

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
April 12, 2016
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order

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

2. Invocation and Flag Salute

Mayor Ussery 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:

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

Chris Griffin was absent.

The following staff members were present:

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

Others Present:

Shaun Weaver, Park Glen Estates; Hannah Kaufman, Tyler Lincicome, Austin Marshall, Reed Marner, Alex Vulgamore, Ashlyn Fox, Cole Stieben, Ino Scapa.

4. Approval of the Agenda

Administrator Givens stated he would like to add an agenda item to authorize the City Administrator to hire temporary help.

Mayor Ussery called for a motion to approve the April 12th agenda with the modification.

Motion: *Wood* moved, *Papish* seconded to accept the April 12, 2016 agenda with the modification. Voted and passed unanimously.

5. Public Forum

None

6. Consent Agenda

Mayor Ussery 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. Authorize the mayor to Enter Into a Contract for the Rental of the Concession Stand at the City Park

Givens stated in April of 2015, the city approved an agreement with Kylie Cain to operate the concession stand at City Park. Ms. Cain has requested that contract be renewed again in 2016.

The contract is set on an annual basis and allows Cain to operate the concession stand at City Park. Under the lease agreement, the city receives \$250.00 per month from May thru September. The City continues to pay for utilities while the stand is open but the lessee is responsible to keep the interior and exterior in a neat and sanitary condition. The lessee is also considered to be an independent contractor and is not in any way considered to be a representative of the city.

Motion: Wood moved, Clark seconded to authorize the Mayor to enter into contract with Kylie Cain for the rental of the concession stand at the city park. Voted and passed unanimously.

8. Consider the Creation of a Building Incentives Program for Park Glen Estates

Givens addressed the council and stated that at the March 22, 2016 City Council Meeting, the Governing Body discussed builder and homebuyer incentives for new homes in Clearwater. At that time staff was directed to prepare an incentive program for homes in the Chisolm Ridge Addition. Further discussion included a program for incentives in the Park Glen Estates Addition. It was determined that, if requested by the developer the city would consider an incentive package for that development separately from incentives in Chisolm Ridge.

Following the March 22 meeting, staff and the Mayor were contacted by the developer, Shaun Weaver, requesting that development incentives be considered for the Park Glen Estates Development.

Mr. Weaver has requested that the Governing Body consider a comprehensive incentive program that would assist both homebuilders and homebuyers. Thru discussions with the developer a program was crafted for consideration. The incentive package proposed includes:

- 1) Reduction of Building Permits by 50%
- 2) Waiver of Water and Sewer Connection Fees
- 3) Construction Loan Defrayments
- 4) Direct Cash Incentive to Homebuyer
- 5) 5 Year Cash Incentives on City portion of Property Taxes

After discussion the council agreed to reduce building permits by 50%, waive the water and sewer connection fees, offer construction loan incentives on the interest at .4167% per month with a maximum of 9 months, direct cash incentives to the new home buyers in the amount of \$1500, and the 5 year cash incentives to home owners for 50% of the city portion of the property taxes.

Council directed staff to come back at next meeting with a resolution.

9. Adopt Resolution 4-2016 Creating a Building Incentives Program for Chisholm Ridge

Givens stated at the March 22, 2016 meeting staff presented the Governing Body with several options that municipalities have used to promote building and home buying. During that meeting, staff was directed to prepare a programs that would establish incentives for builders as well as the purchases or those homes.

Staff has prepared a program based on the direction of the Governing Body. This particular incentive program was designed to help stimulate home sales in the Chisolm Ridge Housing Development. The program consists of:

- 1) The Reduction of Building Permits for New Residential Construction;
- 2) Lot Transfer Fee Schedule for City Owned Lots;
- 3) Utility Connection Fee Abatements;

- 4) Builder Rebates;
- 5) Homebuyer Cash Incentives;

The City can by virtue of its agreement with the Metropolitan Building and Code Enforcement Department waive 50% of the building permit fees. These fees are generally paid when the building permit is pulled and split 50/50 with MABCD. The fees are based on 38 cents per square foot of finished space and 30 cents per square foot for unfinished space. The typical 1100 square foot home building permit would be approximately \$1200.00. The city would abate or waive its portion of the permit fee saving the builder approximately \$600.00. Additional savings for the builder would include the waiving of utility connection fees. Those fees are typically \$1,500 charged to the builder. The total savings for the builder for permit and utility fees would be approximately \$1,800.00.

Staff has also prepared a transfer fee schedule for each lot available in the Chisolm Ridge Addition. Previously, the city has tried to market the sale of these lots for \$10,000.00 but has yet to sell a lot. Based on the discussion at the previous meeting, staff has developed a fee transfer schedule that would pay off the existing specials for the property and rebate a portion of the lot transfer back to the builder. Initially, staff proposed transferring the lots for the costs of the existing specials, but some concerns about maintaining property values in this development as well as other developments were raised. By transferring the lots for the original \$10,000.00 property values should remain stable. Upon transfer, the city would use the proceeds to pay off the existing specials and rebate to the builder the difference in the \$10,000 and Special Assessment payoff. The Schedule is attached as Exhibit A. The average builder rebate would be approximately \$2,500.00.

The total builder incentive would be approximately \$4,300.00. Based on construction estimates of builder costs a builder would normally net approximately \$4,000.00 on a home in this area. With the builder incentives offered the city can help double that margin of profit for the builder.

Additionally, staff has included a Homebuyer Incentive Program. A purchaser of a new home in the development would receive a cash incentive of \$1,500.00. These payments would only be available for the first 10 home buyers in 2016. Additionally, the homebuyer will not be responsible for the payment of the existing special assessments. On average, this would save the homebuyer \$1,500.00 thru the next five years.

Currently, the City is paying the special assessments on lots in the Chisolm Ridge Development which total approximately \$35,000 per year. The reduction of lots that are owned by the city obviously reduces the amount the city would have to allocate to the payment of these specials. All other items are somewhat budget neutral. The only direct cost to the city would be the cost of materials for a new water meter and the \$1,500 homebuyer incentive. For 2016, the City would use reserve funds for the total possible expenditure of \$15,000. The cost for water meter assemblies (\$500.00) would be paid from the Water Department Operating Costs and would be recouped in approximately 2 years of water sales.

Council discussed and asked to change language on Section 3 Part 3 of Resolution 4-2016 to state "The minimum above grade livable square footage of a newly constructed home must be 1,000 square feet as determined and approved on the building permit application. It must include a front façade composed of at least 25% stone, brick or other masonry material.

Motion: *March* moved, *Wood* seconded to adopt Resolution 4-2016 with proposed changes. Voted and passed unanimously.

10. Partisan – Non Partisan Elections

The city is required, due to State Legislation to transition from April elections to November elections. This

transition has extended the terms of three council members; Clark, Griffin and Marsh from terms expiring in April of 2017 to January of 2018. Those members of the Governing Body that have terms expiring in 2019; Mayor Ussery, Papish and Wood, will serve until January of 2020. Additionally, the legislation that was approved by the state has allowed for cities to determine if they would like to have partisan or nonpartisan elections.

Traditionally, in Kansas, local municipal elections have been non-partisan. That is to say that candidates are not required to declare a specific party and no party affiliation is listed on the ballot. The change in legislation allows cities to determine if they would like to transition to partisan elections as we move from April to November elections in 2017.

Staff is seeking direction from the Governing Body so that an ordinance can be crafted that would reflect the will of the body. The city is required to adopt an ordinance to be compliant with the changes in state election laws.

Council unanimously agreed that Clearwater should stay with a Non-Partisan election.

11. Personnel Policy manual Update Review

Mayor Ussery stated that all council members have the proposed personnel manual in hand for them to review. He suggested taking time of the next two weeks to review it and direct any questions they may have to staff if they would like and come back to the following meeting with comments and suggestions.

12. Authorize the City Administrator to Hire Temporary Labor for the Clearwater Cemetery District

On March 31st, 2016, the Clearwater Cemetery Sexton resigned her position. At that time the Cemetery District approached the city about contracting for services that would provide maintenance and sexton duties for the district. The district also simultaneously ran an advertisement for the sexton position. At a meeting of the Cemetery Board, it was requested that the city provide the maintenance and sexton functions for a period of time to determine if it is in the best interest of each party to assume these duties on a long term basis.

The city currently provides some administrative back up for the cemetery, assisting patrons with general questions and lots sales during those times when the secretary is not available. Due to the vacancy, the Public Works employees are opening the cemetery in the morning while the duty officer is closing the cemetery in the evening.

Since, the beginning of April, Public Works staff has assumed the duties of mowing and other general maintenance at the four cemeteries as well as assisting with grave marking and the placement of headstones. The public works director estimates it would take approximately 65 hours of labor per week to maintain the cemetery during the spring, summer and fall. Staff is requesting authorization to hire two temporary workers to perform these duties in the interim.

Staff anticipates hiring the temporary positions at a rate of \$12.00 per hour with each approximately 32 hours per week. The financial impact to the city would be approximately \$5,000 which would be billed back to the Cemetery District.

Motion: Marsh moved, **Papish** seconded to authorize the City Administrator to hire temporary help for the cemetery district. Voted and passed unanimously.

13. Claims and Warrants

Meyer presented the claims and warrants in the amount of \$93,981.11.

Motion: Papish moved, **Marsh** seconded to pay the claims and warrants in the amount of \$93,981.11. Voted and passed unanimously.

14. City Administrators Report

- **Public Works**
 - Staff is continuing with mowing and other maintenance at the parks. We are waiting for a spray window to help with weed control but the wind has not been cooperating.
 - Staff repaired a water leak on Streamside last week that temporarily caused a service outage in the area. Some minor touch up work has been done this week.
 - All of the certified employees attended the Kansas Rural Water conference last week. The conference is an opportunity to get most of the required continuing education training that they need for Sewer and Water Operators Licenses
 - Received word on the 135th ST Work and other drainage work on Ross. The cost to the city will be approximately \$76,000. The contract was awarded to APAC of Kansas and no pre-construction date has been set yet.
- **Parks and Recreation**
 - Joint meeting is tomorrow at 6:30
 - Baseball/Softball is about to be in full swing. There will be 21 teams over several age and gender divisions. That is two more teams than last year.
 - Staff meet today will meet next week to complete the Sunflower Grant Application for sidewalks at the Sports Complex.
- **Library**
 - Had approximately 200 people thru the doors for the Art Walk.
 - Started an Adult Coloring Program last week
 - Will host Lego Club and Storytime this week
 - Hosted a Genealogy program this evening
- **Community Center**
 - All personnel is in place for the lunch program and the contract with the vendor is in place. The State has not given the final approval to date. As that is received we can begin service again.
 - Biscuits and Gravy will be this weekend with a time change from 8am to 11am. They will also be looking at changes in the menu to help boost attendance.
 - Will be distributing commodities on the last Tuesday of the month
 - Has scheduled a May 14th Identity Theft Program for the entire community to be hosted at the center.
- **Police**
 - Waiting on the last parts for the cruiser and it should be in service late next week or the week after.
 - Officer Adams continues his training at the Kansas Law Enforcement Training Center with good reports from the instructors. His graduation ceremony will be Friday, May 20th at 1:00 in Hutchinson.
 - All full time officers qualified last week at the Sedgwick County Gun Range at Lake Afton. The qualification used turning targets which was new for some of the officers.
- **Fire**
 - Staff did a debriefing with the Fire Chief after the structure fire at 16511 W 87th St. 14 firefighters responded on scene with two remaining at the fire station for support. Clearwater Fire responded with 6 vehicles and thru our mutual aid agreement Sed. Co. Fire responded with 5 vehicles as well as two from Viola. The building was fully engulfed in flames when crews responded. From time of call to arrival on scene was 12

minutes which is within the standards set by the NFPA. The structure was a total loss and the State Fire Marshall is investigating.

- Administration
 - The auditor has finished his work in Clearwater and will be providing a draft next week. Once complete a full report will be given to the Council. Staff has already started some of the minor suggestions such as yearly updates of payroll deductions and W-4's and K-4s.
 - The City Clerk attended a portion of the Rural Water Conference.
- The Planning Commission met last week and approved one variance for a garage that will be closer than the 15' side setback at 410 S First. The Commission tabled another variance request at 123 S Byers for a garage that would be bigger than the requested 900 square feet. That will be considered at the May meeting.
- City Wide Clean Up will be April 15th and 16th. On the 15th the hours are 8:00am to 4:00pm and on the 16th from 8:00am – 11:00am

Mayor Ussery wanted to confirm the joint meeting with the Recreation Department was still scheduled for tomorrow April 13th? Givens stated yes at 6:30 at City Hall.

Also council asked if staff can follow up with Kansas Fence to see if we have to use them for the ball diamond backstop repair after the season is over or can we go a different route since we have had problems with communication.

15. Executive Session

Mayor Ussery called for an executive session for 10 minutes for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship, to include the City Attorney, and the City Administrator. Meeting will reconvene in the City Council Chambers at 8:25PM

Motion: *Wood* moved, *Papish* seconded to recess into executive session for attorney-client privileges. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 8:25PM and stated there was no action taken.

16. Council Reports

Papish had nothing to report.

Clark had nothing to report.

Marsh noted he will not be at the next meeting.

Wood had nothing to report.

Ussery stated he has requested staff to add EMS and Fire calls to their monthly reports.

17. Adjournment

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

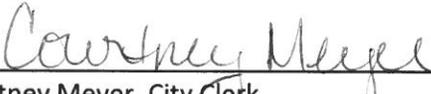
MOTION: *Marsh* moved, *Clark* seconded to adjourn the meeting. Voted and passed unanimously
The meeting adjourned at 8:40 p.m.

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 April 12, 2016 City Council meeting.

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



Courtney Meyer, City Clerk

