



City of Clearwater Council Meeting Notice

Tuesday, July 28, 2015 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 28, 2015 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 7/14 Council Meeting](#)

7. Update: Audit Presentation – FY 2014

Gary George, George, Bowerman and Noel

8. Action: Fall Festival Discussion – Action will be to direct staff

9. Update: Board of County Commissioners Action to Eliminate Cities Zoning Areas of Influence and Review Authority.

Justin Givens, City Administrator

10. Action: Claims and Warrants

11. City Administrator Report

Justin Givens, City Administrator

12. Council Reports

13. Executive Session

14. Adjournment

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 6:30 and 7:00 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.

TO: Mayor and Council
FROM: Justin Givens, City Administrator
SUBJECT: AGENDA NOTES
DATE: July 28, 2015

CONSENT AGENDA

Note: Council really only has a few hours per month to conduct city business. Therefore, I have introduced a "Consent Agenda" for items that are anticipated to draw no controversy or questions. The Council can then vote on all these Consent Agenda items with one motion. By eliminating time spent on simple items, Council can focus its energy on the matters that really need guidance and discourse.

However, if there is any item which any Councilmember or Mayor wishes to fully discuss instead, that item can be removed from the Consent Agenda and handled as a regular discussion item. The Consent Agenda does not foreclose further discussion if it is needed.

Item 6

- a. Review and Approve Minutes of the July 14, 2015 Regular City Council Meeting --
-----end of Consent Items

Item 7 Audit Presentation – Gary George, who prepared the 2014 audit, will be on hand to review his findings and report. No Agenda Report for this item.

Item 8 Staff and representatives from the Fall Festival Committee will provide an update on the 2015 Fall Festival.

Item 9 Staff will present an update on the Board of County Commissioners action to eliminate the Zoning Area of Influence for Clearwater and the Review Authority that it provides. Staff will ask that the City Council direct them in an appropriate course of action.

Item 10 All claims and warrants will be presented to the Governing Body at the meeting.

Item 11 A full City Administrators Report and Department Summary will be presented at the meeting.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES** July 14, 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:

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

Chris Griffin was absent.

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:

Paul Rhodes, Times Sentinel News; Tim Norton, Sedgwick County Commissioner; Lonnie Stieben, Art Gentry, Dennis Woods.

Approve Agenda

Givens stated he needed an executive session for attorney –client privilege for 30 minutes.

Motion: *Papish* moved, ***Clark*** seconded 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, and the city administrator. We will reconvene the open meeting in the city council chambers at 7:02p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 7:02 p.m. and stated there was no binding action taken in executive session.

Motion: *Wood* moved, ***Clark*** seconded to accept the July 14, 2015 agenda. Voted and passed unanimously.

Public Forum

None

Consent Agenda

Motion: *Marsh* moved, *Papish* seconded to approve the consent agenda with a change to who made the adjournment motion on July 20, 2015 minutes. Voted and passed unanimously.

Resolution 10-2015 authorizing the offering for sales of General Obligation Bonds, Series 2015-A and General Obligation Refunding Bonds, Series 2015B of the City of Clearwater

Givens reviewed with council that at the June 23, 2015 regular city council meeting, staff along with Kevin Cowan of Gilmore and Bell presented information on bond issuances for the 135th street project and the Sewer lagoon improvements as well as options for funding a previously issued series of bonds.

At the meeting several options for refinance savings were presented as well as options for repayment of the sewer lagoon portion of the bonds. All formal action was delayed until the July 14th meeting.

The resolution calls for the sale of general obligation bonds that will finance the city's portion of the 135th road project as well as several other miscellaneous road repairs within the City. Under the same umbrella, these bonds will be used to pay for sewer lagoon work that the city is required to do in order to comply with an Administrative Order from KDHE. A separate refunding bond will be offered and if the interest rate is favorable for the refinancing, these bonds will also be offered for sale.

The street portion of the bonds will be paid thru the general fund bond and interest revenue line totaling \$370,000.

The total amount for the lagoon project will be \$650,000. It is anticipated that these bonds will be paid thru revenue generated by a debt service fee charged to sewer utility customers over a 10 year period. The debt service fee for this bond will be approximately \$6.64. An additional \$8.43 will be required to secure payment of an existing sewer utility bond thru 2023 resulting in a \$15.07 charge per customer starting in 2016.

Additionally, the city will be offering for sale, General Obligation Refunding Bonds. These bonds will be approximately \$660,000 and will be offered for sale only if interest rates are favorable. The repayment of the bonds will be paid via the general Fund bond and interest mill levy.

Ussery asked during the bid process will the contractor have any indication of what funds have been approved.

Givens answered they could if they read the City's minutes or if the engineers reports are made available.

Marsh asked if the debt service fee is for a specific period of time.

Givens stated the debt service fee would only be in effect until the debt is paid, which is 10 years.

Givens turned the meeting over to John Haas of Ranson Financial Consultants to discuss further the refinancing of General Obligation Bond 2007.

Haas went through and explained the different types of savings options for the refunding bond. He pointed out to council that the most savings comes from the tail-end savings. Haas mentioned that Givens recommendations were the tail-end savings.

Ussery stated that when discussing this at the last council meeting the decision was postponed until today to see where the savings were needed. Going through budget for 2016 it was decided that up front savings were not necessary for the 2016 budget year.

Wood agreed that tail-end savings would be best.

Haas then moved to the street and lagoon project tables and stated that the bonds will be issued together but will be presented to the administration in separate tables to make sure the funding can be identified for each project.

Haas stated that the bonds would be rated and on July 27th the City of Clearwater will go through the ratings process in order for the bonds to be rated. The rating process will determine what type of interest rate the City will be able to get for the bond.

Haas asked if the Council had any questions. There were no questions from Council on the bonds.

Marsh asked Givens how confident he was that the City will be able to get the easements needed for the 135th street project.

Givens stated that his main focus will be to get the easements in the next 2 weeks. He believes there was confusion with the original letters that went out and he intends to go door to door and speak with people out the project. He is confident that once it is explained he will be able to obtain the easements.

Motion: *Wood* moved, *Clark* seconded to approve Resolution 10-2015 authorizing the offering for sales of General Obligation Bonds, Series 2015-A and general Obligation Refunding Bonds, Series 2015-B of the City of Clearwater. Voted and passed unanimously.

Audit Presentation

Gary George of George, Bowerman, and Noel was not present so this discussion was tabled.

Discussion of Sedgwick County Board of County Commissioners Action to Eliminate Cities Zoning Areas of Influence and Review Authority.

Givens explained that on June 10, 2015, the Sedgwick County Board of County Commissioners directed its staff to prepare and process an amendment to the Wichita-Sedgwick County Unified Zoning Code that would eliminate zoning areas of influence review authority for small cities.

This action was proposed once prior that Clearwater staff is aware of. In 2012, several members of the MAPC proposed reducing or eliminating the ZAOIs. At that time, many of the small cities within Sedgwick County met with the MAPC and voiced our displeasure with the action. At that time it was determined that the ZAOIs were wanted by the city and should remained unchanged.

The ZAOI's provide small cities with direct input to the county of land use just outside of the corporate limits (approx. 3 miles). Without such input, growth patterns and the extension of municipal services could become extremely costly. Additionally, concerns on non-conforming or non-compatible land uses could not be raised or objected to by the cities affect most.

If a project or development requires any action from the MAPC and Sed. Co. Commissioners, and is within a ZAOI of a small city, that city's Planning Commission shall hear and make a recommendation to the MAPC on the advisability of the project. If the City Planning Commission gives a negative recommendation to the MAPC, MAPC board must have a unanimous vote to overthrow the City's recommendation. If the MAPC approves the application the Sed. Co. Commissioners must approve the action by a super majority.

These actions, while infrequent do occur, and have protected small cities from negative development actions that are proposed within its growth pattern.

Staff attended the July 9, 2015 meeting of the Advanced Plans Subcommittee for the MAPC. A subset of the full MAPC, these Commissioners, were tasked with making a recommendation to the full MAPC. Multiple cities, including Clearwater spoke against the action. The consensus of that committee was that it appeared that the BOCC had initiated a process that may have been premature and that more discussion between the cities and county should take place before any formal action. It is to be determined what course of action the MAPC will take.

Tim Norton, Sedgwick County Commissioner, stated he voted against this change and his opinion is small cities must have a voice.

Ussery asked if enough cities give their input will the help change anything?

Norton stated he doesn't know if sending the letters will make a change. He thinks the reason for the change is mainly property rights of the individuals. He is not sure exactly what the reasons are for the change.

Givens presented a draft letter to the Metropolitan Planning Commission and asked Council to approve the letter for presentation at the July 23rd meeting. The letter is asking that MAPC table this discussion for now so we can have discussions and possibly bring proposed changes to a future meeting.

Motion: *Clark* moved, *Papish* seconded to send the letter to MAPC voicing the concerns of the City. Voted and passed unanimously.

2nd Quarter Financial Report

Meyer updated council first on the Aquatic Center. The numbers are down from last year as of June 30 but we have had a rainy season and the pool has been closed a few days so far. The sales are expected to pick back up for the remainder of the season.

The financials for the rest of the City are very close to target. The General Fund is slightly over due to paying the specials on the Chisholm Ridge lots the City owns and the Interim City Administrator that was hired through the first quarter and part of the second.

The park fund is at 98% but the park project was completed in the first half of the year and there are no more scheduled projects for the park.

The bi-annual street project will be conducted in the fall.

Water sales are down from what was expected. We believe it is due to the wet year we have had and expect the water usage to pick back up.

FY 2016 Budget

Givens stated that going through the budget process this year, the budget as presented, keep the mill levy the same, has a cash carryover, most budget requests for all the necessities for each department were included, and allows for the start of an equipment reserve fund for 2016.

Ussery asked if there were any questions or discussion about the budget.

Marsh asked if a time study was being done for the Pool Manager to see if the position was actually according to FSLA a non-exempt job.

Givens stated yes we were and we were also doing a time study in the public works department to see where their time is being spent.

Ussery asked about ADA improvement for around the lake and if we were able to get that into the budget.

Meyer stated we have budgeted for ADA improvements but do not have quotes for what it will take to do ADA improvements for the lake. If the quotes come in and it falls within the boundaries of what is budgeted then it will work. Givens also stated that we might be able to get a grant for it as well to help pay for it.

Motion: *Marsh* moved, *Wood* seconded to authorize publication of the budget and set the budget hearing for August 11, 2015 at 6:30p.m. Voted and passed unanimously.

Claims and Warrants

Meyer presented the claims and warrants in the amount of \$79,891.68 and asked Council if they had any questions.

Papish asked what type of lollipops did the fire department purchase.

Meyer stated they were the flat lollipops with the loop handle.

Motion: *Marsh* moved, *Clark* seconded to pay the claims and warrants in the amount of \$79,891.68. Voted and passed unanimously.

Tim Norton – Sedgwick County Commission

Commission Norton updated the council on a few things going on in the County.

1. The North section of 135th street looks great. The South end will be a little more difficult with the dip, but are trying to make it better. The project is due to be complete sometime in October before the harvest.
2. 95th street intersection will be done first thing in order to open that intersection back up.
3. The Judge Udall ranch was closed down because funding was lost from the state. However alternative programs are being developed that will cost less and be able to serve more kids.
4. The old IRS building was purchased and it is up the air how it will be utilized at this point.
5. The County is working on their budget and the approach they are looking at is a no debt policy. The county had 3 AAA ratings and to go to cash only will be very difficult to do project in the County. Commissioner Norton said he is against it. He said the recommended county budget will be set at the July 20th meeting.

City Administrators Report

Administration

- Fall Festival is fast approaching. A full update and agenda item will be on the July 28th meeting
- A full review of the personnel manual will begin this summer after the budget season. A third party review is also encouraged to ensure that the City is compliant with all applicable state and federal labor laws.
- Staff is accelerating its IT agreement with IT Kansas in light of server issues over the past several weeks. All staff with email will be able to have @clearwaterks.org addresses that will include community center, fire, ems, police, public works, council and administration. We will also have desktop support as well as the server upgrades that will provide stability and increased access to our system.
- Also 135th and 95th street intersection was officially closed on Monday. The contractor has 20 working days in which to open the intersection.

Public Works

- Staff is working on a leak at Garvey Grain.
- Staff will be mowing city lots and several lots for compliance to nuisance standards this week.
- Millings are being placed at the Emergency Services Building and Public Works facility.

Parks and Recreation

- Baseball and softball seasons are completed. Youth volleyball and flag football games will start after Labor Day.
- The Recreation commission is working with Wichita Ballet to see if they will be able to perform a ballet in the park in mid-September.
- The director will be on vacation until the 27th of July.

Police

- Sgt. Luckner is in the process of advanced Police Administration Training thru KLETC.
- Sgt. Luckner will be training staff on the new Taser and all staff will be qualified to use them.
- The hunter safety class was conducted over the weekend with 14 participants, which is down slightly from past years.
- The SRO is following up on the incident at the park and has made contact with parents and some of the children involved.
- Cameras are back up in the park. They were down due to the construction in the park

Community Center

- The 2016 Senior Center Grant has been submitted.
- The last commodities distribution was up. Staff worked with other groups to identify families in need and inform them of the program.
- The name of the commodities has been changed to Community Food Bank.

Ussery asked what the time frame was for the piles of millings out at the sports complex to be spread.

Misak answered that due to the sports, mowing, water line leaks, and gas company moving lines they have not been able to spread all the millings. Since the ball season is over they will be able to spread some over the parking areas. But will be able to move the rest when public works has a little more time. The millings will be used for parking areas, sports complex road, and alleyways.

Ussery asked council if they like the new format for the Administrator Report where he lists out what is being done or accomplished for each department or would like to hear from the department heads themselves?

Council agreed they liked the new format since not all department heads come to the meetings that it is nice to hear those updates.

Clark then asked if the aerators at the fishing ponds are be serviced by the city anymore.

Misak answered yes they are, but muskrats have ate the electric cords and when they did that the burnt up the motor. Public works has not been able to get over to the ponds to fix the problem yet but it is on the list.

Council Reports

Marsh stated the county had extra money and are able to complete an extra 200 feet of the 135th street project this year. This is an advantage for the coop so the section of 135th that will be done in 2016 will not affect the coop and harvest.

Clark wanted to point out two lawns that needed attention. One was on Wood and the 2nd was on Byers. Givens said letters have already been mailed to the property owners.

Papish wanted to state the fireworks display put on by the City was very poor.

- Ussery asked that the City send a letter to the company and state the display was not up to our expectations.
- Misak mentioned if we wanted to look at a different company in the future to speak with Mike Weakley since he used to put the show on for us

Wood had nothing to report

Ussery had nothing to report

Executive Session

Givens stated he needed an executive session for 7 minutes to discuss personnel matters and Parker needed an executive session for 5 minutes for attorney-client privilege.

Motion: *Papish* moved, *Marsh* seconded to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters and 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. We will reconvene the open meeting in the City Council Chambers at 8:43p.m. (12 minutes later). Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 8:43 p.m. and stated there was no binding action taken in executive session.

Motion: *Marsh* moved, *Papish* seconded to give City Clerk Meyer a 3% merit increase retroactive to 6/22/15 which was 6 months from her date of hire and to pay for costs to enroll Meyer in the WSU Mini-MPA program. Voted and passed unanimously.

Adjournment

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

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

The Meeting adjourned at 8:45 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 14, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 28th day of July, 2015.

Courtney Meyer, City Clerk

TO: Mayor and City Council

SUBJECT: Fall Festival Update

INITIATED BY: City Administrator

Background:

At their July 20, 2015 meeting, the Fall Festival Committee proposed a layout of events and activities that involve city streets, parks and other public lands.

Analysis:

This year's activities will have a similar set up to past years with the carnival being set up in the park, vendors located behind food vendors set up in the parking lot off of Ross. The craft show will be inside the Methodist Church this year. A petting zoo, laser tag and car smash will be located on or adjacent to school property on the south side of Ross. This year will also see the return of the car show that will be located in the 400 block of East Ross. The stage will be located just south of the concession stand. Events include a teen street dance on Friday night after the CHS football game and a concert on Saturday night.

The three on three basketball tournament will be moved to school property freeing up the basketball court for use. The Fall Festival Committee would like to propose that this area be used for a beer garden area. The hard surfaced area would be easily fenced and access inside the area can be limited to those over 21 years of age. A special event permit and waiver of municipal ordinances concerning the sale and consumption of Cereal Malt Beverages will be required to be granted by the city if a beer garden is desired.

Road Closures will include Ross west of 4th Street on Friday night and all day Saturday as well as the closure of 2nd, 3rd and 1st Avenues Friday night as well as all day Saturday. These road closures will be presented at a future council meeting for approval.

Financial: There are no financial considerations for this item.

Legal: Review and Comment as Necessary.

Recommendations/Actions: It is recommended the Governing Body:

Direct Staff in an appropriate manner.

Attachments: None

TO: Mayor and City Council

SUBJECT: Update on Sedgwick County Board of County Commissioners Action to Eliminate Zoning Area of Influence Review Authority for Small Cities

INITIATED BY: City Administrator

Background:

On June 10, 2015, the Sedgwick County Board of County Commissioners directed its staff to prepare and process an amendment to the Wichita-Sedgwick County Unified Zoning Code that would eliminate zoning areas of influence review authority for small cities.

This action was proposed once prior that Clearwater staff is aware of. In 2012, several members of the MAPC proposed reducing or eliminating the ZAOs. At that time, many of the small cities within Sedgwick County met with the MAPC and voiced our displeasure with the action. At that time it was determined that the ZAOs were wanted by the city and should remained unchanged.

At the July 14, 2015 meeting staff presented an update from the Advanced Plans Subcommittee meeting of the Metropolitan Area Planning Commission. At that time, the Governing Body approved a draft letter to be submitted to the MAPC at their July 23, 2015 meeting.

Analysis:

Staff, along with representatives from Maize, Mulvane, Derby, Haysville and other cities provided input and testimony to the MAPC at their meeting on July 23, 2015. The MAPC after a prolonged discussion agreed with the cities that a discussion of this action needed to be completed prior to making any recommendation to the Sedgwick County BoCC. The MAPC tabled any action on the matter until their September 17, 2015 meeting, at that time the MAPC will make a recommendation to the Sedgwick County BoCC. The MAPC has respectfully requested that each city either independently or collectively provide a recommendation to the on this action.

There have been several proposals; all suggested by Sed. Co. Staff, on changes to the Zones of Area of Influence. These proposals range from complete elimination of the ZOAI process to shrinking the boundaries of each city's ZOAI. Additional changes include changing the required unanimous vote to override a city Planning Commission and altering the process for review that would allow items to be presented to the MAPC prior to the city Planning Commission.

This item will be discussed at the next City Administrators Round Table Meeting on Thursday of next week. Additionally, a meeting of the SCAC may be convened so that member cities may have the opportunity to discuss any changes among themselves.

It would be staff's recommendation that the following options be explored:

1. Take No Action and Make No Changes;
2. Request that the BoCC remove County Zoning within a three mile area and allow the cities to exercise complete extra territorial zoning jurisdiction.

3. Realign ZAOs to Municipal Growth Boundaries and Service Areas
4. Move from a unanimous over ride to a super majority
5. Alter the process to allow proposed items to be reviewed by the MAPC prior to City Planning Commission review.

The discussions in the coming weeks will be instrumental in determining a recommendation to the MAPC and BoCC.

Financial: There are no financial considerations for this item.

Legal: Review and Comment as Necessary.

Recommendations/Actions: It is recommended the Governing Body:
Direct Staff in an appropriate manner.

Attachments: None