

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
September 24, 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, Shirley Palmer-Witt and Tim Robben.

The following staff members were present:

City Administrator Zollinger, City Clerk Poe, Amber Ives, Cole Hollis, and City Attorney, Scott Ufford. Jared Dinwiddie was present via GoTo Meetings.

Others Present who spoke:

Scot Palmer

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda, Zollinger stated item 7c, Reflection Mobile Bar Service – Temporary Permit at 211 S Grant

Motion: *Robben* moved; *Palmer-Witt* 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

Accept Resignation - Firefighter

Mayoral Appointment

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Zollinger mentioned that the Fall Festival merchandise is for sale at the Library, City Hall, Emprise, Home Bank and the Senior Center has buttons and Wristbands. They are still needing volunteers, and the City will need some for the Ducky Dash. For the Ducky Dash it is from 8a-2p with the most help needed at 2.
- Fire Department – None.
- Police Department – Courtney Zollinger – None.
- Public Works/Parks – Cole Hollis – Palmer-Witt asked if the lights at City Park were working. Hollis said that they were now and will be on for the Fall Festival. There are two timers, three photo eyes and three manual control switches so it took time to find the issue. Walter asked if water would be available so the ministerial alliance could use to wash up during the Festival. Hollis said there is a spicket by the horseshoe pit and by the

bathrooms, the one by the bathrooms will be used for food truck hook ups. The family bathroom will be open and if there are no issues with the other bathrooms such as flooding, messes etc., the other two will be open. Shore asked about the pothole across from Mize's. Hollis said it is the responsibility of the property owner, but they are keeping an eye on it since it is now approaching into the road. He also asked if they could put lines across Ross for walking. Zollinger and Hollis said since there are no crossing zones or stop signs there currently, they decided not to do that when they added the others. Mayor Ussery stated that he followed a truck with a big trailer from Wichita who ended up going to the Brush Dump in Clearwater. Hollis and Zollinger said the brush dump cards are issued to residents only and must be shown to dump there. There has been one commercial pass issued for this year \$250 quarterly. Commercial passes are for companies removing brush from within the City and can choose to pay the \$50 per load rather than the quarterly rate.

- Senior Center – Amber Ives – Ives notated that the Clearwater Senior Center were puzzle Champions. Mayor Ussery mentioned the notoriety in the paper for Amber and congratulated her again.

7. Business

a. Professional Code Compliance

The service agreement has been sent out to Council this afternoon when it was received, reviewed and approved by the City Attorney. The agreement will start services on October 1st. Zollinger will recommend to the company to start off easy and just be aggressive with door hangers. Mayor Ussery will do an update this week that will include this was approved and why it was approved. This agreement will be \$1700/month plus any excess mailing to include 68 hours/month. The agreement will allow for modifications if the City has any concerns. Kendell Piece will be Clearwater's representative and will attend any court proceedings if any violations go that far.

Motion: *Shore* moved; *Palmer-Witt* seconded to approve the contract with Professional Code Compliance. Voted and passed unanimously.

b. Approve Contract with Freedom Claims Management, Inc

The FCMI/ HIC contract was sent out to Council this afternoon when it was received. It has been reviewed and approved to include the edits that City Attorney Jennifer Hill asked for. This will take effect January 1, 2025, and staff will notify the State Employee Health Plan of termination this week. HIC will come in for an open enrollment for employees.

Motion: *Palmer-Witt* moved; *Robben* seconded to approve the contract with FCMI. Voted and passed unanimously.

c. Reflection Mobile Bar Service – Temporary Permit at 211 S. Grant

Reflection Mobile Bar Service has been hired for a Halloween event at a private residence. The owner is asking if they can park their truck in the front yard, which technically is still in the city's right of way and serve on private property. KSA 41-1201 allows a city to issue a temporary alcohol permit on city property. It states a temporary permit may be issued for the consumption of liquor on city, street, alley, road, sidewalk or highway for an event if such street, alley, road, sidewalk or highway is closed by the governing body. Ufford says he is hesitant since the statute does not mention grassy areas. Ufford stated City Code does address temporary alcohol permits referencing a now repealed State statute, which will need to be updated. It also states that a local temporary permit may not be issued within a residential district including R-L, R-1, R-1A, R-2, R-3 and any agricultural district. With State statute, it could be a possibility, but our City code does not allow it. Council discussed moving it to the driveway so that it would be on private property, Ufford agrees that could work. Scot Palmer said that he has a few options but wanted to speak to the City before anything was decided. He has permission to set up on the private property just across the street, but that causes an issue with someone walking in the street with a drink to get to the event. Palmer wants to keep it contained. If it is on any City property, then a double fence to keep the drinks contained and security of some sort would be required. Palmer stated it would be too big with the truck and double fence for that location. Palmer said they do have a catering license that does not only stay with the truck.

He could set up a canopy in the driveway with their license displayed since there would be money and or goods exchanged. He stated that he does and will report the sales to the State of Kansas. Council asked who would be liable if drinks were taken onto public property, Palmer stated it would be the person who bought the drinks responsibility. He will have four signs up stating "no alcohol beyond this point" and will have someone checking ID's and watching. Palmer said this will help with future since people are asking him to do private events. Council then discussed the other events in different cities, each city is different with their code, Palmer stated that Clearwater is the only one so far that required the double fence. Council asked if he had to have a permit for a special party/event, Zollinger stated he did not. Palmer said that he could not utilize the property north due to the terrain. Palmer then asked if Reflection Mobile Bar Service could set up for the Trunk or Treat event downtown. He stated there was a lot of interest from the adults last year when they set up to hand out candy on Shawn Weaver's property on Ross. He does have permission to set up in the same location and if not approved will just hand out candy from the same spot as last year. Council discussed the different places that he would be able to set up the truck since the Ross will be closed from Gorin to Tracy already. He will have a 6 ft barrier to keep it contained and check IDs since there are a lot of children around. Zollinger mentioned that the northern half of Ross is C-1 and the southern half is R-1, the truck would have to move further west and on the north side of Ross to stay out of the residential zoning per City code. A Request for a Temporary Permit can be brought to Council at the next meeting. The practice of the double fence started with the Fall Festival beer garden to separate it from the family experience, and it isn't easy to pass anything over.

8. Governing Body

Walter – Walter asked if the events for the fall festival are covered by the City or the Fall Festival. Zollinger stated the festival is its own entity and the events such as the bouncy houses, axe throwing, carnival etc. provide the fall festival with their own insurance listing them as additional insured.

Shore – The League Conference is October 10th-12th and is in Wichita this year.

Palmer-Witt – Will be gone for the next meeting. She asked about the street project, Zollinger stated the milling machine came through for that job, then the subcontractor PPJ that is doing the concrete work, and Pearson is now working on the patching. It was delayed a little bit due to weather. Prospect has been pushed back to next year due to School.

Robben – Will also be gone next meeting. Walter stated that she will also be gone for the next meeting. With there not being a quorum, all they could do is hear and not make any motions, Zollinger suggested they have a special meeting since the temporary permit was just put on that meeting and an annexation ordinance as well. Nobody will be able to call into the meeting. Zollinger stated that the Planning Commission will meet on October 1st at 6:30 pm and suggested Council meet that day at 5:30 or 6, Palmer-Witt will not be able to attend on the 1st but all others can and prefer 6 pm. Zollinger asked if they still wanted to meet on the 8th to hear staff reports, consensus was not to meet and to cancel the October 8th meeting. Shore asked if the wells would be annexed, Zollinger stated not until Clearwater meets that property, the BOCC did not like the recent Island annexation.

Motion: Robben moved; **Walter** seconded to cancel the meeting on October 8th and have a special meeting on October 1st at 6 pm. Voted and passed unanimously.

Ussery – Will be gone for the October 22nd meeting. Asked Hollis if the hooks for the lights have started to be installed for Christmas lights. Hollis said they have not but will get it on the list to get done by October 31st if he would like. All downtown businesses in the 100 block of Ross have approved the Christmas lights being put on their buildings except for 3.

9. Executive Session

None.

10. Adjournment

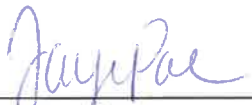
Motion: Palmer-Witt moved; **Shore** seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:19 PM

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 September 24^h, 2024, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 8th day of October 2024.



Jaye Poe, City Clerk

