

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
August 25, 2015
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

Call to Order

Mayor Burt Ussery called the meeting to order at 6:30 p.m.

Invocation and Flag Salute

Mayor Ussery gave the invocation which was followed by the pledge of allegiance and flag salute.

Roll Call

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

Mayor Burt Ussery, Laura Papish, Austin Wood, Ron Marsh, Paul Clark, were all present.

Councilmember Chris Griffin was absent. (arrived for roll call)

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Austin Parker, City Attorney; Jason Gearhardt, Interim Police Chief, Ernie Misak, Public Works Director.

Others Present:

Samaria Moore, resident; Paul Rhodes, Times Sentinel News.

Approval of the Agenda

Givens stated that there will be no Ordinance 1002 for agenda item number 11.

Motion: *Marsh* moved, *Clark* seconded to accept the August 25, 2015 agenda.
Voted and passed unanimously.

Public Forum

Mayor Ussery stated that nobody approached the podium however he had resident email him and Mayor Ussery read the email at this time.

Mr. Stearns commented he liked the new format of the City Council Meeting packets on the website. The new format allows people with busy schedules who aren't able to attend regularly; the opportunity to review what is going on in our community and provide input to the city council prior to the bi-monthly meeting.

He wanted to express his concern as a resident of Clearwater related specifically to the Chisholm Ridge Lots the city owns. The meeting notes reference an opportunity presented by the KHRC for a grant assisting moderate income individuals with home

purchasing or builder subsidies. He is in agreement with Given's comments on directing staff on an appropriate course of action, but he feels it is more than just the staff that need addressed it is the residents of Clearwater who need a better understanding of how this will impact them. He also is in agreement with councilman Griffin who stated "he would not want to do anything that would drop home value that are in Chisholm Ridge by building the grant home". He sees no benefits except to a developer getting people to pay for his project. He does not agree on going forward with this project, or the city accepting bids from developers that will receive any grant monies from the KHRC to fund this development for our city. The city should not be in the development business or take any of the risks associated with it. The council needs to be good stewards with our tax dollars.

Another concern he brought up, is related to the recent hail storm we had in Clearwater and the roofing companies that are going door to door non-stop for appraisals. He just wanted to make sure the residents of Clearwater have an understanding of best practices and how the City can help steer them away from potential scammers and to encourage a stronger police presence in the community while all the roof repairs are ongoing.

Councilman Griffin arrived at 6:36.

Consent Agenda

Griffin stated in the minutes from 8/11 on page 7 on the council reports is was actually the Nazarene steeple not the Methodist steeple that was being replaced.

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

Consider a Resolution concerning Property Taxation Policy with Respect to Financing the Annual Budget

Administrator Givens stated when the Kansas State Legislature adopted its most current property tax legislation in June of 2015 a portion of the bill required cities to adopt a resolution authorizing any tax increase over the adjusted consumer price index. The resolution that is being presented was drafted by the State of Kansas so that cities can be compliant with the new legislation. The form was provided to the city by the Sedgwick County's Clerk Office.

Motion: *Wood* moved, *Clark* seconded to adopt Resolution 12-2015. Voted and passed unanimously.

Authorize the Mayor to Enter into an Agreement with Klausmeyer Dairy Farm tours, LLC

Givens mentioned for the last five years the city has leased bleachers to Klausmeyer Dairy Farms for their annual Pumpkin Patch. Klausmeyer has once again requested that the city provide for the lease of the bleachers.

The agreement between Klausmeyer and the city provides for the lease of bleachers to be delivered on October 1, 2015 and running thru November 1, 2015, with options for

an extension. The agreement includes delivery and pick up from city staff of the bleachers. It also specifies an amount (\$500,000.00) of Liability Insurance required to be carried by Klausmeyer and holds them responsible for any damages to the bleachers.

Motion: *Griffin* moved, *Papish* seconded to authorize to the mayor to sign an agreement with Klausmeyer Dairy Farm Tours, LLC. Voted and passed unanimously.

Authorize the Mayor to Enter Into an Inter Local Agreement with USD 264 for the School Resource Officer

Griffin addressed the council and said the City informed the School District in writing on July 1, 2015 that it fully intended to continue the School Resource Officer program and during budget preparations would be certain that a funding source would be keep intact for the program.

Staff submitted a draft agreement for review and comment by the district prior to their August meeting and following that review and discussed proposed changes with USD staff.

The district would like to have a stipulated amount inserted into the agreement as well as language that provides for our current situation where the SRO is not at the school full time do to current staffing levels.

The agreement spells out terms and conditions in which the SRO program would operate in Clearwater and allows for the continued shared funding of the position. The district reimbursed the city for 67.3 percent of the costs associated with the program including the salary and other benefits as well as some compensation for expenses such as gas and vehicle maintenance. The total compensation would not exceed \$33,000.00 for the 2015-2016 school year. This amount is actually less than the 2014-2015 amount.

Griffin stated he is excited to see the program move forward

Motion: *Griffin* moved, *Marsh* seconded to authorize the Mayor to enter into local agreement with USD 264 for the school resource officer. Voted and passed unanimously.

Adopt an Ordinance #1001 Amending Certain Sections of the Clearwater Municipal Code in Relationship to the Consumption of Alcohol on Public Property.

At the August 11, 2015 meeting, the Governing Body directed legal counsel to prepare the appropriate documents and ordinances to allow the consumption of alcohol on public property via temporary permits. The direction came after discussion of the Governing Body and subsequent approval of a temporary permit for a beer garden on Saturday evening of the Fall Festival.

Ordinance #1001 as prepared by the City Attorney amends Section 11.04.020 of the Clearwater Municipal Code and permits the consumption of alcohol on city property if a temporary permit has been granted or approved by the Governing Body and the State of Kansas. The ordinance as written continues the prohibition of consumption of alcohol

on public space or roadway at any other time than when and where a special event permit has been granted by the Governing Body.

Attorney Parker explained the Temporary Permit he developed can be filled out for specifics of the event and approved by council.

Papish mentioned the ordinance is specific to the basketball court

Wood asked if it would be better if it was for the park in general.

Ussery asked if the ordinance couldn't be for city property in general and the temporary permit could be used to define a specific place.

Parker agreed that it made more sense to word the ordinance that included city owned property under state statute and for the permit to designate the location as specified in the permit

Council asked that the Temporary Permit be modified and brought back to next meeting.

Motion: *Wood* moved, *Papish* seconded to adopt Ordinance 1001 with stated changes.

Clerk Meyer gave a roll call for the vote

Clark, yea; Papish, yea; Wood, yea; Marsh, yea; Griffin no.

Mayor Ussery stated that ordinance 1001 passed 4-1.

Adopt an Ordinance Amending Certain Sections of the Clearwater Municipal Code in Relationship to the Issuance of Temporary and Special Event Licenses for Alcoholic Consumption

Givens stated earlier that no ordinance will be adopted for this.

Parker further explained that there is a newer state statute that supersedes our ordinance therefore we do not need to adopt a new ordinance. When we go through our codification this will automatically be update.

Claims and Warrants

Meyer presented the claims and warrants in the amount of \$441,743.75 which included semi-annual bond payments in the amount of \$385,949.38 and asked Council if they had any questions.

Mayor Ussery called for an executive session for personnel matters and attorney-client privilege.

Motion: *Clark* moved, *Marsh* seconded to enter into executive session pursuant to non-elected personnel to discuss specific personnel matters that would be deemed privileged in attorney client relationship, to include the City Administrator and the City Attorney. The City Council will reconvene the open meeting in the City Council Chambers at 7:16pm

Mayor Ussery reconvened the meeting at 7:16 and stated there was no binding action taken in executive session

Motion: *Wood* moved, *Clark* seconded to pay the claims and warrants in the amount of \$441,743.75 plus the two settlement agreements. Voted and passed unanimously.

City Administrators Report Administration

- IT Kansas is having issues with the migration from 2003 to 2012 versions. The automatic tool is not working as effectively as they had anticipated. They are working on the issues and may have to manually transfer files from the old sever to the new one. The email exchange will be up and running by Monday August 31st.
- EMC adjusters will be out tomorrow to look at city owned building roofs. We will also be taking in the Honda and two police cruisers that were parked outside during the rain storm.
- Staff will be presenting a request to update the Solicitors license fee at the next meeting. Currently, we only charge a \$5.00 fee for a solicitor's license, which includes a current warrant check by PD and staff time to process the applications. This will be applicable to all door to door sales and solicitors.
- Staff will be meeting with 4 property owners on the 135th Street Project this week to secure the remaining easements. The city engineer is developing an exhibit to be filed with the easements to help ease some of the concerns with granting an easement that is written for more than what the property owner is granting.
- Bandit Signs – staff is seeking a recommendation for signs within the right of way. We are not sure what the protocol has been in the past and want to follow the direction of the council. They are illegal in the zoning. Should be pull them out or leave them?

Clark stated the Lyons club has always has their sign for the pancake fee.

Givens suggested pulling the sign ordinance for next meeting to review. Council agreed.

- All staff will have a monthly safety meeting next Tuesday. A safety committee has been formed and will work together to create a safety program for city staff. The committee includes staff members from Public Works, PD and Administration. This is something that KMIT highly recommends and could lead to a reduction in insurance premiums going forward.
- A bid award meeting will be held on Thursday at 2:00 pm for sewer, water and storm sewer for Park Glen Estates.
- Staff is researching a grant writing program and tool to assist in the application for grants for all departments.
- Information on the LKM Annual Conference follows this report. If you are interested in going let staff know and we can make arrangements.

Public Works

- Staff attended training on KDHE's revised Coliform Rule over the past week.
- Revised total Coliform Rule, (RTCR) effective date April 1, 2016 The RTCR establishes a maximum contaminant level (MCL) for E.coli and uses E.coli and total coliforms to initiate a "find and fix" approach to address fecal contamination that could enter into the distribution system. It requires public water systems (PWSs) to perform assessments to identify sanitary defects and subsequently take action to correct them.
- Staff will begin locating and preliminary planning for moving water services that will be affected by the 135th Street work.
- Staff will be mowing a lot this week and completed meter readings last week.

Parks and Recreation

- Today was the last day for High School swimming at the pool. It will be drained sometime this week.
- On Sunday, September 13th a ballet company will have a performance in the city park. That performance will start at 2:00 pm.
- Fall sports programs, flag football and volleyball begin this week and next respectively.
- The City Administrator will be meeting with the Park Board Advisory Chair this week to discuss future park plans.

Mayor Ussery wanted to make sure the grant for sidewalk the recreation commission were going to apply for was turned in on time.

Community Center

- Distributed commodities today with 7 families being served. PWs Staff picks up food in Wichita prior to the distribution days.

Library

- Preschool story time starts September 8th at 10:30 am.

Police

- Eight individuals for the Chief position were contacted for background information releases. Staff will have an outside agency perform background checks and review that information prior to initiating interview request next week.

Council discussed further on the solicitor's permit.

Mayor Ussery felt the city should be more diligent about making the community aware at this time which people have permits to go door to door. He suggested updating the website to have a list of them that are permitted to go door to door.

Givens wanted to state that there is a difference to knocking on doors and putting out fliers. If a person is putting flier on your door that does not require a permit. They only need a permit if they will be knocking on the door to speak to you.

Griffin asked if it was out of line to post a picture of what a permit looks like on the web so when residence ask to see if they know it is a legitimate permit.

Papish wanted to vocalize to not show the contractor what insurance will be paying you before you get a quote.

Ussery stated he wanted to do as much as we could do to help the community.

Givens stated that we will be bringing a revised ordinance for Council review to the next meeting.

Mayor Ussery asked attorney Parker if he had anything to discuss.

Parker stated that Givens called him to ask if he would pull out all personnel matters out of what he has charged the City so we could better determine what is being spent on normal day to day operations.

Mayor Ussery stated he asked Givens to look into attorney fees because the 2015 budget for city attorney will be exceeded. Ussery asked Parker if there is more clerical work that can be done on the city level and send to the attorney for review instead of the attorney spending time creating documents. Mayor Ussery asked Parker how we can be more efficient.

Parker stated that he came on after the budget was already set for 2015. When he spoke with former administrator he said there would be about 7 hours for meeting each month and 15 to 20 extra hours according to former City Attorney bills. Parker stated he has come down on his prices to accommodate the City for the budget that was already set.

Council Reports

Wood asked about the concrete slab in the park where the restroom used to be. He noticed the trip hazard has been removed but it was part of the phase I park improvements to have it completely removed.

Clark asked about the 2 houses on Byers and when are they are going to be mowed. Givens said they are trying to schedule them now

Marsh has nothing to report.

Griffin mentioned the alley at his house in washing out and there is quite a dip there. Would like it fixed.

Papish stated that there have been several people that have requested that the open area in the park stay open. Also wanted an update on the firework person and if he was ever reached to discuss our disappointment of the 4th's fireworks.

Givens stated no not yet, but he did infer to Fall Festival that the City would not be sponsoring fireworks this year for the festival.

Ussery said after the hail store there were lots of leaves that were knocked out of the trees and wondered if the street cleaner would be out to clean up the streets.

Public Works Director Misak he would have the street cleaner out when he had an opportunity.

Ussery also mentioned he would like to see the old business list so it stays fresh in everyone's mind. Also he wants staff to put together meetings for the community to talk about the sewer rate debt service fee that will start on their January bills. He also mentioned we were to have an emergency preparedness meeting in August that never happened. He asked Givens to stay on top of that.

Adjournment

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

MOTION: *Griffin* moved, *Clark* seconded to adjourn the meeting. Voted and passed unanimously

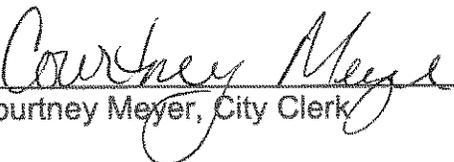
The Meeting adjourned at 8:21 p.m.

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 August 11, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 25th day of August, 2015.



Courtney Meyer, City Clerk