

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
July 09, 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, Shirley Palmer-Witt and Tim Robben.

The following staff members were present:

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

Others Present who spoke:

Kyle Berger, Richard Grizzle, Logan Mills and Tyler Stevenson. Larry Kleeman was present via GoTo Meetings.

3. Approval of Agenda

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

Motion: *Shore* moved; ***Robben*** 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

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – None.
- Fire Department – Jared Dinwiddie – None.
- Police Department – Kirk Ives – Council asked if Vehicle 5 was repaired, Ives stated no, they hope to have it by the end of this week.
- Public Works/Parks – Cole Hollis – Council asked if they have had to discharge this year. Hollis stated they have, he typically doesn't like to discharge during this time of the year, but it had to be done.
- Senior Center – Amber Ives – Council asked if Ives had heard anything about the funding increase request from Sedgwick County. Ives has not received any notification yet but stated that Sarah Lopez attended the family fun night with her family and hopes that helped.

7. Business

a. Discussion: Pearson Construction – 2024 Street Project

Logan Mills with CED and Tyler Stevenson from Pearson construction were present to answer questions on the 2024 Street Project. Council had questions about the full road closures which would be local access only with alley or off-street parking. The barricades for the full road closures would have enough room for emergency equipment to get through. Pearson will provide door knockers to each home that will be affected by the full road closures a week before they plan to start on their street. A construction schedule will be given to the City for social media updates a couple of weeks before road closures occur. Pearson will communicate with the residents while they are working in their area and let them know they will not be able to park or drive on the poured drive for 3-5 days for the full depth reconstruction. If Pearson cannot contact the resident, they will leave another door knocker. The trash trucks should be able to get down the roads with no problem, but if Pearson needs to move the cans for pick up, they will ask the owners to put their address on the can so they can be put back to the right house. Stevenson said the Mil and Overlay will be a quick process, the patching will take a little longer whereas the whole reconstruction will take longer. The estimated start date is September 3rd. Council asked where Pearson would keep their stockpile of materials. Stevenson stated there won't be much stock, he thinks only the waterline material which will remain on their trailers and will communicate to the superintendents not to block property. If there are vehicles that need to be moved and Pearson cannot make contact, they will ask for the City's help. The estimated time for the full reconstruction per block is 30-60 days, this will vary depending on sidewalks and driveways. The curb will be poured before the driveway, this will allow for parking while driveways are being poured. The return of the driveways will only be replaced for the full-depth reconstruction portion of the project. If there are curbside mailboxes, Pearson can look at putting a gang of mailboxes at the end of the street. Mills stated they will send notices to the Post Office and trash company, so they are aware of the construction. Council discussed the communication with the residents being important. Palmer-Witt mentioned complaints on the current street repairs, Mayor said he will put an update out with information for the road project. Zollinger stated that they must be talking about the annual road project with the crack fill and slurry seal, this is separate from the road project and there have not been any complaints brought to City Hall. Council suggested putting something out explaining the annual road maintenance and the street project.

b. Temporary Note 2024 Street Project – Resolutions

On June 25, the Governing Body awarded Pearson Construction to complete the 2024 road project. The temporary note for the project will be \$5,865,000. This is to account for the construction costs from Pearson, inspection costs from CED (\$250,000), interest payments for 3 years, cost of issuance, and 5% contingency for the project. The 1% sales tax that was enacted in January 2024 will be added to the project fund to applied to the temporary note as well as any additional funds the governing body designates each year until it comes due. When the temporary note is due, whatever amount is unpaid will be rolled into a General Obligation bond that will be paid by the city at large. The 1% sales tax collected each year will be applied to the annual bond payment. If the sales tax collected does not cover the annual payment, then the remaining amount will be paid through Ad Valorem taxes. The Resolutions and supporting documents have been crafted by Bond Counsel Gilmore and Bell and Financial Advisor Ranson Financial. If any of the funds are not used for the project, then the funds go back to the Temp Note. Larry Kleeman was present via GoTo Meetings, Council had no further questions.

Motion: *Robben* moved; *Warkins* seconded to adopt resolution 10-2024, a Resolution of the City of Clearwater, Kansas, authorizing the improvement or reimprovement of certain streets within the City; and providing for the payment of the costs thereof. Voted and passed unanimously.

Motion: *Shore* moved; *Palmer-Witt* seconded to adopt resolution 11-2024, a Resolution authorizing the offering for sale of general obligation temporary notes, series 2024 of the City of Clearwater, Kansas. Voted and passed unanimously.

c. Fire Department Raffle

Richard Grizzle and Kyle Berger were present for this discussion. The Fire department would like to raffle off 3 firearms to raise money for radios. The rules for raffles in Kansas have been reviewed and a license will be required if the gross receipts for raffle exceed \$25,000 in a fiscal year. The Fire Department does not anticipate exceeding that mark, therefore will not require a special permit. The fundraising team stated the raffle winners would have to

go through a background check at the FFL to pick up the firearms. If the winner doesn't want the firearm that is raffled, the winner would then get a gift card for the same value as the firearm. The fire department would like the City Council's feedback and support for conducting a raffle of this nature. Council discussed the age restriction being 21 or older to purchase the raffle ticket. If the person is not eligible once the background has been completed, then they can receive the gift card. The firearms for this raffle are a 223 which is an AR15, 1911 handgun and a Ruger American. The Fire Department Donation account balance is \$21,685. The firearms suggested retail price is between \$325 and \$440. Council discussed the options of having the dealer hold the guns until a winner was chosen, or having someone purchase the firearms from the committee and then do a legal transfer to the winner after a background has been passed. They would like to start selling the raffle tickets as soon as possible, they will be \$25/ticket or \$100/5 tickets. The winners will be announced at the Fall Festival. Walter is still concerned about liability, Ufford stated if the necessary steps and the background checks are done, then it should be fine. Mayor recommends having the dealer keep the guns that are prepaid. Shore mentioned being concerned with the types of guns listed, specifically the AR15, the other councilmembers were not concerned. The Fire Department would like to have the option to sell the tickets for the open house on July 20th.

Motion: *Robben* moved; *Palmer-Witt* seconded to authorize the Fire Department to conduct the raffle with the specific requirement that it goes through the dealership and the winner must comply with all FFL requirements for background checks. Voted and passed unanimously.

d. STO Ordinance

2024 Standard Traffic Ordinance Update includes: Section 201.1 Amended Failure to Comply with a Traffic Citation and Section 201.2 Added Failure to Comply with a Traffic Citation.

Motion: *Walter* moved; *Warkins* seconded to adopt Ordinance 1109, 2024 Standard Traffic Ordinance. Voted and passed unanimously.

e. UPOC Ordinance

The 2024 Uniform Public Offense Code (UPOC) updates include: Section 9.1 Amended Disorderly Conduct, Section 9.9.1 Amended Unlawful Possession of Marijuana and Tetrahydrocannabinols (synthetic THC), Section 9.9.2 Amended Possession of Drug Paraphernalia and Certain Drug Precursors, Section 9.9.4 Amended Unlawful Possession of Controlled Substances.

Motion: *Shore* moved; *Palmer-Witt* seconded to adopt Ordinance 1110, 2024 Uniform Public Offense Code. Voted and passed unanimously.

f. 2025 Budget Revenue Neutral Rate Notice

Through the 2025 budget discussions, the City Council has come to a consensus to not exceed the Revenue Neutral Rate (RNR) for the 2025 Budget. This means the city will not collect more taxes in 2025 than it collects in 2024. The RNR taxes will not exceed \$1,434,160.28 and the mill levy will be reduced from 64.131 to 58.887.

Motion: *Palmer-Witt* moved; *Warkins* seconded to not exceed the RNR for the 2025 budget. Voted and passed unanimously.

f. Fire Bar Update

During the 2025 budget discussion Council was made aware that not everyone in the Fire Department was receiving calls from this service by Twin Valley. The department has been battling this issue for many months. Since the fee for the Fire Bar is \$5,600 and not every member could use it, the council decided to remove it from the 2025 budget. Since then, Twin Valley has fixed the issue. If the Fire Bar service is kept, the Fire Department budget would add back in the \$5,600 for the Fire Bar and would reduce the Road Project Reserve. Council asked what got fixed and why it was so easy, Dinwiddie did not know, just that Twin Valley must have gotten wind of the previous discussion about removing it from the budget. Robben and Dinwiddie think it would be a good idea to keep the service as a primary way of contact. There has been discussion that Wichita/Sedgwick County is looking at some kind of reliable communications hopefully to be used next year. Council discussed keeping the Fire Bar and

cancelling the service if problems arise again as well as asking about a discount for the 8 months the service did not work properly. Dinwiddie has a direct contact with Twin Valley so he can monitor the service and communicate any issues.

g. ARC 95 Contribution

Mayor Ussery attended a meeting for ARC 95 and wanted to provide an update. Haysville, Derby, Clearwater and Mulvane have set aside money in the past to help fund this project. They are getting ready to ask for money to hire a consultant to start securing property for this project. This essentially starts in Mulvane and comes up 95th street. The major focus right now is to get across the tracks, the big ditch and get across to Broadway potentially taking 5 years. The idea is for it to go to 119th and be a two-lane road. They would like to have a five-year agreement with each of the cities as to how much could be put into the project. Clearwater has put 5,000 for two years into the reserve account for this, it was not put into the budget for 2024 or 2025. Haysville and Derby are putting in more since it impacts them directly. Mayor Ussery would like to make sure that they have Clearwater's support when they start making decisions to bring the project West. Council will discuss adding funds back into the budget for 2026.

8. Governing Body

Walter – She has received feedback from a few people regarding the City not putting on a Fireworks show for 2024 and it has been 50/50. The other council members stated they had the same type of feedback. Warkins stated when she explained the cost of the fireworks, then there was more understanding as to why there was no show this year. Mayor Ussery had a lengthy conversation with a War Veteran regarding the fireworks and limiting the number of days they can be shot off. Mayor wanted to recognize that fireworks can be casue emotional trauma for some people.

Shore – None.

Warkins – None.

Palmer-Witt – None.

Robben – Will be on vacation from the 26th – 4th and will not be able to attend the Workshop on the 30th.

Ussery – The League conference is in Wichita during the Fall this year and would be beneficial to attend. Mayor Ussery will be out of town from the 13th – 20th, Shore will be in to sign checks for the City.

Zollinger stated there will be a insurance company on the 30th to discuss self-insured health insurance for employees. The State Employee Health Plan the City currently has ends on 12/31/2025. The rates and deductibles keep going up considerably. There are many other cities who have went to the self-insured policies.

9. Executive Session

None.

10. Adjournment

Motion: *Shore* moved; *Warkins* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:28 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 July 9th, 2024, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 23rd day of July 2024.


Jaye Poe, City Clerk

