

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
May 14, 2024
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor Burt Ussery called the meeting to order at 6:30 p.m. followed the invocation and flag salute.

2. Roll Call

The City Clerk called the roll to confirm the presence of a quorum. The following members were present: Mayor Burt Ussery, Councilmembers; Justin Shore, Samantha Warkins, Shirley Palmer-Witt, and Tim Robben. Crystal Walter was absent.

The following staff members were present:

City Administrator Zollinger, City Clerk Poe, Amber Ives, Cole Hollis, Kirk Ives, and City Attorney Scott Ufford.

Others Present:

Shaun Weaver and Allen Lange. Kevin Cowen was present via GoTo Meetings.

3. Approval of Agenda

Mayor Ussery asked to move Item 8d, Wood Street Addition Triplex Incentives to 8b.

Motion: *Shore* moved; *Robben* seconded to approve the agenda as modified. Voted and passed unanimously.

4. Public Forum

None.

5. Consent Agenda

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve.

Previous Council Meeting Minutes

Claims and Warrants

Brain Freeze Concession Agreement

Motion: *Robben* moved; *Warkins* seconded to approve the consent agenda as submitted. Voted and passed unanimously.

6. Staff Reports:

- Administration Office – Courtney Zollinger – Zollinger asked for council input on if she should act with or without a formal complaint for the numerous violations of the weed ordinance. Palmer-Witt would like to act on a formal complaint. Other council members agreed. They suggested to put a friendly reminder post on the website and Facebook page.
- Fire Department – Courtney Zollinger – A post has been made for the arrival of the new fire truck. There is an open house scheduled tentatively for July 20th. The training needs to be completed before the open house happens.
- Police Department – Kirk Ives – None.

- Public Works/Parks – Cole Hollis – The pool will start getting filled on Friday, the painting was completed last Friday and needs 7 days to cure before it can be filled. The sand blasting had never been done until this year and the time to have this done was underestimated by the company who did the work. All areas of concern were addressed. Council discussed the schedule of painting, Hollis stated they paint as needed but clean it (power wash) every year. Robben asked about the hole at 4th and Ross, Hollis stated this is still on their list of things to get completed.
- Senior Center –Amber Ives – The building has been painted and is not green anymore.

7. National Police Week Proclamation

Mayor Ussery read the Proclamation for National Police Week. WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week; and WHEREAS, the members of the law enforcement agency of the City of Clearwater, Kansas play an essential role in safeguarding the rights and freedoms of City of Clearwater, Kansas; and WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and WHEREAS, the men and women of the law enforcement agency of City of Clearwater, Kansas, unceasingly provide a vital public service; NOW, THEREFORE, I, Burt Ussery, Mayor of the City of Clearwater, Kansas, call upon all citizens of the City of Clearwater, Kansas, and upon all patriotic, civic and educational organizations to observe the week of May 12–18, 2024, as Police Week with appropriate ceremonies and observances in which all of the people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and securities of all citizens. I further call upon all citizens of the City of Clearwater, Kansas to observe Wednesday, May 15, 2024, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

8. Business

a. Resolution 07-2024 – IRB Bond Redemption

In 2022, the City of Clearwater adopted ordinance 1087 authorizing the issuance of \$11,789,523.51 taxable Industrial Revenue Bonds (IRB) for Plains Cotton Cooperative Association (PCCA). The IRB was acquired by PCCA and Security Bank is the issuer of the bonds. Since 2022 PCCA has made interest payments to themselves and now wishes to redeem (payoff) the majority of the IRB. They will not redeem 100%, if they do, they will not be able to continue the 80% ad valorem exemption on their property. Since the City issued the IRB for PCCA this is an administrative move by the City for PCCA to redeem a portion of their bond. The city must adopt a resolution authorizing the redemption and payment of a portion of its taxable IRB. Council discussed the amount PCCA is keeping on the bond, there will be a balance of around \$250,000 to keep the incentive going. Kevin Cowen stated there is nothing statutory to stipulate the amount they could leave on the bond, but they wanted to have a number remaining that would be meaningful. The amount does not change with time, only if they pay off 100% will the incentive stop.

Motion: *Palmer-Witt* moved; *Warkins* seconded to approve Resolution 07-2024 authorizing the redemption and payment of a portion of its taxable industrial revenue bonds, series 2022 (Plains Cotton Cooperative Association project). Voted and passed unanimously.

b. Wood Street Addition Triplex Incentives

Shaun Weaver and Allen Lange with Wheat Capital Investments LLC were present. They are planning to build 2 triplexes on their replated lot on Wood Street. The request is to primarily help keep the cost as low to moderate as possible in consideration of new construction build. This housing would be in line with the recently adopted

Comprehension Plan. This would not add additional infrastructure costs to the City. It is all existing infrastructure. The request is 50 % property tax rebate for 5 years, 50 % off building permits and waived Water and Sewer Tap fee's. There will be two water meters, one for each triplex and inside the triplexes. The existing water line is on the south side of Wood Street therefore a boring would need to be done to be able to set the meters on the North side of the road for the property. Boring is charged at \$1,200, 2 water taps would be \$3,000, 2 sewer connections would be \$1,000. Mayor Ussery asked if Shaun has looked into any federal or state programs for low-income housing which he believes stipulates rates cannot exceed 60% of the average income of the City. If this housing falls under that umbrella, Mayor Ussery would like to do more research on this. Weaver stated they have not, they will be funding personally and with bank loans. They will not be able to rent units low enough to qualify for something like Section 8 housing. Reliable Rentals will be managing the units, and they will be all electric to help with costs. Construction is intended to start in June and there will not be a fence since it is residential. The incentives that are being paid currently are all owner occupied. Weaver stated with the exceptions of some businesses. There are no current incentive programs that are City Wide to apply for. The duplexes at Lee and Tracy did not get any incentives in the past. The incentives started with Chisholm Ridge, then Park Glen Estates and then City Wide for new builds (ended in 2022) throughout the City. In 2021 one last specific incentive for Park Glen Estates which ended in 2023. Weaver stated that the Chisholm Ridge incentives paid off all the specials on those lots. Council discussed the upfront total cost to the City for this request which would be the boring and the water meter sets totaling around \$3,200. The sewer fee is staff time only and a revenue source for the sewer department. 50% of the building permits goes to MABCD for inspections and the remaining 50% is administrative costs and revenue for the City. Depending on when the construction is completed is when the first tax implication would be. If not completed by August of 2025, it will not be assessed until 2026. Council discussed having a policy on these kind of requests for consistency. Palmer-Witt is in favor of incentives going to the homeowner rather than an investor. Mayor Ussery does not want to put the City in a position where they have agreed to an incentive for low to moderate housing if it truly is not LMI. From a budgetary standpoint, it seems like this would be an obligation for 2026. The initial cost for boring and meter sets would come from the Water and Sewer department. Mayor asked if a 3-year incentive would be beneficial, Weaver stated yes. Council discussion investor vs homeowner incentives. Weaver mentioned the business incentives with PCCA and Lauer which he believes did not bring many jobs to town. Residential would bring revenue to the City. Council discussed Klausmeyer requesting incentives when he tore down and rebuilt the duplexes on Lee and was turned down in the past. When the decision to stop the incentives happened, it was because the growth of the City was happening. Mayor Ussery believes when Klausmeyer came to the Council it was for reimbursement of sorts, not for an incentive. Zollinger believes that these units would generate about \$2,600 per triplex annually. Mayor Ussery suggested Council take this information to consider as a commercial investment and if others come with similar request, they will be considered on an individual basis. Ultimately, low to moderate housing is mentioned in the comprehensive plan. Council discussed what upper limit of moderate income 60% to 80% of the median average income and Clearwater is \$75,000. Weaver stated their approval process is 3x annual monthly rent for income. Council will want to set a threshold in an agreement for this request and gather more information. Not approving this will only modify the charge to the renter, if approved this can help lower the cost. Weaver is trying to keep the rent around \$1,200. This will be brought back to Council in two weeks.

c. Approve Annual Mayoral Appointments

City Code, Chapter 2 Article 4, requires the Mayor appoint members of the Public Building Commission (PBC). The PBC was created when the Aquatic Center was being built to take out the general obligation bonds. The City and Recreation was able to pay the PBC to make payments for the general obligation bonds. The Board is required to meet once a year and is comprised of 5 members. Staff verified with Bond Counsel if the City Council could be appointed as the Board and the answer was, yes. A separate meeting will need to be had not in conjunction with a regular City Council meeting once a year. There are funds that still need to be managed by a board. Once the funds are at zero, Council can decide to dismiss the PBC if they so choose. Council discussed the Senior Center Advisory board needing to be removed. The Park Advisory Board is down to one person and there is very little interest in anyone serving on the board, the current members term expires in 2026. The PBC is by name, not by board.

Motion: *Warkins* moved; *Shore* seconded to approve the attached list of Mayoral appointments. Voted and passed unanimously.

d. Field Use Agreement with Chisholm Trail Recreation Commission

The 2024 Field Usage Agreement was sent to the Chairman and Director. The city requested a \$6,000 maintenance fee, as discussed with City Council, as well as a field usage schedule that was discussed between the Director and City Administrator. The schedule is April 8 – May 6, Monday through Friday from 6:30pm to 9:00pm and May 7 until the end of their season Monday through Thursday. The Commission has asked to change the hours of beginning and end time to 5pm to 10pm on game days. This change does not affect the reservation schedule and is acceptable. They also asked to change game weeks to Monday – Friday. The Director and Administrator agreed that we would keep the reservations for games Monday – Thursday and put Friday on a as needed basis with plenty of notice to the City. They only budgeted \$5,000 for this year, but they did approve the \$6,000. Council asked if the schedule would interfere with the Kansas Curve games, Zollinger stated the Rec does not use field 1, so it would not be an issue. Council discussed concessions being utilized during games, this would need to be worked out between the organizations, directed first to the Recreation Commission. Section 3.9 on the agreement addresses banners, Zollinger does not believe there are any banners up currently. Banners can be hung if they are taken down by the end of the season. The City did also request 1 MIL from the Rec, the letter of request attached to the packet. Mayor Ussery has had many conversations regarding the reservations for the fields. If the fields are open, they can be used. If the field is reserved, it cannot be used by anyone other than the person who reserved it. City Attorney Ufford suggests on 6.2 of the agreement, strike the 6:30-8pm to avoid confusion.

Motion: *Shore* moved; *Palmer-Witt* seconded to approve the 2024 Field Usage Agreement with Chisholm Trail Recreation Commission as modified. Voted and passed unanimously.

e. City Hall Hours

City Hall is open from 7am to 5pm Monday – Thursday and 7am – 1pm on Friday. To avoid overtime, the staffing hours at City Hall are staggered. Two come in at 7 and two come in at 7:30 (except for training, vacation, sick time). We started opening earlier to better serve the residents of Clearwater since many work 8am-5pm. With very little to no phone calls or traffic between 4pm-5pm we would like to align everyone's schedule to change the operating hours on Monday – Thursday to 7am – 4pm. Council discussed the different options available online, with the swimming pool opening soon the people do still have to come in to sign for certain things such as the pool passes and swimming lessons.

Motion: *Palmer-Witt* moved; *Robben* seconded to approve the office hours change for City Hall. Voted and passed unanimously.

f. Fiber Installation at Chisholm Trail Sports Complex

Superintendent, Jason Johnson, asked if the City would consider installing internet at the sports complex. The school has purchased portable live stream cameras that they can utilize for games. Zollinger reached out to Twin Valley, and they said they would be willing to provide the service at no cost if they can put a Twin Valley Wi-Fi sign at the complex. However, the cost would be \$5 per foot (\$7,500) to do this. Twin Valley said they would be interested in splitting the construction costs with City/ School/ and Rec. The school is unable to utilize funds for installation on property they do not own. The Rec Commission approved to fund 50% up to \$3,750 of the installation at their last meeting. Last year the city invested \$41,000 in the complex with very little assistance and continuing the maintenance. The Special Parks equipment reserve park improvement (\$11,000) is set aside for a new concession stand at the sports complex. Currently there is a group working on a master plan for the sports complex which might change the priorities of the development of the complex. Council discussed going to Twin Valley and seeing if they would accept the offer from the Rec and cover the remaining costs. It was also discussed to include the cost in the field maintenance agreement next year for the school. The school did pay \$7,500 for field usage for 2024. The cameras they are providing are for school use and potentially additional costs from Evergy could fall on the City. There was mention of using a Mi-fi from Verizon or other broadcasting options if the City did not want to have the fiber installed. Council mentioned installing the fiber could be an improvement to the park. Council discussed the school wanting this improvement and maybe they can go out and get the funding then bring

it back to the City. Mayor Ussery suggested go back to the school and see if the school can contact Twin Valley and see if they would do it at no cost for them and the City would allow the installation. The Rec doesn't have cameras so they would not use it since they do not have their own cameras.

g. Resolution 08-2024 Non-Discrimination Policy

The city has received federal grant money for the Volunteer Fire Department. Part of the grant money requirements are that the City has a policy specifically stating its compliance with various civil rights statutes listed specifically. Obviously, it has always been the City's policy to follow the law for everyone including citizens that the City interacts with. But DHS (grant) requires the policy to be in writing and publicized for citizens, contractors, individuals, and anyone else. The current written policies apply to only employment and employees. Counsel has written and prepared the policy and resolution for adoption with request to have it done today to post as soon as possible. Ufford stated an extension can be requested since there is a 30-day window to get this done. If approved a policy on reporting complaints will need to be brought to Council. Shore asked if Title VII should be included, Ufford stated this policy was based on the DHS form with modifications for Clearwater. Shore stated Title VII is for sexual orientation and gender identity. Ufford stated with or without the policy, it is still federal law, and anyone could come forward with a complaint. The policy could always be updated later. It was stated that adding Title VII could be another bullet point added to the proposed policy. Consensus was to add Title VII into the policy.

Motion: *Shore* moved; *Warkins* seconded to adopt Resolution 08-2024 to formally adopt the Policy and Notice of Nondiscrimination for the City of Clearwater, KS as modified. Voted and passed unanimously.

After the Governing Body Comments. Scott Ufford wanted to come back to item **8g, Nondiscrimination policy**. He stated that Title VII is based on employment and since the City already addresses that in the employment policy, he does not think it needs to be added to the policy that was presented. The Policy that was presented is for outside of employment and how the City responds to its citizens. The Consensus was to not add Title VII and retract the motion from 8g and approved the original stated policy.

Motion: *Shore* moved; *Warkins* seconded to adopt Resolution 08-2024 to formally adopt the Policy and Notice of Nondiscrimination for the City of Clearwater, KS as originally stated. Voted and passed unanimously.

9. Governing Body

Shore – Asked if PCCA logged any sales to the Department of Revenue. Zollinger stated that she did not have that answer, it is a pretty long spreadsheet and couldn't recall.

Warkins – The next Fall Festival meeting is on May 20th. The design for the logo deadline is tomorrow. There will be a \$100 prize for the winner.

Palmer-Witt – None.

Robben – With the numerous cyber-attacks happening does the City have a policy in place? Zollinger stated that the City has a couple backups that are done daily as well as cyber-security insurance. There are securities in place, staff is trained not to click on fishy links. Shore stated that multiple backups are good.

Ussery – Inquired about the folding chairs available at the Senior Center. Ives stated there are 23 with pads and 150 without pads. Mayor would like the chairs without pads on June 8th for the dedication at Hammers. Ives stated if the facility is rented, the chairs will be unavailable. She will look into this.

10. Executive Session

None.

11. Adjournment

Motion: *Warkins* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:02 PM

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Jaye Poe, 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 May 14th, 2024, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 28th day of May 2024.



Jaye Poe, City Clerk

