

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
November 12, 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; Crystal Walter, Justin Shore, Samantha Warkins, and Tim Robben. Shirely Palmer-Witt was present via GoTo Meetings.

The following staff members were present:

City Administrator Zollinger, City Clerk Poe, Amber Ives, Jared Dinwiddie, Cole Hollis, and City Attorney, Jennifer Hill.

Others Present who spoke:

Michael Snyder and Mark Petesch.

3. Approval of Agenda

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

Motion: *Warkins* 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

Designate Safety Zone – Christmas Comes to Clearwater

Fee Waiver Policy

Records Retention Resolution

Mayoral Appointment – Volunteer EMT

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Council asked for the status of the bridge replacement at Tracy, Zollinger should have a waiver of liability at the next meeting. Public Works is still locating the waterline so the insert-a-valve can go in. The Bridge project will not start until next year. Council discussed the crossing at the railroad, it has been discussed with the railroad. They are working on a grant through KDOT to get new arms. At the time of discussion the City requested to have them replace the asphalt underneath and the rails to help with the bumps and the same request was made for the crossing at Grant. Nothing was promised but they would see if there was money in their budget for that.
- Fire Department – Jared Dinwiddie - None.

- Police Department –Courtney Zollinger – The Downtown event was a success. Council asked about the Humvee, Zollinger stated that the auction goes until the 19th and the current bid is at \$11,000. There were issues with the title, year and serial number after all was fixed, it was determined that it was not a first edition like originally thought but a 1990. Ives thought it would bring in around \$6,000.
- Public Works/Parks – Cole Hollis – The Christmas lights will be put up downtown the week after Thanksgiving. Lights will go along the tops of the buildings except the ones who did not approve or respond to the request. Council asked if the holes from the sewer cleaning left in people’s yards would be fixed by the company, Hollis said probably not, but if reported Public Works would repair it. Shore stated there was a big chunk of asphalt by Tracy and the Railroad tracks that was getting washed into the road. Hollis is unaware of what that would be from but has not seen it. Walter asked about the water damage at the library, Hollis stated damage was not done. The gutters have been cleaned since the rain and the landscaping in the back will be worked on when Public Works can get to it. There are water downspouts with extensions in the back of the library to help deter the rainwater. Public Works cannot get their equipment between the fence behind the library so the material to fix the drainage issue will have to be wheel barreled and hand shoveled. The Library redid their landscaping a few years ago which is when the issues started. Robben mentioned the pothole by the assisted living and if it would be considered a nuisance. Zollinger stated it is not a nuisance and is in their private drive. Staff will reach out to Advena.
- Senior Center – Amber Ives – Council asked about the meeting with the rec commission. Ives stated the superintendent was the guest speaker and it went well. There were 53 people in attendance for Thanksgiving lunch today.

200

7. Nuisance Hearing –~~201~~ S Grant

The nuisance hearing opened at 6:42 pm.

On October 2nd of this year, Professional Code Compliance (PCC) identified 200 S. Grant in violation of the city’s weed ordinance. A door knocker was left, roughly 14 days later a formal notice went to the property owner, Michael Snyder since the violation had not been abated. Mr. Snyder requested a hearing and is present to speak. Mr. Snyder addressed his concern about the street not being wide enough. He has a safety concern with rocks being thrown while mowing this area due to the gravel left behind after the streets have been grated. He showed council pictures of gravel in grassy areas along Grant from the years of grating the road by the City. Another concern of his is the water not draining off the road into the ditches due to the buildup of debris on the side of the roads, he showed council pictures of water on the street. Mr. Snyder looked up City Code and referenced article 6 section 32, 124 streets, alleys and public ways under item I, the traffic lane should be 9’ wide. He said there is 80’ from property line to property line on Grant. He then addressed his concern regarding the ditches having the buildup from the grating of the roads and his neighbor’s culvert is filled in. He has approached City workers about this concern. He is also concerned about emergency vehicles being able to get through when vehicles are parked on both sides of the road. Another safety concern is the lack of a fire hydrant at Grant and Park. The curve on the road going to Park, the street narrows to 20’ then further down it is 17’ he believes it should be a minimum of 30’ wide. He stopped mowing the area in violation because he got tired of worrying about rocks getting thrown and possible hitting something or someone. A properly grated road should have a proper crown with no restrictions on the side for water to drain into the ditch. He then mentioned the road plan where he felt the dirt roads just got looked over even though their tax rate is the same. He stated that he wants the City to order him to mow it so when a rock gets thrown then he can say the City didn’t clean up their mess to make it safe and maintained. Mayor Ussery asked if staff is prepared to discuss the road width issue. Zollinger stated not as far as the width, but they are for the nuisance. The property owner must maintain the property between the property line and the center of the road to include the grass height. The grating, draining and width of the road will need to be reviewed by staff, Mayor would like staff to satisfy these questions before moving on with the violation. Zollinger mentioned the width of the road could have had limitations when it was originally platted and mentioned the placement of the mailbox in the picture. Zollinger stated the code that Mr. Snyder is part of the minimum standards which she believes was done in 2003, several years after this part of the City was platted so it would apply to future. Public

Works did remove around 9" last year to be in line with the mailboxes after speaking with Mike. Council asked if a survey would need to be done, Zollinger stated it is difficult to have older neighbors comply with new code several years later. Warkins asked if the maintenance of the ditch was the property owner or the City's responsibility, Zollinger believes it is the City's. This item will be tabled until answers addressing the road width and ditch maintenance concerns are satisfied. The timeline for this nuisance will be tabled. Hill asked if Mr. Snyder would get the pictures he brought with him to the City.

Motion: *Shore* moved; *Robben* seconded to table this nuisance until the Governing body has been informed of the street width. Voted and passed unanimously.
The nuisance hearing closed at 7:05 pm.

8. Twin Valley Grant Presentation

Mark Petesch with Twin Valley presented to Council. Twin Valley is actively preparing applications for BEAD funding. This grant has \$450 million set aside for broadband expansion. Twin Valley has already laid the infrastructure for the City of Clearwater to have fiber, they are requesting a letter of support from the City to show their support to be included in their application for this funding request. The timeline is set at November 20th to have the application and documents submitted. If Twin Valley were to receive funds, they would have to provide 25% of the whole cost. This is not a project that is set in stone, as they are still waiting on overall costs of the projects. The rural parts of Clearwater would be considered underserved since the threshold is 100megs. Council asked if he knew how many people in this area would be able to get this service, Petesch did not have that number. There is no financial request from Twin Valley, only support for the company so they can apply for the grant. Mayor Ussery stated he would support that.

9. Business

a. Ordinance Annexation of Highways

In October 2023 Sedgwick County Public Works presented the Governing Body with the option to annex the remaining northern section of Tracy, Diagonal Road, and 135th south of 95th to the railroad. This would give Clearwater maintenance and police jurisdiction. There was a Memorandum of Understanding that states the County will have maintain Diagonal one more time in either 2025 or 2026. After that maintenance cycle then Diagonal will become part of the city's maintenance responsibilities. 135th will continue to be a connecting link and maintained by County. Tracy will be turned over to the City immediately. Once the ordinance is adopted, published, and filed with the Register of Deeds, the City will take ownership of right of way maintenance and police monitoring. Tracy and Diagonal Roads will need to be worked into the annual maintenance plan of the city. Council asked if this would be Tracy all the way to 95th, Zollinger stated yes, the west half of the road is already annexed in. Shore asked if any parallel part of 95th was part of this, Zollinger stated no. Mayor Ussery stated eventually the new part of the Cemetery will be annexed in.

Motion: *Walter* moved; *Shore* seconded to Adopt Ordinance 1113 an Ordinance annexing and incorporating certain highways into the city of Clearwater, Kansas, as identified for annexation by Resolution of the Governing Body of Sedgwick County, Kansas, Resolution No. 225-2024. Voted and passed unanimously.

b. Repealing Ordinance 1057

Ordinance 1057 was adopted February 2020 which regulated parking behind the library from 8am to 8pm to two hours parking only. The Librarian reported that Shackelford Machine employees were using the library lot for parking. Chief Ives identified enforcement issues with this for the following reasons: 1. All library staff park in the back parking lot for longer than 2 hours. Ordinance 1057 did not call out staff parking. 2. Library staff allowed another business employee to park in the back during the day, which is in violation of ordinance 1057. 3. The police department does not have the resources to monitor 2-hour parking in any lot of the city. If a car backs up and pulls back in, that is "technically" moving. Ives and Hollis reviewed the available parking spaces and found that Grace Meds large trash can, the Wellness Centers 2 95-gallon carts and the other business employee all took up four spaces. The other business employee is no longer taking up the two spaces. Hollis will work on getting quotes for parking stops in the stalls to prevent the trash cans from the other businesses rolling into one of the available

library stalls, he will also create a new handicap parking stall along the fence. Shackelford Machine will be creating more parking spaces for their employees. The council has reviewed these issues and agreed. The council further identified that no other city lot or building has limited parking, nor do they have staff parking. Once Hollis has a price on parking stops, they will get installed. Once installed this should take care of the trash cart issues.

Motion: *Warkins moved; Robben* seconded to Adopt Ordinance 1114 Repealing Ordinance 1057 regulating parking by limiting the parking of vehicles on a certain public lot within the city of Clearwater, Kansas. Voted and passed unanimously.

c. Cancel December 24th Council Meeting

Since December 24th is considered a Holiday at the City, we will try and have the end of year items done at the December 12th meeting. The second meeting in December is normally cancelled due to Christmas Eve.

Motion: *Warkins moved; Shore* seconded to cancel the December 24th Council meeting. Voted and passed unanimously.

8. Governing Body

Walter – None.

Shore – Complimented Chief Ives and Staff on the Downtown Trick or Treat event. He asked if Professional Code Compliance could add the City logo to the door knocker and cite the specific ordinance. Zollinger will get with PCC, she stated the official letter does include the specific ordinance. It is encouraged for them to call the number on the notices and speak to Kendall. City Hall has not received any calls with complaints about this.

Warkins – None.

Palmer-Witt – None.

Robben – Asked what the cost or process to pave the dirt roads in town would look like? Zollinger stated the City at large could pay for them which she doesn't suggest. Likely it would be a benefit district where the people who benefit from it would have to pay for it. A petition with more than 51% in favor of paving the roads would have to be done and then it would get billed to them through specials. Robben thought Mr. Snyder should hear this information. Zollinger mentioned that the City has received around \$229k in sales tax and if there are funds left over after making the bond payment, it could be set aside for future improvements if council wishes. She said the roads are getting graded regularly, the process will get evaluated to see if changes need to be made. Council asked how many linear feet were in town, Zollinger stated there are 5 blocks in town she believes but does not have the linear feet. The comprehensive plan does include identifying and developing a plan to eventually pave the dirt roads. Palmer-Witt mentioned there is more privacy, less traffic and more yard on this particular dirt road. She doesn't believe that many of the owners on her street would want to have the road paved.

Ussery – He received a card addressed to City Council and Planning Commission from Jill and Arnie Rausch. The card stated that Courtney was helpful, patient, informative and quick to communicate during their platting process. They said that she is a great resource and asset to the City in which the Mayor agrees.

9. Executive Session

None.

10. Adjournment

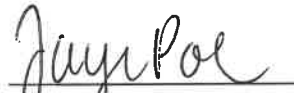
Motion: *Robben* moved; ***Warkins*** seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:41 PM

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 November 12^h, 2024, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 26th day of November 2024.


Jaye Poe, City Clerk

