



City of Clearwater Council Meeting Notice

Tuesday, July 26, 2016 at 6:30pm

129 E Ross Clearwater, KS 67026

www.clearwaterks.org

Please call the Clerk's office at 620-584-2311 or the Kansas Relay Service 800-8766-3777 at least 48 hours in advance if you require special accommodations to participate in this meeting. We make every effort to meet reasonable requests.

AGENDA

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

1. Call meeting to order and welcome

Burt Ussery, Mayor

2. Invocation and flag salute

3. Roll Call

Courtney Meyer, City Clerk

Burt Ussery, Mayor

Laura Papish, Councilmember President

Austin Wood, Councilmember

Paul Clark, Councilmember

Ron Marsh, Councilmember

Chris Griffin, Councilmember

4. Action: Approve July 26, 2016 meeting agenda

5. Public Forum

Pursuant to Ordinance No. 917 and Section 2.08.010 adopted by the governing body and approved by the Mayor on November 24, 2009, members of the public are allowed to address the Mayor and City Council for a period of time limited to not more than five minutes.

6. Action: Approve Consent Agenda

a. Minutes 07/12/16 Council Meeting

b. Appoint Brit Robertson – Full Time Police Officer

TAB A

7. Action: Consider a Request for A Temporary CMB Permit for the Fall Festival

8. Action: Consider a Request for a Temporary Extension of CMB Sales – First and Last Bar

9. **Action:** Approve a Re-Plat for the Garth Sub-division TAB B

10. **Action:** 2016 Amended Budget Hearing TAB C

11. **Action:** 2017 Budget Hearing TAB D

12. **Discussion:** City Wide Sales Tax TAB E

13. **Action: Claims and Warrants**
Courtney Meyer, City Clerk

14. **City Administrator Report**
Justin Givens, City Administrator

15. **Council Reports**

16. **Executive Session:**

17. **Adjournment**

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.

Honorable Mayor and City Council

**From: Justin S. Givens,
City Administrator**

Re: Agenda Summary 07 26 2016

- Item 6:**
- a. Approval of Minutes as submitted 07/12/16
 - b. Appoint Brit Robertson as a Full Time Police Officer - Brit initially signed on as a part time officer but expressed interest in going full time after the resignation of Officer Luckner. Brit is a 15-year veteran with Mulvane and Augusta police departments serving in a variety of roles including K-9 and plain clothes detective work but enjoys being a patrolman. He is a licensed police officer in Kansas and would not need to attend the academy for training. He is also a resident of Clearwater.

-----end of Consent Items

Item 7: Fall Fest Beer Garden – Alicia Lange, owner of the First and Last Bar and the Fall Fest is requesting to have a beer garden again this year. The location last year was on one half of the basketball court. Based on feedback following last year’s Beer Garden, it was suggested that the entire court be used for the beer garden this year. The Fall Fest may come forward with a request to locate the Beer Garden in a different area all together. One such location that has been floated is the tent that is set up for events. After about 4:00 on Saturday it is not used and some on the Fall Festival Committee felt that it might be a good spot. I would have serious reservations about this as no matter how much cleaning they do, I think that it would still smell like stale beer the next morning for the Church service. I think that the intention is to move the Beer Garden closer to the stage so the music can be enjoyed from the Beer Garden.

Item 8: Temporary Extension of Sales Area for First and Last Bar - as they have done the last few years the bar is asking for a special event permit to extend the area in which they can drink. They have put fencing up closer to the alley to increase the size to accommodate the increased crowds during Fall Fest.

Item 9: Garth Subdivision Re-Plat – correcting the plat that caused the issue between the Scapas and Higgins. Approved by the Planning Commission on July 19th. The re-plat creates two additional lots that split the buildings along the shared walls in a condominium fashion.

- Item 10:** 2016 Amended Budget Hearing – the 2016 amended budget will allow for additional expenditures in the bond and interest fund from \$438,799 to \$460,285 as well as in the city building fund from \$116,000 to \$150,000 for 2016 road projects. There is no additional revenue that will be needed for the 2016 year. This only increases the budget authority for each fund.
- Item 11:** 2017 Budget Hearing – approval of the 2017 Budget. The budget features a 2 mill increase from 54 to 56. A mill will be approximately \$14,590 this year for a total ad valorem tax of \$836,970. The total budget for General Fund Expenditures will be \$2,475,673 and including the utility funds the total operating budget for the City in 2017 will be \$4,362,761.
- Item 12:** City Wide Sales Tax Discussion – staff will present a report on information about City Wide Sales Tax including the process necessary to implement the ballot question and implement the tax if approved. Additional information provided is from a proposal presented earlier by Chamber members for the business development and incentives.
- Item 13:** Claims and Warrants – a full list of payables will be presented for approval at the Meeting.
- Item 14:** A full City Administrators report will be presented at the meeting on Tuesday.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
June 28, 2016
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

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

2. Invocation and Flag Salute

Councilmember Griffin 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:

Councilmembers Ron Marsh, Chris Griffin, Laura Papish, and Paul Clark were present.

Mayor Burt Ussery and Austin Wood were absent.

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Ernie Misak, Public Works Director; Bill Hisle, Police Chief; Beki Zook, Clearwater Recreation Director.

Others present: Ryan Peck, Morris Laing; Paul Rhodes, Times Sentinel.

4. Approval of the Agenda

Papish called for a motion to approve the July 12th agenda as presented.

Motion: Marsh moved, **Clark** seconded to accept the July 12, 2016 agenda as presented. Voted and passed unanimously.

5. Public Forum

None

6. Consent Agenda

Papish called for a motion to approve the consent agenda.

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

7. Personnel Manual Policy and Code Changes

Givens explained in 2016, that staff began the process of updating the City Personnel Manual. The Personnel Manual serves as a guide to City Employees for rules, regulations and expectations while employed by the city. Each employee receives a Personnel Manual upon employment with the City. Staff meet over several months to review and propose changes to the document. Those an updated manual was presented to the Governing Body for review and comment. All of those comments and any previous changes proposed were given to an HR Attorney to be reviewed for conformity to State and Federal Labor Regulations.

While reviewing the new manual it was noted that several sections of the Municipal Code would need to be changed or repealed based on new sections in the Personnel Manual. The Personnel Manual, will be adopted by Resolution of the Governing Body and if those sections are not changed the Manual and City Code would be at odds with each other.

Ultimately, there are nine sections of code that have been identified as duplicate or unnecessary code sections and one section that is being recommended to be amended.

Ryan Peck with Morris Laing presented the proposed actions for the City Code.

Council discussed and agreed with Peck’s proposed actions and instructed staff to prepare an Ordinance for next council meeting.

8. Park usage Group Update

The purpose of this task force is to identify and discuss options for the open space on city property that could be used for large functions such as the Fall Festival Carnival or other similar activities and create a framework for an open space policy.

- Members: Chad Pike, Community Member
 Cliff Pray, Fall Fest Committee Member
 Amy Marsh, Recreation/Park Advisory Board Member
 Becky Schievelbein, Community Member

Process: The group reviewed current and future sites that could accommodate large scale events. Those sites were reviewed on their merits and in the end the group identified three possible locations for large scale community events.

- City Park
- Ross Avenue

Chisholm Trail Sports Complex

Each site has both positives and negatives in hosting large events.

Location	Pro	Con	Additional Info
City Park	Tradition	Damage to Grass	Grass Easy to Repair and Replace
	Ample Space	Access Point / Sidewalk Damage	Sidewalks Can Be Protected
	Keeps Ross Free	Limited Electrical	Costly to Install New
	Centralized Location	Conflicts with Flag Football	Can Be Moved to CTSC
	Lights at Ball Field		
Ross Street	All Weather Surface	Closes Ross Street	
	Frees Up and Protects Park	Limited Space/Ride Reduction	
		Conflicts with Other Events	
		Disrupts Parade Route	
Pool Parking Lot	Hard Surfaced	Space Constraints	
	Centralized Location	Removes Parking Area	
CIC Parking Lot	Middle of Events	Disrupts School Parking	
		Disrupts Parade Staging	

		Area	
		Home Football Conflicts	
Elementary East	Close to Park Events	Damage to Grass	
		Confined Space	
Chisholm Trail Sports Complex	Ample Space	Parking Issues	
	Some Additional Lighting	Removes Event from Downtown	
		Electrical Infrastructure	

Council discussed and decided the Fall Festival Carnival location will need to be discussed each year as improvements to the park are done. Council directed staff to come back to next meeting with a time line for park usage to where it would not delay Fall Festival Committee with a carnival contract.

9. Approve a Maintenance Agreement with Itron

Earlier in 2016, the City Utility Department launched the use of three new Itron Meter Reading Units. The units minimize the number of manual reads that must be entered both by the reader and then again manually by office staff. The three readers also came with proprietary software from Itron, that communicates with the City’s Utility Billing Software.

The maintenance agreement allows for unlimited troubleshooting and communication between Itron and City Staff. To date staff has incurred approximately 7 hours of service time from Itron since the initial set up. By forgoing the agreement, we could use an hourly maintenance and tech fee of \$195.00 per hour from Itron. At the rate charged, the City would have accumulated approximately \$1,300 in fees.

Staff would suggest that while it becomes more familiar with the software and hardware that the two-year maintenance agreement be used and then reevaluated at the end of the term to determine at that time if an hourly charge would suffice for technical support or if an extension to the agreement would be warranted.

The initial \$720.00 for the first year of the agreement would be charged to line item 501.720.014 (contract labor) from the water utility funds for 2016. To date approximately \$3,200 has been used and \$400 would remain after the agreement. Subsequent charges would also be accounted for in the same lines in the 2017 budget.

After discussion, council came to a conclusion to approve the maintenance contract with Itron.

Motion: Griffin moved, **Clark** seconded to approve the maintenance agreement with Itron. Voted and passed unanimously.

10. Six Month Financial Review

Givens presented and reported that financials are right on target for the six-month review and asked if Council had any questions.

Council did not have any questions.

11. Claims and Warrants

Meyer presented the claims and warrants in the amount of \$168,110.21.

Motion: Griffin moved, **Clark** seconded to pay the claims and warrants in the amount of \$168,110.21. Voted and passed unanimously.

12. City Administrators Report

- Public Works
 - Alley work continues during the summer. We are using millings in some areas are replacement and placing new down
 - Mowing continues thru the summer
 - Will finish the improvements on the PD range this week
 - Bladed Wood St last week and staff is looking at a longer term fix for the road.
 - Well 6 is still being used as reported several weeks ago
 - Lab results from the WWTF discharge showed slightly elevated levels on some tests but we will continue to monitor.
- Parks and Recreation
 - All Baseball and Softball games have been completed in Clearwater. There is one softball and one baseball team still competing in district and state tournaments.
 - Clearwater hosted the 9 and under district tournament last week with teams from surrounding cities playing over three days in Clearwater
- Library
 - The Bug Lady event hosted approximately 40 children which is more than a normal event attendance
 - Summer Reading and other programs will continue thru July. The programs include Park Play and Teen Time, average attendance at these events is around 20 to 25 youth.
 - The last day to submit reports or lists for Summer Reading is July 22nd
 - A pool party will be held for the program on the 27th of July.
- Community Center
 - Staff completed the 6-month report requirements for the Department on Aging.
 - Hosted the Carry In Lunch today and will host biscuits and gravy on Saturday.
- Police
 - The City is experiencing a rash of stolen bikes and will be promoting bike security and registration again.
 - Received no complaints over the 4th of July Fireworks season.
 - Staff discussed the Pokémon Go epidemic this morning and we will monitor and post information about being safe and respectful while playing the game.
- Administration
 - The first house under the Chisholm Ridge Incentive program broke ground this week. Ground breaking is expected on another house next week. We have had two more builders and one prospective home buyer express interest in area as well.
 - 6 month financial reports were distributed to department heads
 - We advised staff to be mindful of thermostat settings at city buildings as we experienced a significant jump in electric usage. The servicing of the units should also help increase efficiency and comfort levels.
 - The Strategic Planning Committee will hold their first meeting on July 21st
 - A special Planning Commission meeting will be held on July 19th to facilitate a revised plat of the Garth Addition (Higgins/Scappa Issue) and that plat will be presented at the meeting on the 26th

13. Council Reports

Clark stated the 4th of July fireworks were really good this year.

Marsh had nothing to report.

Griffin had nothing to report.

Papish asked for a Tracy and Ross update. Misak stated they should be done sometime next week. She also asked staff to bring to next meeting information from the Chamber of Coffee meeting about issuing a sales tax in Clearwater for review.

14. Executive Session

Austin Parker called for a motion to recess into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship to include the City Attorney. The meeting is to reconvene in the City Council Chamber at 8:20pm

MOTION: Griffin moved, **Clark** seconded to recess into executive session. Voted and passed unanimously

Papish called the meeting back to order at 8:20pm and stated there was no action taken.

15. Adjournment

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

MOTION: Marsh moved, **Clark** seconded to adjourn the meeting. Voted and passed unanimously
The meeting adjourned at 8:22 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 July 12, 2016 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 26th day of July 2016.

Courtney Meyer, City Clerk

Brit Scott Robertson



A highly motivated and seasoned law enforcement professional offering 15 years of patrol, investigations, K9 and special operations experience. Additional experience in healthcare and healthcare related investigations.

Employment

City Of Mulvane

211 N. Second Mulvane, KS 67110

June 2011 to Present

Police Officer with the Mulvane Police Department in Mulvane, KS. Assigned to the patrol division and acts as the departments handler for its narcotics detection K9 from April 2013 to March 2016. Member of the Southern Kansas SWAT multi jurisdictional team from April 2014 to July 2015.

Kansas State Board of Healing Arts

800 SW Jackson Topeka, KS 66612

May 2007 to June 2011

Special Investigator with the Kansas State Board of Healing Arts. Investigate licensee's of the Board for violation of state and federal laws. Aid in prosecution of licensee's by assisting in the gathering of evidence through subpoena, interviews and collection of physical evidence.

St. Vincent Healthcare

1233 N. 30th Billings, MT 59101

April 2005 to May 2007

Respiratory Therapist with St. Vincent Healthcare Billings, Montana. Perform all of the functions of a respiratory therapist in an acute care hospital. Member of Help Flight air transport team.

Lubbock Heart Hospital

4810 N. Loop 289 Lubbock, TX 79416

December 2003 to March 2004

Director Respiratory Care Department at Lubbock Heart Hospital in Lubbock, Texas. Assisted in the establishment and staffing of the respiratory care department in a newly built specialty hospital.

Via Christi Health Systems

929 N. St. Francis Wichita, KS 67214

October 2002 to December 2003

Respiratory Therapist with Via Christi hospitals in Wichita, Kansas. Perform all of the functions of a respiratory therapist in an acute care hospital.

Wesley Medical Center

550 N. Hillside Wichita, KS 67214

December 2001 to September 2002

Respiratory Therapist with Wesley Medical Center in Wichita, Kansas. Perform all of the functions of a respiratory therapist in an acute care hospital.

June 2001 to November 2001

Unemployed during final semester of college clinicals.

City of Augusta

2100 N. Ohio Augusta, KS 67010

June 2004 to May 2001

Police Officer with the Augusta Department of Safety in Augusta, Kansas. Assigned to the patrol division and acted as the departments handler for its narcotics detection K9. Attained rank of Sergeant and was assigned to plain clothes multijurisdictional narcotics unit.

Education

Mulvane High School graduate 1988 general education high school diploma.

Kansas Law Enforcement Training Center 1995 certified Kansas Law officer.

Newman University 2001 graduate with Associate of Health Science in Respiratory Therapy.

**City of Clearwater
City Council Meeting
July 26, 2016**

TO: Mayor and City Council
SUBJECT: Consider a Re-Plat for the Garth Subdivision, City of Clearwater
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: In October of 2011, both the Clearwater Planning Commission and the City Council approved a plat for the Garth Subdivision. The plat created three lots, two of which contained duplexes built in 1984. The other lot was and remains a vacant lot. The plat was eventually filed with Sedgwick County in 2015. Sometime after the filing with Sedgwick County, it was brought to the attention to the City and County that the plat had been signed in error. Since that time both City Staff and Sedgwick County Staff have been working with the property owners to rectify any issues, especially in ownership that have occurred based on the improper signatures on the plat.

At a Special Meeting on July 19, 2016, the Planning Commission did approve and recommend approval of the plat to the Governing Body.

Analysis: The re-plat of the Garth Subdivision changes slightly from the original. The re-plat creates 5 lots with 4 of those lots being in a condominium style. Each of the 4 condominium lots have a property line that goes down the shared wall of the existing duplex. Lot 1 will house 136 E Wood and Lot 2 will house 138 E Wood. Lots 3 and 4 will house 140 and 142 E Wood respectively. Lot 5 remains vacant property. Each new lot exceeds the minimum lot size requirement for the City of Clearwater based on R-2 Two and Three Family Zoning. The minimum square footage for lots in this zoning district is 3,500 square feet.

Section 5 of Chapter 3 of the Clearwater Subdivision Regulations allows for the platting of small tracts in an abbreviated manner when; 1) those plats are less than 10 acres for residential development; 2) the proposed subdivision does not create more than five lots; 3) the plat does not create new streets or access easements or other improvements requiring dedication of public spaces; 4) the plat is prepared in a manner consistent with the final plat requirements.

The plat as submitted retains the 20-foot utility easement and 25-foot building setback line established in the original plat and no changes have been made to public right of ways or increased any required access point. As stated previously the plat creates 5 tracts of land and is less than 1 acre total.

Recommendations: Based on the information provided at the time of writing this report staff would recommend approval of the re-plat.

Actions: It is recommended the Governing Body:

- 1) Approve the Plat as submitted;
- 2) Approve the Plat as modified;
- 3) Not Approve the Plat;
- 4) Table the Matter for Further Study;
- 5) Take No Action.

Attachments: Original Garth Plat Map (1-page) Re-Plat Garth Subdivision (1-page) GIS Photo (1-page)

State of Kansas) SS
Sedgwick County)

We, Savoy Company, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we have surveyed and platted "REPLAT OF GARTH SUBDIVISION" to Clearwater, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows:

Lots 1, 2 and 3, Block A, Garth Subdivision to Clearwater, Sedgwick County, Kansas.

All Public easements and dedications being vacated by virtue of K.S.A. 12-512(b).

Date: _____ Savoy Company, P.A.

Mark A. Savoy PS #788 Surveyor

Know all men by these presents that we, the undersigned, have caused the land described in the surveyors certificate to be platted into Lots and a Block to be known as "REPLAT OF GARTH SUBDIVISION" to Clearwater Sedgwick County, Kansas. The utility easement is hereby granted as indicated for the construction and maintenance of all public utilities.

Ronald G. Higgins Rosalie D. Higgins

Ronald G. Higgins DDS, P.A., Employees Pension Fund

by _____
Ronald G. Higgins

Ino Scapa Trust

by _____, Trustee

Elda Yvonne Coon

Elda Yvonne Coon

SRP LLC

by _____, Managing Member
Gail A. Schafer

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this _____ day of _____ 2016, by Ronald G. Higgins and Rosalie D. Higgins, husband and wife.

My App't. Exp _____ Notary Public

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this _____ day of _____ 2016, by Ronald G. Higgins, on behalf of the Ronald G. Higgins DDS, P.A., Employees Pension Fund.

My App't. Exp _____ Notary Public

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this _____ day of _____ 2016, by _____, Trustee of the Ino Scapa Trust on behalf of the Trust.

My App't. Exp _____ Notary Public

State of Kansas) SS
Sedgwick County)

This plat of "REPLAT OF GARTH SUBDIVISION" to Clearwater, Sedgwick County, Kansas, was approved by the Clearwater City Planning Commission on this _____ day of _____, 20____ and was recommended for approval by the City Council of Clearwater, Kansas.

Clearwater Planning Commission

Chairman

Secretary

State of Kansas) SS
Sedgwick County)

This plat approved and all dedications shown on this plat, if any, are hereby accepted by the City Council of the City of Clearwater, Kansas, this day _____ of _____, 20____.

Mayor

Burt Ussery

City Clerk

Courtney Meyer

State of Kansas) SS
Sedgwick County)

Approved this _____ day of _____ 2016.

City Attorney for the City of Clearwater, Kansas.

City Attorney

Austin Parker

Reviewed in accordance with K.S.A. 58-2005 on this _____ day of _____, 2016.

Deputy County Surveyor
Sedgwick County, Kansas

Tricia L. Robello, L.S. #1246

Entered on transfer record this _____ day of _____, 2016.

County Clerk

Kelly B. Arnold

State of Kansas) SS
Sedgwick County)

This is to certify that this plat has been filed for record in the office of the Register of Deeds, this _____ day of _____, 2016, at _____ o'clock _____ M: and is duly recorded.

Register of Deeds

Tonya Buckingham

Deputy

Judy J. Pagent

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this _____ day of _____ 2016, by Elda Yvonne Coon, a single person.

My App't. Exp _____ Notary Public

State of Kansas) SS
Sedgwick County)

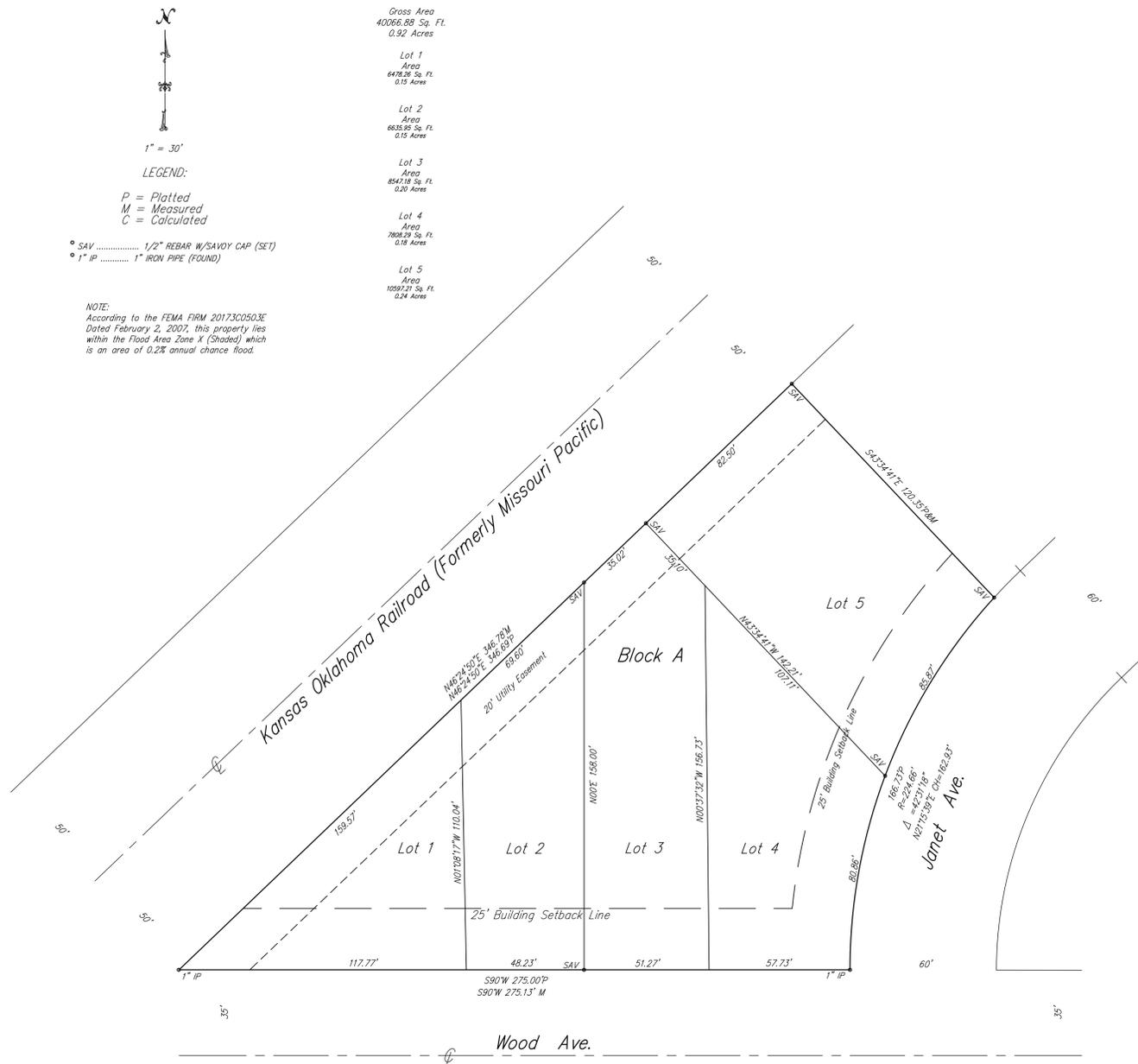
The foregoing instrument acknowledged before me, this _____ day of _____ 2016, by Gail A. Schafer, Managing Member, of SRP LLC, on behalf of the Company.

My App't. Exp _____ Notary Public

Final Plat

REPLAT OF GARTH SUBDIVISION

to Clearwater, Sedgwick County, Kansas



Final Plat GARTH SUBDIVISION to Clearwater, Sedgwick County, Kansas

State of Kansas) SS
Sedgwick County)

We, Savoy Company, P.A., Surveyors in aforesaid county and state do hereby certify that, under the supervision of the undersigned, we have surveyed and platted "GARTH SUBDIVISION" to Clearwater, Sedgwick County, Kansas and that the accompanying plat is a true and correct exhibit of the property surveyed, described as follows:

Lot 1, Windsor Square Addition Clearwater, Sedgwick County, Kansas.

All Public easements and dedications being vacated by virtue of K.S.A. 12-512(b).

Date: 1 Oct 2013 Savoy Company, P.A.
Mark A. Savoy PS #788 Surveyor

Know all men by these presents that we, the undersigned, have caused the land described in the surveyors certificate to be platted into Lots and a Block to be known as "GARTH SUBDIVISION" to Clearwater, Sedgwick County, Kansas. The utility easement is hereby granted as indicated for the construction and maintenance of all public utilities.

Ronald G. Higgins Rosalie D. Higgins
Ronald G. Higgins
Rosalie D. Higgins

Ino Scapa Trust

by Ronald G. Higgins, Trustee

Ronald G. Higgins DDS, P.A., Employees Pension Fund

by Ronald G. Higgins

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this 20th day of December 2013, by Ronald G. Higgins, on behalf of the Ronald G. Higgins DDS, P.A., Employees Pension Fund.

My App't. Exp 10-1-15
Beverly J. Johnson Notary Public

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this 20th day of December 2013, by Ronald G. Higgins and Rosalie D. Higgins, husband and wife.

My App't. Exp 10-1-15
Beverly J. Johnson Notary Public

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this 20th day of December 2013, by Ronald G. Higgins, Trustee of the Ino Scapa Trust on behalf of the Trust.

My App't. Exp 10-1-15
Beverly J. Johnson Notary Public

Elda Yvonne Coon

Elda Yvonne Coon

Elda Yvonne Coon

SRP LLC

by Janice S. Sapp Managing Member

State of Kansas) SS
Sedgwick County)

This plat of "GARTH SUBDIVISION" to Clearwater, Sedgwick County, Kansas, was approved by the Clearwater City Planning Commission on this 18th day of October, 2011 and was recommended for approval by the City Council of Clearwater, Kansas.

Clearwater Planning Commission



Ryan Shackelford Chairman

Barbara Salinas Secretary

State of Kansas) SS
Sedgwick County)

This plat approved and all dedications shown on this plat, if any, are hereby accepted by the City Council of the City of Clearwater, Kansas, this day 18th of October, 2011.



Mike York Mayor

Barbara Salinas City Clerk

Reviewed in accordance with K.S.A. 58-2005 on this 6th day of September 2014

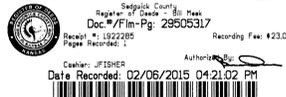


Michelle Robello, L.S. #1246 Deputy County Surveyor
Sedgwick County, Kansas

Entered on transfer record this 6th day of February 2015



Kelly B. Arnold County Clerk



State of Kansas) SS
Sedgwick County)

This is to certify that this plat has been filed for record in the office of the Register of Deeds, this 06th day of Feb, 2014, at 4:55:00 clock P.M. and is duly recorded.

Bill Meek Register of Deeds

Tonya Buckingham Deputy

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this 11th day of December 2014, by Elda Yvonne Coon, a single person.

My App't. Exp 10-14-2017
Alicia M. Fisher Notary Public



We, the undersigned, holders of a mortgage on the above described property do hereby consent to this plat of "GARTH SUBDIVISION" to Clearwater, Sedgwick County, Kansas.

~~Saxon Mortgage, Inc. dba Saxon Home Mortgage, and assigned to Deutsche Bank Trust Company, Americas as Trustee~~

State of Kansas) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this day of 2013, by _____, President of Deutsche Bank Trust Company, Americas as Trustee

My App't. Exp _____ Notary Public

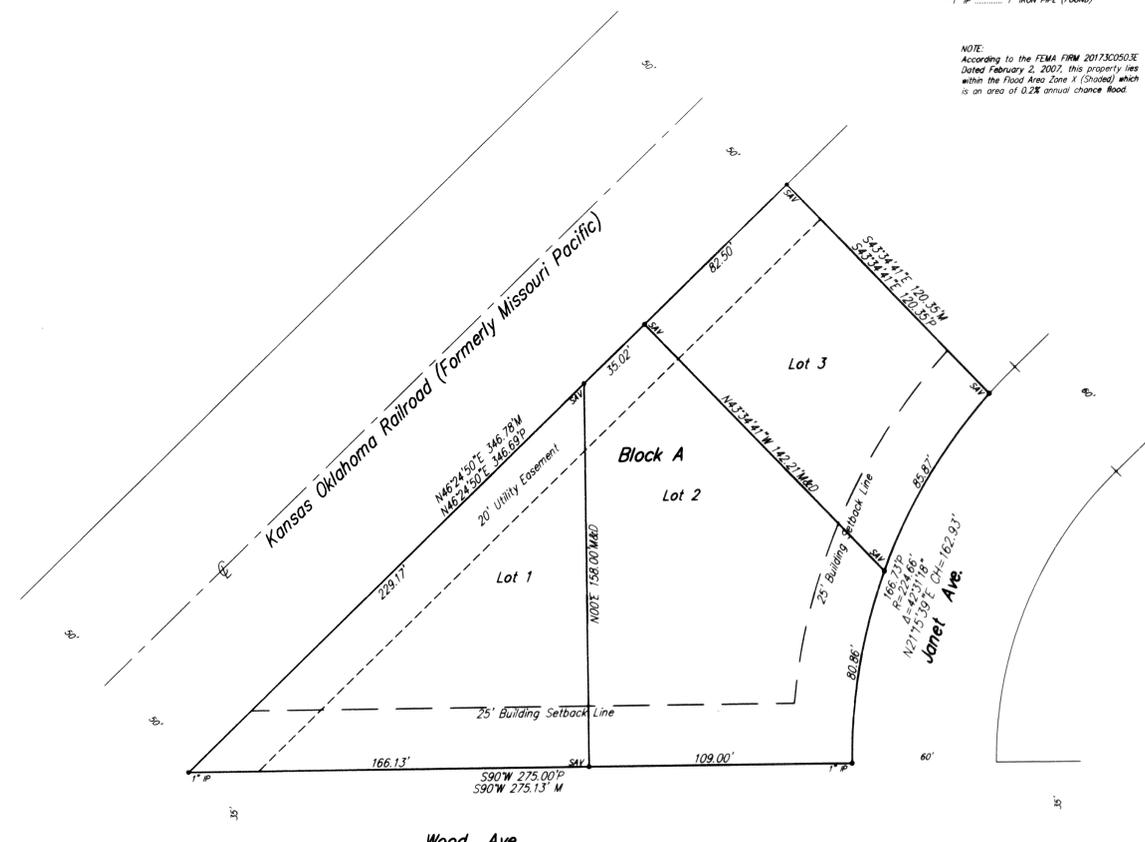
Gross Area
40068.88 Sq. Ft.
0.92 Acres
Lot 1
Area
13114.21 Sq. Ft.
0.30 Acres
Lot 2
Area
16355.47 Sq. Ft.
0.38 Acres
Lot 3
Area
10597.21 Sq. Ft.
0.24 Acres

1" = 30'

LEGEND:
P = Platted
M = Measured
C = Calculated

• SAV 1/2" REBAR W/SAVOY CAP (SE 1)
• 1" IP 1" IRON PIPE (FOUND)

NOTE:
According to the FEMA FIRM 201730050E dated February 2, 2007, this property lies within the Flood Area Zone X (Shaded) which is an area of 0.2% annual chance flood.



State of Kansas) SS
County of Sedgwick)

The foregoing instrument acknowledged before me, this 19th day of December 2014, by Eric H. Schreier, member of SRP LLC, on behalf of the Company.

My App't. Exp 10-14-2017
Alicia M. Fisher Notary Public



Savoy Company, P.A.
Land Surveyors
433 S. Hydraulic, Wichita, KS 67211-1911
PH (316) 268-0805
FAX (316) 268-0275
www.savoyco.com

Inches



This digital plat record accurately reproduces in all details the original plat filed with the Sedgwick County Register of Deeds. Digitized under the supervision of Register of Deeds Bill Meek by Sedgwick County Geographic Information Systems.

Bill Meek, Register of Deeds
Digitized rendition of original signature

Inches

Garth Addition



A



Geographic Information Services
 Division of Information & Operations
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 Thu Jul 14 09:52:40 GMT-0500 2016

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**City of Clearwater
City Council Meeting
July 26, 2016**

TO: Mayor and City Council
SUBJECT: Public Hearing - FY 2016 Amended Budget
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: A public hearing is required to amend the budget during the current fiscal year. The city has in the past amended their budget to increase expenditure authority within certain funds. Generally, budget amendments are only done for funds that are going to exceed their budget authority but do not require additional ad valorem taxes to support those expenditures.

Analysis: At this time it is anticipated that two funds, the Bond and Interest Fund and the City Building Fund will exceed the approved expenditure authority. The Bond and Interest Fund approved expenditure authority in 2016 was for \$438,799. The actual total amount needed to meet all obligations is \$460,285. The City Building Fund was slated for expenditures of \$116,000 when the budget was approved last year but additional cash carry over for road maintenance projects was not factored in. This request is to increase the budget authority to \$150,000.

Financial: There is a small fee for the publication for the budget page.

Legal Considerations: Review and Comment as Necessary.

Recommendations/Actions: It is recommended the City Council:

- 1) Approve the Amended Budget as Presented;
- 2) Approve the Amended Budget as Modified;
- 3) Not Approve the Amended Budget;
- 4) Table the Budget for Further Study;

**City of Clearwater
City Council Meeting
July 26, 2016**

TO: Mayor and City Council
SUBJECT: Public Hearing - FY 2017 Budget
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: Each year the City is required by state statute to adopt, publish, and conduct a public hearing for their budget on an annual basis. Staff and the City Council have prepared budgets for departments and work thru a budget for 2017. The Council approved notice for the Public Hearing to be held on July 26, 2016 at the June 28th meeting.

Analysis: The proposed budget for 2017 includes a 2 mill increase over 2016. From a rate of 54 to 56 mills. The budget includes approximately \$71,000 in transfers to equipment reserve funds as well as approximately \$275,000 in Capital Improvements. The FY 2017 Budget provides for an overall budget expenditure authority of \$4,291,034. Each mill will equal approximately \$14,945 and is expected to generate approximately \$836,920 in property taxes in 2017.

The proposed increase would result in an increase on a \$100,000 house from \$621.00 to \$644.00. For a \$150,000 house the resulting increase would be from \$931.00 to approximately \$966.00 per year.

Financial: There is a small fee for the publication for the budget page.

Legal Considerations: Review and Comment as Necessary.

Recommendations/Actions: It is recommended the City Council:

- 1) Approve the Budget as Presented;
- 2) Approve the Budget as Modified;
- 3) Not Approve the Budget;
- 4) Table the Budget for Further Study;

2017

CERTIFICATE

To the Clerk of Sedgwick County, State of Kansas

We, the undersigned, officers of

City of Clearwater

- certify that: (1) the hearing mentioned in the attached publication was held;
 (2) after the Budget Hearing this budget was duly approved and adopted as the maximum expenditure for the various funds for the year 2017; and
 (3) the Amount(s) of 2016 Ad Valorem Tax are within statutory limitations.

		2017 Adopted Budget			
		Page No.	Budget Authority for Expenditures	Amount of 2016 Ad Valorem Tax	County Clerk's Use Only
Table of Contents:					
Computation to Determine Limit 2017		2			
Allocation of MVT, RVT, and 16/20M Veh Tax		3			
Schedule of Transfers		4			
Statement of Indebtedness		5			
Statement of Lease-Purchases		6			
Computation to Determine State Library Grant		7			
Fund	K.S.A.				
General	12-101a	8	2,475,673	657,617	
Debt Service	10-113	9	570,785	78,229	
Library 204	12-1220	9	70,694	59,785	
Library Employee Benefits 202	12-16,102	10	14,226	11,724	
Employee Benefits 203	12-16,102	10	18,320		
City Capital Improvements 212	12-1736	11	116,000	21,751	
Special Liability 205	75-6110	11	8,180	7,863	
Special Highway 206		12	63,600		
Special Parks 209		12	57,212		
Senior Center 207		13	23,678		
EVS \$2 215		13	23,500		
Water 501		14	424,949		
Sewer 550		14	495,944		
Non-Budgeted Funds		15			
Totals		xxxxxx	4,362,761	836,970	
Resolution required? Notice of the vote to adopt required to be published?				No	County Clerk's Use Only
Budget Summary		16			
Neighborhood Revitalization					Nov 1, 2016 Total Assessed Valuation

Assisted by:

 Courtney Meyer

 City Clerk

 Address:

 129 E Ross

 Clearwater, KS

 Email:

 cmeyer@clearwaterks.org

Date Attested: _____ 2016

 County Clerk

 Governing Body

Historically, cities have used local sales tax options to fund a multitude of projects either for a specific purpose with a specified date to expire or for more general purposes with no expiration date. Based on data from the Kansas Department of Revenue, the city of Clearwater would have received between \$130,000 to \$140,000 a year from 2010 to 2014. Specific data from 2014 showed that the city would have received approximately \$171,000 if a 1% local sales tax was in place.

Process:

Before imposing a local sales tax, the governing body of the city must receive the approval of a majority of its voters. Cities may levy a local sales tax in five hundredth percent increments (0.05%). Cities are authorized to impose a maximum sales tax rate of 3 percent (2 percent general and 1 percent special)

Resolution:

The Governing Body is required to adopt a resolution that states the ballot question. Upon adoption of the resolution, the County is notified and the provision is placed on the ballot for the determined election or to be done thru a special election via mail.

Ballot Question:

The ballot question must be framed to ask voters to approve the tax for the purpose that it will be levied for. The need would be to determine whether the question:

- Will be general – a 1% sales tax dedicated to 25% general property tax relief / 75% capital improvements;
- Will be specific – a 1% sales tax dedicated to fund street and road repairs or new facilities at Chisholm Trail Sports Complex;
- Will be Open ended – no expiration date;
- Will have a sunset date – to expire in 5 years

The following are samples of a specific ballot question and a general measure:

Mulvane Specific Question:

“Shall the following be adopted?

Shall a retailers’ sales tax in the amount of one percent (1.0%) be levied in the City of Mulvane, Kansas for the special purpose of paying the cost of financing, site preparation, acquisition, construction, improvement, installation, furnishing, and equipping a new public library within the City, said tax to take effect on the 1st day of October, 2014, and expire on the 30th day of September, 2024 or such earlier date as all obligations incurred for said purpose shall have been paid in full?”

Goddard General Question:

“Shall the following be adopted?

Shall the City of Goddard, Kansas, be authorized to impose a one percent (1.0%) city-wide retailers’ sales tax, with (1) 75% of such tax applied to pay the costs of City capital improvements and infrastructure; and (2) 25% of such tax applied to the general property tax relief in the City; with collection of such sales tax to commence on January 1, 2015; all pursuant to the provisions of K.S.A. 12-187 et seq., and K.S.A. 10-101 et seq., as amended?”

Election:

The voters of Clearwater must approve any local sales tax at either a general, primary or special election. The next available election to approve a sales tax would be at the November General Election. Only a simple majority of voters is needed to approve the local sales tax.

If the ballot measure is approved; the city must notify the State. There must be approximately 45 days before the tax can take effect and it must start on the first day of a calendar quarter (January 1, April 1, July 1, October 1)

Based on past elections and reviewing both failed and approved local sales tax options on of the key components to getting a sales tax approved in community buy-in and feedback as well as educating the public on why the tax is beneficial. Following are a few notes on the aspect of community buy in as it might apply to Clearwater.

Determining the Use of the Tax;

- The General Property Tax Relief / Capital Improvements does work well as a question. Property Owners understand that the sales tax, while they are paying it, is also a way to capture revenue from outsiders to help pay for improvements in the City. Based on the 75/25 model the city would have had at its discretion:
 - \$128,531 – City Capital Improvement for 2016
 - All of New Park Improvements (\$40,000)
 - Drainage Improvements – Chisholm Ridge Sports Park (\$20,000)
 - ADA Improvements – (\$13,000)
 - City Park Sidewalk (\$30-50,000)
 - Future Year Projects
 - Street and Road Improvements
 - Sidewalks and Trails Thru Town
 - Drainage Improvements
 - Park Building and Facility Improvements
 - New Concession Stand at CTSC
 - Lights at CTSC
 - Irrigation at City Park
 - \$42,843 – General Property Tax Relief
 - Would equal 2.866 mills
 - Could be used to Reduce Mill Levy or Stabilize Future Increases
 - \$171,375 would cover the \$125,580 in reserves that are being budgeted for expenditure in 2017 plus an additional \$45,795.
- If a specific need is identified it must be a common good that will likely get voters to approve. Spaces such as pools, libraries, community centers, etc. have been successful in getting approved. Most often times these have a sunset date and use bonds to finance and the sales tax to pay off the bond. Some communities have specified road maintenance for sales taxes, these generally do not have sunset dates but are limited specifically to the use voted upon.

The following information was provided on local sales tax rates near Clearwater. Four cities, Haysville, Derby, Mulvane, and Goddard have implemented local sales taxes. Many cities have avoided city sales taxes because of the fact that Wichita does not impose a sales tax and often they feel that this would further hurt local business.

Sales Tax Rates within 30 miles of Clearwater, KS									
Zip Code	City	City Mill	County	Distance	Sales Tax Rates				
					State	County	City	Total	
Sedgwick County No City Sales Tax									
1	67026	CLEARWATER	54	SEDGWICK	0.00 miles	6.50%	1.00%	0.00%	7.50%
2	67149	VIOLA	23	SEDGWICK	6.61 miles	6.50%	1.00%	0.00%	7.50%
3	67120	PECK		SEDGWICK	7.81 miles	6.50%	1.00%	0.00%	7.50%
5	67227	WICHITA	33	SEDGWICK	8.50 miles	6.50%	1.00%	0.00%	7.50%
10	67050	GARDEN PLAIN	49	SEDGWICK	14.68 miles	6.50%	1.00%	0.00%	7.50%
13	67221	MCCONNELL AFB		SEDGWICK	15.44 miles	6.50%	1.00%	0.00%	7.50%
17	67025	CHENEY	61	SEDGWICK	17.74 miles	6.50%	1.00%	0.00%	7.50%
19	67001	ANDALE	42	SEDGWICK	19.55 miles	6.50%	1.00%	0.00%	7.50%
20	67101	MAIZE	43	SEDGWICK	19.75 miles	6.50%	1.00%	0.00%	7.50%
21	67030	COLWICH	48	SEDGWICK	20.04 miles	6.50%	1.00%	0.00%	7.50%
25	67067	KECHI	34	SEDGWICK	23.65 miles	6.50%	1.00%	0.00%	7.50%
26	67108	MOUNT HOPE	55	SEDGWICK	24.45 miles	6.50%	1.00%	0.00%	7.50%
27	67055	GREENWICH		SEDGWICK	25.11 miles	6.50%	1.00%	0.00%	7.50%
32	67016	BENTLEY	54	SEDGWICK	26.62 miles	6.50%	1.00%	0.00%	7.50%
33	67147	VALLEY CENTER	55	SEDGWICK	26.78 miles	6.50%	1.00%	0.00%	7.50%
Sedgwick County With City Sales Tax									
4	67060	HAYSVILLE	49	SEDGWICK	7.85 miles	6.50%	1.00%	1.00%	8.50%
7	67052	GODDARD	32	SEDGWICK	10.68 miles	6.50%	1.00%	1.00%	8.50%
12	67110	MULVANE	43	SEDGWICK	15.37 miles	6.50%	1.00%	0.50%	8.00%
14	67037	DERBY	47	SEDGWICK	15.61 miles	6.50%	1.00%	0.50%	8.00%
Sumner County With City Sales Tax									
6	67031	CONWAY SPRINGS		SUMNER	9.68 miles	6.50%	0.50%	1.00%	8.00%
8	67013	BELLE PLAINE		SUMNER	14.12 miles	6.50%	0.50%	1.00%	8.00%
11	67103	MAYFIELD		SUMNER	15.15 miles	6.50%	0.50%	0.50%	7.50%
15	67152	WELLINGTON		SUMNER	16.75 miles	6.50%	0.50%	2.00%	9.00%
16	67004	ARGONIA		SUMNER	17.73 miles	6.50%	0.50%	1.00%	8.00%
31	67119	OXFORD		SUMNER	26.34 miles	6.50%	0.50%	1.00%	8.00%
35	67022	CALDWELL		SUMNER	28.51 miles	6.50%	0.50%	1.00%	8.00%
Sumner County No City Sales Tax									
9	67106	MILTON		SUMNER	14.26 miles	6.50%	0.50%	0.00%	7.00%
18	67105	MILAN		SUMNER	18.72 miles	6.50%	0.50%	0.00%	7.00%
38	67140	SOUTH HAVEN		SUMNER	29.33 miles	6.50%	0.50%	0.00%	7.00%

Other Communities With City Sales Tax									
22	67146	UDALL		COWLEY	22.25 miles	6.50%	0.25%	1.00%	7.75%
28	67002	ANDOVER		BUTLER	25.33 miles	6.50%	0.25%	1.75%	8.50%
24	67133	ROSE HILL		BUTLER	23.13 miles	6.50%	0.25%	1.00%	7.75%
34	67039	DOUGLASS		BUTLER	27.65 miles	6.50%	0.25%	2.00%	8.75%
Other Communities No City Sales Tax									
29	67111	MURDOCK		KINGMAN	26.07 miles	6.50%	0.75%	0.00%	7.25%
30	67036	DANVILLE		HARPER	26.18 miles	6.50%	0.00%	0.00%	6.50%
36	67135	SEDGWICK		HARVEY	28.80 miles	6.50%	2.00%	0.00%	8.50%
37	67543	HAVEN		RENO	29.15 miles	6.50%	1.50%	0.00%	8.00%
23	67118	NORWICH		KINGMAN	22.47 miles	6.50%	0.75%	0.00%	7.25%
39	67049	FREEPORT		HARPER	29.63 miles	6.50%	0.00%	0.00%	6.50%
Average:						6.50%	0.77%	0.42%	7.69%

Source: Sale-Tax.com 10/1/2015 information

Sales Tax used to Subsidize Business Growth

General Concept:

City adds/increases the sales tax rate by X% and utilizes those funds by subsidizing current and future business in a financial manner that improves the quality of life in the community and aids in the overhead of the business to continue/start operations.

Eligibility Criteria Options:

1. Business must create a sales tax Y/N
2. Business must have X or more employees in addition to the owner(s)
3. Business annual revenues must exceed \$XX,XXX/year
4. Business must increase employees by X and maintain that during subsidy period
5. Business must be current on Sales Tax payments
6. Business must be in operation for the last X months/years
7. Business must be a member of the local Chamber of Commerce
8. Business must clock X hours of local community service
9. Business must maintain their property in "Fair" or better condition

How to Subsidize the Business Options:

1. Provide a per employee (over X employees) flat allotment
2. Credit city provided utilities up to \$X
3. Give back X% of Sales Tax revenue generated by the business
4. Approximately 55 businesses in Clearwater city limits
5. Approximately 634 people are employed in Clearwater city limits (includes city employees)
6. Average employees per business is 11.5

Financial Assumptions:

1. \$17,000,000+ in sales from businesses inside city limits of Clearwater in 2014
2. 1% Sales Tax = \$171,375/year
3. .5% Sales Tax = \$85,687/year
4. .42% Sales Tax = \$71,977/year
5. .25% Sales Tax = \$42,843/year
6. .19% Sales Tax = \$32,561/year

Average Sales Tax Rate within 30 mile radius of 67026 is: 7.69%

Average Sales Tax directly to city within 30 mile radius is: .42%

Clearwater Sales Tax now is 7.5% with 6.5% to State, 1% to County and 0% to City

Highest Sales Tax within 30 mile radius is 9.0% (Wellington)

Clearwater Business Incentive Scenarios

- A. Return 30% of the City Sales Tax revenue to the Business that generated it
Return 30% to City of Clearwater for beautification projects/quality of life improvements
Chamber of Commerce keeps 40% to subsidize overhead, programs, annual banquet, etc.

- B. Give \$50/employee back to the business to use for approved employee recognition programs.
Cost Estimate: 634 people x \$50 is \$31,700
Using the .42% Sales Tax brings in \$71,977 (Net \$40,277 to Chamber)

- C. Chamber keeps 100% of whatever Sales Tax to use at its discretion for:
 - a. Staffing/Overhead
 - b. Special Programs
 - c. Beautification Projects
 - d. Quality of Life Improvements
 - e. City Orientation Tours
 - f. Grant writing for local businesses
 - g. Annual Banquet