due the inconsistency of the payment process, staff would like to have the Governing Body consider a resolution that would prevent the accrual of late charges and allow the City to take advantage of discounts for early payment, if applicable. This process is authorized by K.S.A. 12-105(b), the Uniform Processing Claims Act, and recommended by the city auditor. With this change, staff would revise accounts payable procedures and the claims and warrants list would be included with the agenda packet for review and any questions could be addressed prior to the Council meeting.

If approved all payments must still be presented to the governing body for review. Any payments that are of an extraordinary nature will continue to require authorization of the governing body.

This process is already being utilized by the City as the Uniform Processing Claims Act allows for the biweekly payroll processing.

Any financial impact to the City would be savings associated with the elimination of late fees and the potential early payment discounts.

Marsh also mentioned that other cities designate a council member to review and sign on claims and warrants prior to them being sent out as another check and balance.

Griffin asked if the claims and warrants go out prior to the council meeting can he "reply to all" if he has a question? He believes that if there is a question or discussion with staff that all council members should be privy to the information.

Marsh asked for clarification on the subject and wanted to know why claims and warrants would be treated differently than any other item in the packet? If a council member calls him on Monday morning and asks a question about an item that conversation is not "reply all" or brought up before council during the meeting.

Mayor Ussery stated he sees this as a procedure issue not performance. He stated all the items that are being paid for have been approved by council one way or the other. Whether it was authorized through the budget process or staff has come to council prior to the purchase and requested to make the purchase. An example would be the Chamber of Commerce signs out on the highways. It was not a budgeted item, so staff and the Chamber brought the request to council prior to making the commitment and then council approved the expenditure. Then claims and warrants that council approves every council meeting are paying the obligations already made by the city. This process is a formality. If staff is spending money that was unauthorized then that would be handled as a performance issue.

Council discussed and agreed they would like to see the process more streamlined and take advantage of early discounts and avoid late penalties. They would like to see the appropriation resolution brought to the next council meeting.

9. Administrators Report

- Bids for the street and drainage improvement project in Chisholm Ridge Phase 3 were opened last Thursday. APAC was the low bid at \$277,773.55. The engineers estimate was \$362,091.00.

- Knowing the costs for streets and drainage improvements, we will be able to move forward with utility relocation and acquiring the drainage easement. Utility relocation will cost approximately \$8602.00 and acquiring the easement will cost \$6500.00 as part of the drainage portion of the bond. These costs will be covered by the bond issued for the project and will not be passed on to property owners.
- United Way will be giving their annual presentation to City employees next Tuesday, September 18th at 9am in City Hall. You are all welcome to attend if you desire.

10. Governing Body Comments

Griffin had nothing to report

Titterington had nothing to report

Palmer-Witt had nothing to report

Papish had nothing to report

Coon said by marriage she is part of the Herrington family and as such they have asked her to keep an eye out for the best interest of the family. She reminded council that the Herrington family donated the portion of the park where the ball diamond is. The family would like to see a plaque put at the park in the Herrington name and also have the plaque state "no organized games on Sunday" stated on it. If there are organized games the family would like to take back the property if the city cannot follow what was stated on the deed.

Mayor Ussery agreed that a plaque should be put up at the park in their name but he would like the city attorney to look into the statement "no organized games on Sunday" and see if there truly is a reversion clause in the deed. He recalled looking into this a few years ago and in 1920, when this property was deeded to the City, the phrase "organized games on Sunday" referred to horse racing, card games, gambling or something similar. Parker stated that the state of Kansas can only go off of case law with the era in mind because the term Sunday Games was never truly identified.

Mayor Ussery asked Parker to review the deed to see if there a reversal clause for the Herrington family to take the property back because if the city puts a plaque at the park and it says "no organized games on Sunday" we need to understand what that means.

Mayor Ussery reported the LKM conference is in October and they are having a Home Rule discussion that might be helpful if anyone is attending. He also asked if all department have been informed and have all the information they need for and from the Fall Festival committee. Marsh stated yes.

11. Adjournment

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

MOTION: *Coon* moved, *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:32 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 September 11, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 25th day of September 2018

Courtney Meyer
Courtney Meyer, City Clerk



