

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
December 8, 2015
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, Austin Wood, Ron Marsh, Paul Clark, Chris Griffin, Laura Papish were all present.

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:

Harlan Foraker, Certified Engineering; Paul Rhodes, Time Sentinel News; Kyler Frost, Treyson Layton, Max Whetstone, Matthew Cleary, Landon Rhoadarmer, Nathan McDonough, Bailey Rich, Jared Emery, Gregory Clark, Amelia Pitcher.

4. Approval of the Agenda

Mayor Ussery called for a motion to approve the December 8th agenda as presented.

Motion: *Papish* moved, *Marsh* seconded to accept the December 8th, 2015 agenda as presented. Voted and passed unanimously.

5. Public Forum

None

6. Consent Agenda

Mayor Ussery called for a motion to approve the consent agenda.

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

7. Ordinance 1006 Authorizing Complementary Alcohol for the 2016 Art Walk

Administrator Givens stated in 2015, the Clearwater Chamber of Commerce hosted a Spring Art Walk in various locations in the downtown area of Clearwater. At that time several of the participating businesses requested permission to provide complimentary wine and other alcoholic beverages at their particular place of business. The City Attorney prepared an Ordinance that was adopted by the Governing Body that allowed the serving of complimentary alcohol.

The Clearwater Chamber has made a similar request for the 2016 Spring Art Walk. The event will be held April 8th from 7:00pm – 10:00pm in various locations. The Chamber has requested that the Governing Body adopt a similar ordinance that would allow for the serving of complimentary alcoholic drinks.

After discussion Mayor Ussery called for a motion to adopt Ordinance 1006.

Motion: *Marsh* moved, *Clark* seconded to adopt ordinance 1006.

Roll Call: Papish, yea; Clark, yea; Wood, yea; Marsh, yea; Griffin, no.

8. Ordinance 1007 Authorizing a Sewer utility Debt Service Fee

Givens stated in the creation of the budget for 2016 it was determined based on long range financial projections that an increase would be needed for the sewer utility to maintain a healthy reserve account, continue operations and pay for debt issuances. During discussions of the budget, a plan was formulated to create a debt service fee to offset the cost of bond payments on a yearly basis for the sewer utility. The city is and will be paying on two bond issuances, the first for the expansion of the lagoon system and the second for the installation of an aeration and re-circulation system as well as the removal of sludge from the existing lagoons. The second changes were required by the Kansas Department of Health & Environment so that the city could meet increased discharge limits.

The city hosted two open forums that provided opportunities for the public to gather more information on the debt service fee as well as to provide feedback to the Governing Body on concerns that they may have had. During those discussions and during open meetings of the Governing Body it was determined that a tiered debt service fee plan be created to ensure fairness to the sewer utility customers.

Staff has prepared an ordinance that would go into effect on January 1, 2016 to begin collecting the debt service fee based on the four tiered system. Those tiers are broken out as follows;

Class	# of Users	Gallons Used Per Month	Per Month Fee	Generated Revenue
Low	186	0 – 2,999	\$11.25	\$25,110.00
Average	486	3,000 – 5,999	\$15.00	\$87,480.00
High	174	6,000 – 10,999	\$18.75	\$39,150.00
Ultra-High	37	11,000 - +	\$21.75	\$9,657.00
				\$161,397.00

Based on the required debt service payment, the four tiered system will allow the city to meet its financial obligations to bond holders while maintaining a healthy reserve account as well as being able to fully fund operations of the sewer utility.

The tiered system will be in place thru 2023 at which time the first bond issuance will be retired and a lower yearly bond payment will be needed. That fee of \$7.22 will be implemented across the board for all utility users without respect to consumption or usage.

It is important to note that the debt service fee goes directly to the repayment of the debt issuances and does not supplement or factor into the operating costs for the sewer utility. A previous action by the Governing Body set in place a 1% per year increase for operating costs for the sewer utility.

Motion: *Marsh* moved, *Wood* seconded to adopt ordinance 1007.

Roll Call: Papish, yea; Clark, yea; Wood, yea; Marsh, yea; Griffin, yea.

9. Consider a Change Order for Park Glen Estates Phase I

Givens addressed the council and stated that at the October 27th meeting the Governing Body authorized improvements in the amount of \$267,215.45 for streets and drainage and other improvements for Park Glen Estates. A portion of that amount was for dirt work within the development. That work enabled fill dirt from the retention pond to be placed within street right-of-ways to match the existing development to the west as well as the construction of 11 building pad sites within the development.

The change order as presented is an up to amount. The additional dirt is being required to even lots out with the grade at the curb. The developer requested that dirt originally only be used for the building pad sites but when observed in the field it was agreed that additional dirt would need to be brought back from the curb to the front of the pad site. This additional dirt will be drawn from expanding the retention pond. Because of rains in the last several weeks the pond, which was complete, filled and needed to be dewatered (pumped out) prior to the removal of any dirt and regrading of the detention pond. The changes will not have a negative effect on the hydrology within the development and the additional capacity will slow downstream discharge. The developer and engineer have approved of the change order. It is estimated that this time that 5,000 cubic yards of dirt will be required to complete the work. Based on computer models, the actual amount of dirt maybe less than the requested amount.

The cost of the change order is \$21,125.00, which would create a total project cost of \$288,337.45 for street and drainage improvements.

After brief discussion with the City Engineer the mayor asked for a motion to approve the change order.

Motion: Wood moved, **Clark** seconded to approve the change order for Park Glen Estates Phase I for the amount of \$21,125.00 Voted and passed 4-1, Griffin voted no.

10. Approval of 2016 Cereal Malt Beverage, Drinking Establishments, and Retail Liquor Sales Licenses.

Givens stated that annually, those businesses that sell Cereal Malt Beverages for either consumption on premises or in original packaging are required to be issued a Cereal Malt Beverage license from the city as well as drinking establishments and those businesses that sell alcoholic liquor.

The following locations have applied for Licenses in 2016:

Consumption on Premises (CMB):

Armondo's Mexican Grill (117 E Ross)
Pizza Hut (200 E Ross)

Retail Sales (CMB):

Casey's General Store (152 N 4th)
Walmart Neighborhood Market (900 E Ross)
Mize's Food Store (449 N 4th)

Drinking Establishments

First and Last Bar (122 E Ross)

Alcoholic Liquor

Clearwater Liquor Store (560 N 4th)

Motion: Papish moved, **Marsh** seconded to approve the CMB licenses for 2016. Voted and passed 4-1, Griffin voted no.

11. Award a Bid for an Air Conditioner for the Museum

Givens stated that in the 2015 Budget the Council budgeted \$4000 to replace the 2nd air conditioner in the Historical Museum Building. When the bids came back to the city they came in higher than the amount that was budgeted. Becker Brothers provided the low bid at \$5,342.00

The Historical Museum has used \$3,986 of their \$10,025 budget. If approved, they will not exceed their budget.

Motion: *Griffin* moved, *Marsh* seconded to award the bid to Becker Brother in the amount of \$5,342.00. Voted and passed unanimously.

12. Authorize the City Clerk to Write Off Certain Accounts in Accordance with GAAP Procedures.

Givens stated annually, the City Clerk prepares a list of outstanding accounts for write off in accordance with generally acceptable accounting principles (GAAP) standards. These accounts had been inactive for a minimum of five years or have extenuating circumstances that would led staff to believe they should be written off. The accounts have been sent to the state set off program and will remain in collections.

A total of 11 accounts with an accumulated balance of \$1,151.83 have been submitted for write off. Two of the accounts submitted are for deceased account holders and one was a bankruptcy case.

Motion: *Clark* moved, *Wood* seconded to authorize the City Clerk to write off \$1,151.83 in outstanding accounts. Voted and passed unanimously.

13. Claims and Warrants

Meyer presented the claims and warrants in the amount of \$396,487.93 and asked Council if they had any questions.

Motion: *Wood* moved, *Clark* seconded to pay the claims and warrants in the amount of 396,487.93. Voted and passed unanimously.

14. City Administrators Report

- Administration
 - Staff submitted the public notice for an amended budget for the December 22nd meeting. The bond and interest line item exceeded its budgeted expenditures. There was a correlating revenue offset so the line item is still in the positive.
 - Staff will implement a year end invoicing system and purchase date to minimize the amount of encumbrances from the 2015 to 2016 year.
 - Staff will be presenting a RFP for cleaning services for city facilities at the next meeting.
 - Senator Jerry Moran will be hosting his Sedgwick County town hall at Clearwater Community Center on Tuesday, December 29th from 2:00pm to 3:00pm.
 - Staff is asking for clarification on the Purchase Policy. Based on the Policy items in excel of \$10,000 require council approval. Was the intent of this policy to include items that were approved in department's capital improvement programs?
 - Council clarified that if the specific items were already budgeted they did not need to go in front of council again unless there was a pricing variance.
- Public Works
 - All generators have been serviced. Some repairs where done to the Fire/EMS Generator.
 - Staff will be doing some narrow crack filling this week.
 - Street work will be continuing for Park Glen Estates. Due to the weather, they will need to access the site from Park Glen, They will be finishing curb and guttering as well as laying the first two lifts of asphalt.

- Staff should be completed with the identification of service needs for the 4th St project this week and that information will be presented at the next meeting.
- Parks and Recreation
 - The first week of basketball is complete. The season will run five more weeks.
 - Reminder of the joint meeting tomorrow night – 6:30pm at City Hall.
- Library
 - Hired Jennifer Clark for the Inter-Library Loan Assistant position.
 - Lego Club and Storytime will be this week.
- Community Center
 - Medicare counseling closed on December 7th. Staff was able to counsel 15 residents and helped 5 senior enroll in Part D Plans that saved them more than \$5,000.
 - The Holiday Lights Tour still has spots available if interested contact the Community Center. The tour is December 21st at 5:30pm and costs \$10.00.
 - The Senior Center will be hosting a trip to the Nutcracker in Wichita on Thursday, December 10th.
- Police
 - Officers made two DUI arrests which will be transferred to Sedgwick County as felony DUI's.
 - Gareth Adams has started field training. He will be attending the KLETC February 15th thru May 20th 2016.
 - Officers worked an accidental shooting over the weekend. The victim discharged their weapon and struck themselves in the hand.
- Past Governing Bodies seen fit to provide Christmas gifts to employees in the amount of \$25.00. Is this something the Governing Body would like to do again?
 - Consensus amongst the council was to provide \$25.00 gift cards to employees.

15. Council Reports

Papish – (1) Asked the administrator to update the residents that are out of the city limits on the sewer rates. (2) Tracy and Ross leaves need to be cleaned up. (3) Fence at Dollar General has fallen down and has been down for over a month. (4) Chamber of Commerce will be hosting a wine and cheese event on December 10th from 7:00pm to 9:00pm.

Griffin has nothing to report.

Marsh asked Givens how the easements on 4th street were coming. Givens stated there were still two easements to get and he is working with the city engineer to find a solution.

Clark had nothing to report.

Wood had nothing to report.

Ussery wanted to thank everyone for the Christmas party.

16. Executive Session

None

17. Adjournment

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

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

The meeting adjourned at 7:44 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 November 24, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 8th day of December, 2015.

Courtney Meyer
Courtney Meyer, City Clerk

