

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
August 11, 2015
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

Call to Order

Council President Laura Papish called the meeting to order at 6:30 p.m.

Invocation and Flag Salute

Councilmember Chris Griffin 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:

Laura Papish, Austin Wood, Ron Marsh, Paul Clark, Chris Griffin - Councilmembers were all present.

Mayor Burt Ussery 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.

Others Present:

Pamela Riggs and Cheryl Wright, Fall Fest Committee; Gary George, George Bowerman & Noel; Robert Pugh.

Approve Agenda

Motion: *Marsh* moved, *Clark* seconded to accept the July 28, 2015 agenda. Voted and passed unanimously.

Public Forum

None

Consent Agenda

Motion: *Marsh* moved, *Wood* seconded to approve the consent agenda as presented. Voted and passed unanimously.

Audit Presentation

Gary George with George, Bowerman, and Noel gave the findings and report to the council. He explained the audit report and how it is laid out.

George mentioned the management discussion is just the highlights of the year. He suggests spending time and reviewing this section as it give and overview of the financial statement. All detail information for each fund will be found in the back of the report.

In the Financial Statements it gives the statement of net position. Within the section is the component unit of the Library, since the City is responsible for all Library reporting.

Within the Fund Statements it goes into detail about the governmental funds. This section goes through capital assets, debt. It details in 2014 the City had 144 days of operating cash. George mentioned this was a good carryover amount.

George explained in the Notes to Financial Statement that this section covers in detail all the information he just went through about the fund statements.

In the communication letter send to Mayor and Council George wanted to touch on his findings. First he mentioned that the utility billing and cash receipts he would like to see posted on an accrual bases to general ledger. He would like the Clerk to oversee the capital asset list. Reconcile the utility billing to general ledger on a monthly basis. Make sure the City is operating within budgetary compliance, and to make sure all invoices are being reviewed by department heads and signed off on.

Givens asked George if it is recommended for the City to have a cash carryover policy written that states a certain amount of cash carryover.

George stated that it would be nice but it makes it more difficult for smaller cities to operate.

Fall Festival Discussion

Givens stated that the fall festival committee met on July 20th to discuss the activities that will take place at this year's fall festival. 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 tournaments 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.

Griffin wanted to make it clear that the owner of the bar is the one requesting a beer garden not the Fall Festival Committee. The owner of the bar will have to submit a vendor request and pay for their vendor permit to be part of the Fall Festival.

Pamela Riggs, Fall Festival President, stated that this year marks the 130th birthday of Clearwater and wanted to know if Council would want to put on a firework show.

Riggs also wanted to make sure it was okay to have the carnival in the park this year.

Griffin asked if the Recreation Commission ever submitted a formal recommendation.

Givens said none that he has seen. But his recommendation is let it be in the park this year since the contract was already signed. The Fall Festival committee went into contract with the carnival company in January.

Griffin recommended the park as well.

Papish inquired if there is still access for the carnival to access the park grounds.

Clark stated yes there is near the concession stand.

Griffin would like the communication between City and Recreation Commission to discuss future for park projects. Griffin also states that the City needs to have an agreement for whoever used the park needs to care for the park. Any damage that is done needs to be fixed by the group who did the damage.

Givens said that this clause could go into the event permit. The Fall Festival vendors already have an agreement with the Fall Festival Committee for the same thing.

Griffin would like the discussion for the beer garden to be opened only when a formal request has been made. He would approve everything else listed above minus the beer garden paragraph.

Riggs asked if the beer garden was confirmed where it could be.

Griffin has concerns about the beer garden being so close to the carnival with all the kids around. He stated again once the formal request has been made then they can discuss it.

Wood stated he had no issues with the carnival in the park.

Clark mentioned that he had no problem with the carnival in the park this year but

before Fall Fest signs a new contract they will need to consult with the City Council.

Griffin would like the park inspected by a city worker before the festival so it is clear if any damage is done what would be the Fall Festival Committees responsibly. Before Riggs left she wanted to also mention in addition to the events listed above there will be a Star Wars charity fundraiser, the Historical Society schoolhouse dedication, and a Drive Chip put at the golf course this year.

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

Givens addressed the council and gave an overview of what has been going on with the ZAOI.

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.

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.

Givens then told the Council that 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.

Clark asked why they want to make change.

Givens said he thinks it primarily has to do with property rights and who should have a say in it.

Papish asked if Council needs to make a motion or recommendation at this time.

Givens said not at this time. In the future he will need a recommendation on what to present to the BoCC.

Marsh stated he would like to go with action #1.

Claims and Warrants

Meyer presented the claims and warrants in the amount of \$46,025.30 and asked Council if they had any questions.

Motion: *Clark* moved, *Marsh* seconded to pay the claims and warrants in the amount of \$46,026.30. Voted and passed unanimously.

City Administrators Report

Administration

- Our new server is being built and we will begin the migration to it the first week of August.
- Staff and City Financial Advisor John Haas will be holding a ratings call Wednesday with representatives from Standards and Poor rating Service.
- Bid opening for the Lagoon Project is scheduled for August 8th.
- Bids for the Lagoon Project and 135th street road work as well as the optional refinancing are due on the 11th. If anyone knows farmers we can talk to that has pasture land we can put the sludge on please let us know. The sludge will be good fertilizer.
- The 2016 budget hearing will also be on the 11th.
- Letters to property owners who the city needs additional easements form the 135th street project wen out this week.
- Staff will be reviewing and presenting proposals for the completion of the Chisholm Ridge Addition.

Public Works

- Staff will begin some wide crack filling and road work this week.
- There has been an issue with the booster pump serving areas north of 95th

street. A consultant was brought in to evaluate the system.

Parks and Recreation

- Flyers for fall sports will be going out this week. The Rec sponsors flag football and volleyball which begin after Labor Day.

Library

- Summer Reading is winding down. Today was the last day to turn in information and a pool party will be tomorrow. Approximately 130 youth, 25 teens and 25 adults participated in the Summer Reading program.

Police

- Officer Patterson-Rickstrew has turned in her resignation. Her last day will be August 6th.
- Will need to advertise for the open position. Staff has already inquired internally to see if anyone was interested in moving to full time.
- There are 16 qualified law enforcement experienced applicants for the chief position. The CA is in the process of scoring the applications and will be scheduling a meeting with the search committee the first week in August.
- Enhanced patrol in the North Central part of town and information on the PD Facebook page is being posted reminding residents to be aware of suspicious activity after a string of events have taken place in the area over the past several weeks.

Community Center

- No official word from the county but staff is not anticipating being funded at a higher level next year based on informal information from County staff.

Council Reports

Wood mentioned the alley behind the Tracy and Byers South of Ross is overgrown.

Clark had nothing to report

Marsh stated the County is on schedule to finish the 135th street project.

Griffin wanted to point out that on 3rd street South of fence line behind the school the brush is growing in the fence line. The School does not appear to be cleaning the fence line. He is not sure who is actually responsible for it.

Papish said the ditched in front of the EMS and Shackelford on Ross are overgrown. And in front of some properties where the curb meets the street there are weeds growing up in the street. She also asked if staff was able to touch base with the fireworks guy to talk with him about the display we had on the 4th of July. If the City will be doing another fireworks display for Fall Fest and using the same person then he needs to be aware of what the opinion was of the last display.

Givens mentioned he was not able to meet with him yet but will try again.

Executive Session

Griffin asked for a side bar with the City Attorney.

Griffin came back from the sidebar and stated he would like an executive session to discuss non-elected personnel.

Motion: *Griffin* moved, *Wood* 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 8:30p.m. (5 minutes later). Voted and passed unanimously.

Council President Papish called the meeting back to order at 8:30 p.m. and stated there was no binding action taken in executive session.

Adjournment

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

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

The Meeting adjourned at 8:35 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 28, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 11th day of August, 2015.



Courtney Meyer, City Clerk

