

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
June 25, 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, Crystal Walter, Samantha Warkins, and Tim Robben. Shirley Palmer-Witt entered at 6:32 p.m.

The following staff members were present:

City Administrator Zollinger, City Clerk Poe, Amber Ives, Kirk Ives, and Justin Patrick. City Attorney Jennifer Hill entered at 6:32 p.m.

Others Present who spoke:

Charlie Brown with PEC, Paul Lange with Wheat Capital, LLC.

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda, there were none.

Motion: *Shore* moved; ***Warkins*** seconded to approve the agenda as submitted. 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
Mayoral Appointment – Historical Society
Mayoral Appointment – Library Board

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

Councilmember Palmer-Witt and City Attorney Jennifer Hill entered the meeting at 6:32 p.m.

6. Staff Reports:

- Administration Office – Courtney Zollinger – The sprinkler for field 2 is down, a capacitor for the well was ordered for repair and will be in tomorrow. The City notified the utilities and agencies of the Twin Valley address change. The void in the road from Cox hydrovac is the City responsibility and has been fixed and will be monitored by Public Works. The request to place Christmas lights downtown is for the 100 block of E. Ross due to the number of lights the City was able to secure. The letters for this request were sent certified and included a self-addressed envelope to make it easier for the property owner. Three letters have been picked up. The reservations seem to be going smoothly as they come in for City facilities on-line. There has not been any feedback on the Fourth of July show since the notification went

out. There were a couple of calls last week asking, but it seemed well received when they were told there would be no show this year.

- Fire Department – Justin Patrick – Clearwater has not had to assist with the Park City fire yet.
- Police Department – Kirk Ives – Vehicle 5 will be repaired and will take approximately 3 weeks to complete. All of the radios that were purchase with the LSSE grant have been received.
- Public Works/Parks – Courtney Zollinger – Hammer’s Prairie Park and Nature Center has been mowed by a volunteer. Mayor Ussery stated that it was recommended by farmers to mow the weeds down. The volunteer will split any profits from the bails 50/50.
- Senior Center –Amber Ives – There is no estimated date on when the coupons for the waiting list for the farmers market coupons will arrive. The famers market coupon requirements are for ages 60+ or older or 55 if part of an Indian tribe. Commodities are handed out once a month. Food is received every other month, but the food is split up to offer them monthly. This last time, there were around 56 people who picked up food, most of which live in Clearwater. Ives stated commodities are based off the SNAP program and must live in Sedgwick County to pick them up from the Senior Center.

7. Business

a. Wood Street Addition Incentives

At the May 14th meeting Wheat State Capital Investments came before Council asking them to consider incentives reducing rent for triplexes they want to build. They requested: 5-year 50% property tax rebate (city portion), 50% off building permits, waived sewer and water tap fees (including any boring costs). Since then, Council has discussed offering incentives citywide, applying the same request Wheat State Capital has requested. Wheat State Capital Investments is ready to move forward with their plans and would like Council to strongly consider approving their request. Paul Lange with Wheat Capital Investments from Wichita was present and stated they are excited about Clearwater and would like to put something together and move forward. Mayor Ussery brought up past incentives and it was decided it wasn’t in the best interest of the City since the attraction to build here was strong and the tax dollars could be best utilized elsewhere. There have been lengthy conversations about incentives by the governing body. There are around 147 potential buildable lots within the City, if incentives were offered City-wide, it would be very expensive for the City. Mayor Ussery asked for a motion, there was no motion. Mayor Ussery explained in detail the options of motions and asked for a motion. Again, there was no motion. Lange asked what the Council would like to see from them to fit within the Comprehensive Plan that could potentially work. Mayor Ussery stated that there are other items needed for the City and the short-term incentives are not necessary to attract people to Clearwater and there doesn’t seem to be a lack of builders.

b. Temporary Alcohol Permit – Fall Festival

Clearwater Fall Festival will be hosting their annual Fall Festival at City Park. They will be having a beer garden on Friday October 4th from 6pm-10pm and October 5th from 2:00 PM to 10:00 PM. They are requesting Council to consider the temporary alcohol permit for Reflection Mobile Bar Service to cater the event in the Aquatic Center Parking lot. This is the same company who will be doing the Booster Club. The festival would put up a double layer snow fence around the proposed area. They will provide parents of youth sports organization to check ID’s and help keep the drinks restricted to inside the beer garden area. The Mobile Bar Service is licensed with ABC. Their privileges allow the licensee to sell and serve alcoholic liquor for consumption on unlicensed premises and other activities as authorized by K.S.A. 41-2643. According to City Code 4-1 (b), council can grant a temporary permit to allow alcohol on city property if an alcoholic liquor license has been obtained from the state. Council discussed there not being a tent for this event, the truck would not be able to set up under the tree for shade. Mayor Ussery pointed out the sidewalk being blocked off by the fence and stated that it should be moved to allow access for walking. The concerts will go until 10 p.m. on both nights Warkins believes

Motion: *Shore* moved; *Robben* seconded to approve the temporary permit for the Clearwater Fall Festival. Voted and passed unanimously with Palmer-Witt abstaining.

c. Library Board Budget Presentation

The Library Board has submitted their budget to the City Council for approval. The Board can levy up to 6 mills each year by ordinance 1046. In 2025 1 mill is equivalent to \$24,354. The Board is requesting \$146,124 (6 mills) to carry their 2025 budget. The detailed budget was included in the packet. Jessica Warren was present for any questions, there were none.

Motion: *Warkins* moved; *Palmer-Witt* seconded to accept the Library Board 2025 Budget at 6 mills. Voted and passed unanimously.

d. Notice of Award – Pearson Construction

At the June 11, 2024, meeting city council approved hiring Pearson Construction for the 2024 Road Reconstruction Project using asphalt for all reconstruction roads except for Prospect from Ross to Kansas that will be concrete. The approved project cost was not to exceed \$4,653,972.60. Pearson Construction will be at the July 9th meeting to answer any questions. Warkins had maps for the Fall Festival road closures, staff will get these to Pearson to get a plan in place. These are the standard construction documents from CED, counsel has read and agree to the documents.

Motion: *Walter* moved; *Palmer-Witt* seconded to Authorize the mayor to sign the construction documents. Voted and passed unanimously.

e. 2024 Road Project - Sidewalks

At the last meeting, Council agreed that taking out and putting in new sidewalks along the fully reconstructed roads was not a priority for the 2024 road project. Zollinger spoke with CED to see what portions of the sidewalk needed to be removed due to drainage work on the roads, due to the curb and guttering. CED reviewed everything and put together a new sidewalk exhibit. During the discussions it was asked to: 1) Keep any existing sidewalk that did not have to be removed for drainage. Zollinger has looked at the sidewalks and there are some that are maintained and does not believe it would be in the best interest to take them out. 2) Only replace sidewalk that was removed from sidewalk to curbs in the existed and had to be removed from driveway approach. 3) Replace any sidewalk in front of commercial businesses if taken out. 4) Do not add any new sidewalks. In the new exhibit only a portion of the sidewalks will be removed and/ or replaced. The City does not have a cost adjustment for this yet. Council viewed and discussed the proposed sidewalk exhibit map. All the sidewalks in the exhibit are in the City right of way and is the homeowner's responsibility to maintain. Council asked about the stairs on Kansas and Lee, Zollinger stated there is a steep slope that has existing stairs that would need to be removed, therefore they would need replaced. This plan will need to be given to Pearson if approved by Council. There will be a reduction in cost since the original cost for removal and replacement of all sidewalks totaled \$297,763 and was by sq. footage. There are very few sidewalks that will just be removed on the exhibit (red), Mayor Ussery wants to make sure any affected by this will have communication and perhaps include the walkability plan. The Council will have to revisit the cost if it is to exceed the original not to exceed amount with the 1 bid alt at \$4,653,972.60 plus \$40,270.50 for the concrete on Prospect between Ross and Kansas.

Motion: *Shore* moved; *Robben* seconded to approve the new proposed sidewalk exhibit as an update to the 2024 Road Project. Voted and passed unanimously.

f. North of Chisholm Ridge Property Development Concept

In February 2024 the City Council approved to hire Professional Engineering Consultants (PEC) to do a rough sketch with a layout of potential residential growth for the property north of Chisholm Ridge. The mayor and Zollinger met with Lance Onstott and went through the different ideas the council had agreed to. He has prepared a concept that includes lots from .5 to 1 acre in size. Charlie Brown with PEC is here to present the sketch and answer any questions. The property in discussion has commercial use to the North, agriculture to the East, single and duplexes to the South and Senior Housing and Church to the West. The smallest lot on the sketch is just under .5 acre and the largest is almost 1.5 acres. The 80' wide street dedication for Yvonn Dr.,

Chisholm Trail and the connection for Janet Ave. are included in the sketch. There are two areas for drainage: where the existing depression on the Southwest corner of the lot and the area in Chisholm Ridge that is currently taking the drainage. It was suggested to keep the retention pond there rather than open drain due to the natural drainage pattern. Council discussed the sketch being a tool to guide a developer in the way they would like to see the lot developed. The bigger lots were sought so that people had area to add accessory structures if desired. When speaking with Lance, it was mentioned that these kind of lots are typically not seen within City limits due to the infrastructure costs such as curb and guttering, paved streets, hooking up to city sewer and water (Clearwater City code). With fewer lots, the cost is more expensive to the individual lot rather than spreading the cost to more of the smaller lots. There are few developers who would take this on due to special assessments. It is recommended with the subdivision regulations to put in curb and guttering in all new developments, not open ditch. Council discussed the different ways that specials are spread normally street, sewer and water are by linear foot, but there are different options in which the developer would bring to council with the developer agreement and petitions. Warkins mentioned there are minimum lot size requirements from KDHE to have septic tanks. Shore mentioned the Comprehensive plan addressing the curb and guttering recommendations. Mayor Ussery mentioned the current code regarding vehicle parking and if Council would allow parking on the grass or next to the accessory structures as an example being another thing to consider. The developer will need to be informed that the street names are already designated. Council discussed all the plans would have to go before the Planning commission. City Counsel Hill stated that the Comprehensive plan will have to be considered while making decisions on how to have the lot developed per state statute. Zollinger stated the realtor the City hired for marketing the Chisholm Ridge lots also does commercial and they have spoken about this piece of property, he stated once Council decides on a sketch, then a realtor will reach out to a developer who may be interested.

8. Governing Body

Walter – The Ministerial Alliance the food bank will have a Fourth of July meal for residents on Monday, July 1st.

Shore – None.

Warkins – None.

Palmer-Witt – Asked about the Master Plan for the Sports Complex. Zollinger stated that PEC has had some turnover in the art department, so they were a little behind. She did receive an update that was missing an element and is waiting for them to add it in and get it back to the City then she will schedule a meeting with all parties involved. Palmer-Witt also asked if Longhorn Court could be checked.

Robben – There are still people putting brush at the curbs, Zollinger stated that Public Works has completed picking up the brush on the frontage roads. The City will put out another reminder of this. Robben is concerned that the brush will be left and cause a potential hazard. Zollinger stated that it could be considered a nuisance and could be handled that way.

Ussery – None.

9. Executive Session

None.

10. Adjournment

Motion: *Warkins* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:40 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 June 25th, 2024, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of July 2024.


Jaye Poe, City Clerk

