

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING

November 25, 2014
Clearwater City Hall – Council Chambers
129 E. Ross Avenue
Clearwater, KS 67026

CALL TO ORDER

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was called to order on Tuesday, November 25, 2014 at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

INVOCATION & PLEDGE OF ALLEGIANCE

Council Member Griffin gave the invocation which was followed by the pledge of allegiance and flag salute.

ROLL CALL

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

Mike York, Mayor; Jim Whitney, Chris Griffin, Laura Papish, Paul Clark, Burt Ussery, Council Members.

The following staff members were present:

Kent Brown, City Administrator; Carol Reitberger, Deputy City Clerk and Austin Parker, City Attorney. Others staff members present were: Gene Garcia, Police Chief; Donald Schauf, EMS Director; Pam Riggs, Senior Center Director, Marvin Schauf, Fire Chief.

REVIEW OF THE MINUTES

Council Member Ussery made a motion to approve of the minutes of the November 11th Council Meeting as written. Council Member Griffin seconded the motion and passed unanimously. 5-0

Mayor Recommendation

Mayor Mike York would bring forth the resignation of City Administrator Kent Brown with regrets. Mayor York stated that on his behalf and on behalf of this City Council and past City Councils, Administrator Brown has done a very outstanding job as City Administrator for the City of Clearwater.

PUBLIC FORUM

No one addressed the City Council at this time.

NEW BUSINESS

Proposal for Annual Spring Art Walk

Tricia Nichols stated she would ask local businesses to either remain open or re-open on the evening of the Art Walk. The business would host one or possibly two artists in

their business. By artist, Nichols means musical or visual. The musical artist would provide what they need in way of equipment, and visual artists would work with the host business to display their work. The host would provide free refreshment of their choice. This could be simple as cookies and coffee or there would be the possibility of wine being served in accordance with the state law.

Nichols has spoken with several artists and businesses already to see if there would be any interest. All were very interested. This event has the potential to bring many visitors to Clearwater. Nichols also stated that this event has the potential of introducing Clearwater residents to some businesses that they may not realize are here.

Nichols is considering a Friday or Saturday night in the spring from 7:00 p.m. to 11:00 p.m. in late March or early April.

Council Member Ussery asked if the drinking would be restricted and confined to the one business. Nichols stated that each business would be responsible for their refreshments and beverages of choice.

Nichols stated that there would not be any alcohol sales, just refreshment only purposes. City Attorney Parker stated he would look at the legal side of this and report back at the next meeting. Police Chief Garcia has also been informed and has given Nichols the appropriate forms to use for this event.

Council Consensus to approve this event.

Presentation on Request for Tax Credit/Tax Incentives

Shaun Weaver stated that during the Fall Festival he had questionnaires at his booth. The majority of the feedback that Weaver received was that majority of those polled thought incentives would increase the time line and allow the properties to sell faster with incentive.

Weaver explained to the Council that the incentives work like the Neighborhood Revitalization program. Weaver stated he like the term "Improvement Plan" better than the word "blighted" as the term is required to get the tax incentive going. Weaver stated the term blighted has no effect on the home owners insurance. Weaver believes the key to this working is simplicity and marketing. Weaver also stated that this plan should not exclude any type of upgrade to the community whether it is Industrial, Commercial or Residential and whether it is new construction or remodel.

Weaver stated the property owner would have to pull a building permit with a minimum of \$5,000 improvement with inspection done prior to the start of the project and after the project is completed. The property owner would then get a percentage of city property tax increase as a rebate for a set number of years and would be transferable to the new owner.

Weaver stated that this tax incentive would be offered to residents wanting to purchase property in Park Glen Estates, Chisholm Ridge and Indian Lakes. Prairie Meadows would also be included after the property is annexed into the city and the customer is

hooked up to city water.

Council Member Papish asked for an example of taxes on a house that is priced at \$100,000. Weaver stated most houses would not be less than \$150,000. The property tax on \$150,000 would be approximately \$1,800 so the tax would be divided into thirds, \$600 going to City, County and School District. City Administrator Brown stated that the City budget is based on 25% percent of the revenue comes from property taxes.

Council Member Ussery stated that the City would benefit from all homes being built in any of the developments stated and the City should drive towards development. Council member Ussery further stated he would like to see a spread sheet with some actual numbers that would tell the city what the actual incentive would be to folks wanting to build in any of these developments. Weaver stated he would work with Ussery to have a spreadsheet at the next meeting.

Proposal from League of Kansas Municipalities/League Executive/Administrative Person Search (LEAPS)

City Administrator Brown stated to the Council he has been in contact with the League of Municipalities and they assist in recruitment for Administrative Personnel. Brown had a handout with a standard proposal but could be modified to what the City is looking for in a new Administrator.

Council Member Ussery asked if the City was to receive an independent application would it be turned over to the league for consideration. City Administrator Brown stated yes.

City Administrator Brown stated the total cost for the League services is \$3650.01 plus the advertising costs. The cost of the interim City Administrator is a separate cost to the City of Clearwater.

Council Member Ussery would like to the time table pushed back a little because December 9th is too soon to make a decision. Mayor Mike York asked if the League could have a representative at the December 9th meeting to give information on the interim Administrator and then move forward in the hiring process of a permanent Administrator.

Council Member Papish made a motion to authorize staff to contact LEAPS for a contract at the December 9th City Council meeting. Council Member Ussery seconded the motion and passed unanimously. 5-0

Proposal for Community Fire and EMS Study

City Administrator Brown stated at a previous Council meeting one proposal was presented and this is a second proposal from Wichita State University for the Council to consider. Council Member Papish stated she wished she would have had the other proposal in her Council book to compare costs and proposals. City Administrator Brown stated the other proposal was about twice as much. Council Member Ussery stated to the Council that he thinks the new City Administrator may want some input to this

proposal. Ussery further stated that maybe this study should be placed on hold for another 6 months or until the new City Administrator is hired. Council Member Whitney stated the issues with the Emergency services keep going on day after day and the longer the Council waits the longer before anything can be done. Whitney further stated that is longer for the emergency personnel to be frustrated as well. Council Member Whitney stated that a new City Administrator is not going to come into the city and make a big decision regarding the Fire and Ambulance Departments in the first year. EMS Director stated that he also would like a decision made quicker since no one knows what will happen in the next year.

City Administrator Brown stated the first proposal was for \$24,600 and the second proposal is for \$12,650. Administrator Brown further stated this could be done in the budget year of 2015 and then the outcome of the study would be ready to implement before 2016 budget process. Council consensus was to have both proposals for review at the next meeting.

Ordinance to Adjust Dates on Fireworks

City Attorney Parker presented a draft ordinance to the Council. The draft Ordinance states the sale of fireworks can be permitted on the days of July 1st and 2nd between the hours of ten a.m. to ten p.m. and July 3rd and 4th between the hours of ten a.m. and midnight. The use and discharge shall only be permitted on July 1st and 2nd between the hours of ten a.m. and ten p.m. and July 3rd and 4th between ten a.m. and midnight. Parker stated there is no mention of July 5th in this document but could be added if directed by Council.

Council had discussion on this issue.

Council Member Ussery made a motion to approve Ordinance 991 stating that sales and use of fireworks can begin on July 2nd and continue through July 3rd and July 4th. Council Member Griffin seconded the motion and passed. The Ordinance will also read if the 5th of July is a Saturday use of fireworks will be allowed. If inclement weather prevented the public display of fireworks on July 4th, the mayor in his discretion may notify members of the public that the dates set forth shall be extended to July 5th.

Roll call vote Papish, yea; Whitney, yea; Clark, no; Ussery, yea; Griffin, yea.

Amended Agreement on Cell Tower Lease Extension

City Attorney Parker stated a new draft of the cell tower lease extension was sent to his office for City Council approval. There are a few small changes but the agreement still calls for an extended contract for 40 years.

Council Member Whitney pointed out some dates that are incorrect in the contract. Council discussed the contract.

Council Member Whitney made a motion to accept the cell tower lease contract. Council Member Griffin seconded the motion. All Council members stated no. Motion declined.

Request on Office Equipment

Police Chief Garcia stated to the Council that after the carpet was installed in the Police Department they realized the desks were old and in poor condition. Garcia would like to purchase a reception desk and a cubicle desk from Southern Kansas Telephone.

Council consensus approved Chief Garcia to purchase the desks.

Police Chief Gene Garcia

Police Chief Gene Garcia stated he has money left from the sale of an old police car and he would like to purchase two speed control radar signs. A company is selling two gently used ones for \$600. Garcia is also looking at a radio base unit programmed and ready for use in the police station for \$735.90. Garcia stated he has the money for that in the 2014 budget.

Council consensus to purchase the two speed control radar signs.

Council Member Ussery made a motion to authorize Police Chief Garcia to buy the radio base unit for \$735.90. Council Member Clark seconded the motion and passed unanimously. 5-0

Senior Center Director

Senior Center Director Pamela Riggs handed out notes to Council from the Senior Center Conference she went to in Wichita on October 30, 2014. Riggs stated the seniors in today's world are from the GI Generation and Baby Boomers. Riggs had a list from the conference with different statistics for both. One of the things she will be working on at the Clearwater Senior Center is a short "Mission Statement" that everyone can remember and say off the top of their heads.

Riggs stated the Senior Center was built in 2007 and has not been painted since that time. Riggs has 3 bids for inside Senior Center painting and will use donation money to pay for the costs.

EMS Director Donald Schauf

EMS Director Donald Schauf stated the fire station has been there since 1999 and he is taking care of painting on his own. The Clearwater Fire Department assisted with a house fire east of town.

Council Member Whitney asked about the warranty on the ambulance. Schauf responded that an extended 5 year warranty was purchased. Schauf stated there is a warranty fix that has happened on Sedgwick County ambulances at 23,000 miles so he is watching for that when the ambulance gets close to that mileage.

Claims & Warrants

Deputy City Clerk Carol Reitberger presented the claims and warrants as of November 25, 2014 in the amount of \$82,788.80.

Council Member Papish made a motion to authorize the payment of all Claims and

Warrants in the amount of \$82,788.80. Council Member Ussery seconded the motion and passed unanimously. 5-0

Old Business

City Administrator Brown stated that he did not get the Old Business sheet in the notebooks this Council meeting.

Council Member Papish would like to have the ADA recommendations on the Old Business so someone is responsible for those tasks and can report back to Council.

Staff Reports

Deputy City Clerk Reitberger had nothing to report.

City Attorney Parker referred to an internal memorandum that stated the restrictive covenants within Chisholm Ridge Addition. Parker further stated the 37 lots within the Chisholm Ridge Addition were filed with the Sedgwick County Register of Deeds Office.

Notice of Hearing for 2014 Budget Amendment

City Administrator Kent Brown stated there is a notice of Budget Hearing that will be published in the Times Sentinel. The Budget Amendment document is something that is done every year. The Notice allows the library to move a small dollar amount to the employee benefits and to use the money in Special Parks account on the Sports Complex softball field and the City Park project. The line item in the General fund is for the purchasing of the lots in Chisholm Ridge. The hearing has been set for December 23rd at the Council meeting. This document will be published in the Times Sentinel.

Council Member Whitney made a motion to direct staff to publish the notice of the budget amendment as presented. Council member Paul Clark seconded the motion and passed unanimously. 5-0

Staff Reports (continued)

Administrator Brown went to Sedgwick County office and clarified the language on the 4th Street project specifically the Tracy and Ross intersection portion. The City will be responsible for one half of the \$96,000.

City Administrator Brown stated the Holiday Dinner for City Employees has been scheduled for Sunday December 7th at 6:00 p.m. at the Middle School. Council Member Ussery would like to have Department Heads stand up and introduce their employees and recognize any significant event within that department.

City Administrator Brown stated that the City Engineer has advised him of a change in the 4th Street project. The Engineer states the pipe is too small that goes south on Fourth Street by the circle drive at the CIC building.

Police Chief let the Council know that the railroad will be closing the Grant Street railroad crossing on Wednesday November 26th and will be closed for a couple of days. The railroad will be working on the railroad tracks on 4th Street within a few weeks.

Council Member Papish made a motion to pay the Clearwater Area Membership for the City of Clearwater in the amount of \$100.00. Council Member Ussery seconded the motion and passed unanimously. 5-0

Council Reports

Council Member Griffin asked if the Park Board could put extra lighting in the City Park as part of the new plans.

Council Member Whitney asked City Administrator Brown to pass on to Public Works Director Misak to fix the pot hole at Park and Byers.

Council Member Clark had nothing to report.

Council Member Ussery asked if the alcohol serving age was 18 or 21. After verification from Police Chief Garcia it was stated the age is 21.

Council Member Papish had nothing to report.

Mayor York had nothing to report.

Executive Session for Personnel Issues of Non-Elected Personnel

At 10:00 p.m. Council Member Ussery made a motion to adjourn into executive session for 20 minutes for Attorney Client Privilege. Council Member Whitney seconded the motion and passed unanimously. 5-0

At 10:20 p.m. Council came out of executive session with no action taken.

Mayor Mike York asked about Mize's gift cards for the employees. Council consensus to get gift cards for the staff as in previous years.

Deputy Clerk Reitberger

Council Member Whitney made a motion to authorize City Administrator Brown to give Deputy City Clerk Reitberger compensation for extra duties. Council Member Clark seconded the motion and passed unanimously.

Adjournment

With no further discussion to come before the Council, Council Member Griffin moved for adjournment. The motion was seconded by Council Member Whitney 5-0.

The Meeting adjourned at 10:22 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Carol Reitberger, Deputy 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 November 25, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of December, 2014.

Carol Reitberger, Deputy City Clerk