

MINUTES
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
CITY COUNCIL MEETING
MINUTES
June 24, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, City Council was held on Tuesday, June 24, 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: Mike York, Mayor; Jim Whitney, Paul G. Clark, Chris Griffin, Burt Ussery, Laura Papish, Council Members. The following staff members were present: Kent Brown, City Administrator; Carol Reitberger, Deputy City Clerk; Ernie Misak, Public Works Director; Donald Schauf, EMS Director; Jason Gearhardt, Police Department; Paul Rhodes, Times Sentinel; Susanne Johnson, Heather Cotton, Jim Frickey, David Papish, Roger Bales, Linda Evans, Brent Spencer, Lenita Dodson, Residents.

Mayor York called the meeting to order at 6:30 p.m. York 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 10, 2014

Council Member Ussery made a motion to approve the minutes of the June 10, 2014 City Council Meeting. The motion was seconded by Council Member Griffin and passed unanimously.

Mayor's Recommendations

No recommendations at this time.

Public Forum

City Resident Jim Frickey asked the Council the purpose of the parking Ordinance. Mayor Mike York stated the original plan was to keep the City of Clearwater neat and keep Residents from parking vehicles in the front yard. Mayor York further stated that the City Council is trying to keep things orderly. Frickey stated they are living in a rental with six adults and six cars and have to park strategically. Frickey received a notice and does not want to have to pay a fine. The Council advised Frickey to talk to the Chief of Police but did not believe that this would be a situation where a fine would incur. Frickey stated that he would like to see the City Council re-visit this Ordinance so it is the same for everyone and not a case by case situation.

Mayor York stated that they would take another look at the Ordinance.

City Resident Brent Spencer also came for clarification on the parking Ordinance. Spencer stated that on occasion he has had guests over to his home and people park on his side yard for a short while. City Council stated this was a very temporary situation and was not a problem regarding the Ordinance.

Council Member Ussery stated that the parking of cars in the back yard is a separate issue than what both residents are talking about. The Council has had many discussions about these Ordinances.

The previous Ordinances were too vague that is why the Council started looking at them in the first place.

City Resident Brent Spencer also asked about the Ordinance #984. This Ordinance states it is unlawful to consume cereal malt beverages and/or alcoholic liquor in or upon, or inside or upon any vehicle in or upon, the public highways, roads, streets, alleys, sidewalks, parks, playgrounds, driveways or parking lots, whether the driveways or parking lots be public or private if they are open to and accessible to the members of the public within the city.

The Council stated that cereal malt beverage could be consumed on private property. It is only if the parking lot is open and accessible to the public such as a business parking lot, the nursing home, school parking lots, etc.

City Resident Suzanne Johnson stated that she is unhappy that Walmart Express is coming to the City of Clearwater. Johnson stated that she knows that Walmart has applied for a Variance that will be heard at the Planning Commission meeting on July 1st. Johnson asked if there would be anything that could be done to stop this from happening. City Administrator Kent Brown stated that if the variance is denied Walmart could still buy extra land from the adjacent property owner or move the building within the lot. If the use of the property is in the correct zoning and they follow all the rules regarding building, then they are allowed to build. The City cannot force them to not build. City Administrator Brown stated that Walmart has had the commercial building plans approved by Sedgwick County. Walmart needs to pull the Building Permit from the City of Clearwater and then building will start.

City Resident Suzanne Johnson stated that she likes her boys to be able to ride their bikes to the City Park. Johnson is concerned about the location of the Walmart Express because of the traffic so close to the schools. Johnson also stated that the City of Clearwater already has a grocery store, a pharmacy and a place to get gas. Johnson stated that she would like to see a different business come to the City.

Bales Pharmacy owner Roger Bales thanked for the City Council for all that they do for the Community. Bales stated that he has had several meetings with Brad and Phil Mize. Bales had a several page report that he shared with the Council on a study of towns where Walmart Express had been built. The study stated that Walmart wants everyone within 10 minutes of any Walmart. This study also states that Walmart has forced closings of 100's of hometown stores and shops such as grocery stores and pharmacies.

Roger Bales also does not believe that the owners of the land did not know what was going to be built when the land was sold to a corporation. Roger Bales has no bad feelings toward anyone in the City of Clearwater. Roger Bales believes that the Walmart business is a corrupt organization. Roger Bales thanked the Council for listening to him.

Council Member Ussery stated that Clearwater is on the low end of the market of the study provided and that Clearwater is 10-15 years out of even having the population needed for the study.

City Resident Brent Spencer asked the City Council if there was a tax break for the businesses already in Clearwater.

Department Head Reports

Public Works Director Ernie Misak stated there is a portion of the street that needed to be repaired at Gorin and Nancy. The street has been cut. Due to the rain, Misak stated there will be some rock added at the end of the week and then 2 layers of asphalt will be placed in the cut section. Misak also stated that the mixer for cell 3 broke down and the different aerator is in compliance with the State of Kansas. There was another leak at Garvey Grain. The leak is 50 feet from the last time there was a problem. Misak wants to look at costs for changing out the entire line that serves that area of the Garvey complex. The blue New Holland mower is broken. The frame is broken and Rod Hobert will be coming to look at it to see if it can be fixed and still be safe to use. Public Works has been working on the mail box area on South Second and the Postmaster is ok with the changes made to the property.

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 6-24-2014 in the amount of \$30,994.17.

Council Member Papish made a motion to authorize the payment of \$30,994.17. Council Member Ussery seconded the motion and the motion passed unanimously.

Old Business

Nothing was discussed at this time.

New Business

Present 2015 Budget – Remainder of Funds.

City Administrator Kent Brown stated the biggest challenge for the Library Employee Benefit Fund is the rising costs for employer share of KPERS funding. There are two library employees eligible for KPERS.

City Administrator Kent Brown stated the biggest challenge for the Library Fund will be computer maintenance and changing materials and technology with lower grant awards.

City Administrator Kent Brown stated the biggest challenge in the Employee Benefit Fund will be meeting the increases in health insurance costs for 2015.

City Administrator Kent Brown stated the Bond and Interest Fund continues to pay the annual payments for previous bond issues. The new refunding bond in 2012 combined the bonds for Park Glen III, Chisholm Ridge I, 87th/Prairie Meadows water line, sewer revolving loan fund and senior center/senior apartments on refunding bond. In 2014 the Bond and Interest Fund will start payments on Business Park Street, drainage and sewer. In addition, payments for the Indian Lakes Phases 1 and 2 will begin in 2015.

City Administrator Kent Brown stated the Liability Fund continues to provide insurance coverage for the umbrella portion of the insurance policy.

City Administrator Kent Brown stated the Emergency Medical Service \$2.00 fee fund is the account from all city customers to pay the lease purchase of a new ambulance for the Clearwater EMS.

City Administrator Kent Brown stated the valuation estimate as provided by the County Clerk's office has not been received. Consequently, that vital piece of information will delay some decisions on the budget process. Administrator Brown further stated that the proposed budget will cost \$781,476 in property taxes if no changes were made. Administrator Brown stated that if Council doesn't want to raise taxes and wants to stay approximately at the same rate, then \$74,574 has to be cut from the proposed budget.

Brown also reviewed the request for operational budget only and the comparison with 2013 and 2014 budgets.

Staff Reports

Deputy Clerk Reitberger had nothing to report.

USD264/City Interlocal Agreement – Field Maintenance

City Administrator Kent Brown stated the Interlocal Agreement between the City and U.S.D 264 needs authorization to be signed by the Mayor for the 2014 season.

Council Member Chris Griffin made a motion to have the Mayor sign the Interlocal Agreement as presented. Council Member Clark seconded the motion and passed unanimously.

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 stated that staff no longer needs to print the claims and warrants sheet with the general ledger heading.

Executive Session

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

Council entered executive session at 8:55 p.m. City Administrator Brown was in attendance.

Council came out of executive session at 9:05 p.m. with no action taken.

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

The Meeting adjourned at 9:07 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 June 10, 2014 City Council meeting.

Given under my hand and official seal of the City of Clearwater, this 10th day of June, 2014.

Carol Reitberger, Deputy City Clerk

UNAPPROVED