

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
July 8, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, July 8, 2014, at 6:30 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Jim Whitney, Paul G. Clark, Chris Griffin, Burt Ussery, Laura Papish, Council Members; Mayor Mike York was absent. The following staff members were present: Kent Brown, City Administrator; Carol Reitberger, Deputy City Clerk; Donald Schauf, EMS Director; Jason Gearhardt, Police Department; Paul Rhodes, Times Sentinel; Lee, Austin & Patricia Parker with Parker and Parker Law Firm, Roy, Cindy & Ross Pulliam, City Residents.

Council President Laura Papish called the meeting to order at 6:30 p.m. Council Member Griffin gave the invocation, which was followed by the Pledge of Allegiance. The Clerk called the roll to confirm the presence of a quorum.

Approval of the Minutes of the Regular Meeting of June 24, 2014

Council Member Ussery made a motion to approve the minutes of the June 24, 2014 City Council Meeting. The motion was seconded by Council Member Griffin and passed unanimously.

Mayor's Recommendations

Introduce City Attorney Candidates—Parker & Parker Law Firm

Administrator Kent Brown stated that a formal interview was held on Monday, July 7 with several city staff members and Council Members Clark and Ussery in attendance. Council Member Griffin was able to attend a portion of the interview. City Administrator Brown introduced Candidate Austin Parker from the Parker & Parker Law Firm. Mr. Parker stated that he enjoyed meeting city staff members and would be happy to represent the City of Clearwater.

Council President Papish stated she was sorry to miss the interview but was impressed with the resume that was provided to her.

Council Member Ussery stated that after the interview he was impressed with the firms approach and their proactive way of looking out for the City and their legal reaction. Ussery also stated the firm has a very extensive background.

Public Forum

No one came forward to address the Council.

NEW BUSINESS

Ordinance to Change Zoning Classification for 113 N. Tracy Avenue

City Administrator Kent Brown presented the recommendation by the Planning Commission from the hearing on July 1, 2014. The Planning Commission recommends changing the zoning

classification from I-1 to C-2 for the property located at 113 N. Tracy. Roy Pulliam stated he would build a garage with storage space to clean up his residential property at a different site. There was no way the garage could be built on N. Tracy with the current zoning of I-1 because of the size of the lot. Brown stated that the solution was to change the zoning to C-2 to allow the garage to be built. The Council discussed how this could affect future owners of the property and the neighbors in the area.

Council Member Whitney made a motion to approve Ordinance No. 986 changing the zoning classification at 113 N. Tracy from I-1 to C-2. Council Member Griffin seconded the motion. Roll call vote. Papish yea, Ussery yea, Griffin yea, Whitney yea, Clark yea. The motion was approved unanimously.

Tower Lease Extension Proposal

City Administrator Kent Brown stated to the Council that there is currently a lease in place for the City of Clearwater. This agreement would extend the current contract for 30 more years. This contract would increase the current lease payment to \$9,300 annually.

Council Member Whitney asked about the benefit to the company for the 30 year extension. Whitney stated he did not like binding future City Council members to a contract that was extended for so long.

City Attorney Linn stated that there is a clause that both parties can terminate the contract at any time with written notice.

After discussion, it was by Council consensus to table signing the agreement until legal counsel has been retained and could review the contract.

Request Regarding Farmer's Market Location on Behalf of Chamber of Commerce

City Administrator Kent Brown stated that City Staff had received a letter from the Chamber of Commerce requesting to relocate the Farmer's Market to City Park for the rest of 2014 Farmer's Market dates. The Chamber of Commerce stated the parking lot might draw more attendance on Saturday morning. The event will continue the third Saturday of the month from 8:00 a.m. to 12:00 p.m.

Council gave consensus to have the Farmer's Market at City Park for the rest of the 2014 season.

Consideration of an agreement between the City and the Clearwater Historical Society

City Administrator Brown stated that the agreement had an error in it with a Maintenance paragraph in the document twice. Administrator Brown would like to remove item 7 from the agreement.

Council President stated that she would like clarification on items 8 and 12 in the agreement. The item number 8 considers damages resulting from a loss to the property owned by the Society and number 12 refers to Historical Society utilities and the city's responsibility for payment.

City Attorney Linn stated that the item 8 is vague with regards to the damages resulting from a loss. Linn stated more time would be required to review the document in its entirety.

Council Member Clark made a motion to table signing this agreement until legal counsel could review the document and make appropriate changes. Council Member Ussery seconded the motion and the motion passed unanimously.

Review Museum Director Job Description

Council Member Ussery questioned whether the Historical Society Museum Director is a City employee or volunteer position. Council requested more information before approving this job description. The item was tabled until legal counsel could review the document.

Consideration of Sign Quote

City Administrator Kent Brown stated that he had received a quote from Art-o-mobilia for a sign at the business park. The sign would be medium weight aluminum sign blank and a direct 3 color digital print. The price for the 4' x 4' sign is \$318.00. Art-o-mobilia also submitted a bid for a lighter sign bank for \$270.48.

Council Member Ussery made a motion to accept the bid for a sign with medium weight for \$318.00. Council Member Clark seconded the motion and passed unanimously.

2015 Budget

City Administrator Kent Brown received the County Clerk's Budget Information for the 2015 Budget. The valuation for 2014 was \$14,174,068 and the valuation for the 2015 is \$14,371,718. This would generate an increase of \$9,824 in tax revenue if the same tax rate was used for the upcoming year. Brown stated that the current budget proposal after the department head budget requests with no changes in any revenue line item would cost \$76,142 more in property tax revenue. This would require raising taxes 5.29 mills if that was the only adjustment that could be made. City Administrator Brown stated that there are several ways to get the City back to even. The general fund revenue estimates could be increased by \$40,000 because the sales tax and franchise tax revenue has been stronger than previous estimates. The remainder could be cuts to the capital expenditures within the general fund. Brown stated another way would be to lower by 3% in the operating budgets of the general fund budget within certain areas. Council would need to specify which accounts in the general fund. Brown further stated another option would be to reduce the cash balance in the general fund. There is always a caution provided by the auditor regarding the cash balance or the cash carry over for the general fund. The caution is how long the City could continue to operate if no additional tax revenues were received. Right now, the cash balance would allow the City to continue to operate for about 3 months into 2015 if no additional tax revenues were received. In previous years, the cash carry over has been as little as 20 to 30 days. However, the auditor has stated a good minimum standard is 2 to 3 months of operational funds for the cash balance. Other options would include eliminating salary increases or a combination of revenue adjustments, expenditure costs and raising taxes. Brown also asked if everything was included in the budget. Brown stated that the notes provided to Council reviewed the items that were included in the Council planning session as the budget process began.

Council Member Ussery facilitated Council discussion on projects or items that needed to be addressed or could be addressed by the City in the near future. Council Members Papish, Whitney, Griffin and Clark put forward items and projects including security at water wells, park playground,

wastewater lagoon project, ADA projects, park shelter replacement, moving police department/law enforcement center, sidewalks along major streets, street repair/overlay, paving gravel streets, gas conversion at pool, additional water source, policy manual review, fire/ems coverage during daytime hours and economic development/community development studies.

Council discussed options and will be prepared at the next meeting for the budget recommendations and finally approve a budget proposal to be sent to the paper for publishing.

Department Head Reports

Recreation Director Beki Zook reported that ball season will officially be over this week. The last tournament will have 2 or maybe 3 more games. Zook reported that the pool manager gave her several updates. The weather is hotter and daily attendance has averaged 157 patrons. On the 4th of July there were 218 in attendance. The evening swim on Monday, Wednesday and Friday has been well attended with 83 attending July 7th. Zook will prepare a report at a later date with park information for the Council to consider pour and play in the city park under the big equipment.

EMS Director Donald Schauf reported there were no fire calls or ambulance calls relating to fireworks over the weekend.

Committee Reports

No meeting minutes were distributed in the Council Packets.

Claims & Warrants

Deputy City Clerk Carol Reitberger presented the claims and warrants as of 7-8-2014 in the amount of \$29,775.92.

Council Member Ussery made a motion to authorize the payment of \$29,775.92. Council Member Griffin seconded the motion and the motion passed unanimously.

Old Business

Nothing was discussed at this time.

Staff Reports

Deputy Clerk Reitberger had nothing to report.

City Administrator Kent Brown asked for staff direction on the mowing of the empty lots in Chisholm Ridge Addition. There have been several complaints of tall grass and weeds from residents living in the Addition and Brown has been unable to get a response from the owners and unable to contract with a mowing company at this point. After discussion, staff was directed to mow a strip along the streets and the lots next to houses already built in the addition and charge the property owners appropriately. In addition, continue to get the rest of the property maintained.

Council Reports

Council Member Clark had nothing to report.

Council Member Whitney had nothing to report.

Council Member Griffin had nothing to report.

Council Member Papish had nothing to report.

Council Member Ussery had nothing to report.

Executive Session

Council Member Clark made a motion to enter into executive session for personnel for 10 minutes. Council Member Griffin seconded the motion.

Council entered executive session at 9:25 p.m. City Administrator Brown was in attendance.

Council came out of executive session at 9:35 p.m.

It was the consensus of the Council for City Attorney Linn to review the agreement for City Attorney prior to presentation to Parker and Parker.

With no further discussion to come before the Council, Council Member Ussery moved for adjournment. The motion was seconded by Council Member Clark and passed unanimously.

The Meeting adjourned at 9:37 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 July 8, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 8th day of July, 2014.

Carol Reitberger, Deputy City Clerk