

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
August 27, 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, Shirley Palmer-Witt and Tim Robben.

The following staff members were present:

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

Others Present who spoke:

Ruth Smith, Tyson Frickey, Logan Mills and Michael Bailey.

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda, Zollinger stated Item 7f, approve Contract with Freedom Claims Management, Inc. needed to be removed.

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

Consent for annexation- 8023 Butterfly Ct.

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – The street light installation on Salt Creek has been pushed back and it has been communication with the homeowners.
- Fire Department – None.
- Police Department – Kirk Ives – Council is glad to see the SPV permits increasing. They have received 7 applications for Police Officer with 2 being promising.
- Public Works/Parks – Cole Hollis – None.
- Senior Center – Amber Ives – Council congratulated Ives again in the increased funding from the Department on Aging. With it being Senior Center Month, there are many activities planned. They will be going to the Museum of World Treasures, different agencies will be coming in for Thursday lunches, root beer float and bingo day. The theme is connections and Ives is trying to stick to the theme for Senior Center Month.

7. Business

a. GO Temporary Note Bids

On July 9, 2024, the City Council adopted Resolution 11-2024 authorizing the sale of temporary notes for the City Street Improvements. 5 bids were received today with the lowest being Country Club Bank. They had an average interest rate of 3.3629%. With the interest rate being lower than anticipated, the bond will drop from 5.8 million to 5.7 million. Council discussed the original amount and any excess funds and where it would go, Zollinger stated that the City will not borrow what was originally estimated at 5.8 million, the City will now only borrow the 5.7 million.

Motion: *Palmer-Witt* moved; *Shore* seconded to award the bid to Country Club Bank and authorize the Mayor and City Clerk to execute the bid form. Voted and passed unanimously.

Motion: *Walter* moved; *Warkins* seconded to Adopt Resolution 13-2024 authorizing and directing the issuance, sale and delivery of general obligation temporary notes, series 2024, of the city of Clearwater, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other document and actions connected therewith. Voted and passed unanimously.

Motion: *Shore* moved; *Palmer-Witt* seconded to authorize the Issuance of General Obligation Temporary Notes Series 2024 and authorize the Mayor and Clerk to execute the closing documents. Voted and passed unanimously.

b. AYSO Field Usage Agreement

The governing body considered a field usage agreement with AYSO for their fall soccer season in July. During that meeting AYSO representatives explained that AYSO is a non-profit organization. The player fees are set to cover training and gear costs for the region. In 2024 the city council established reservation prices for all outdoor facilities. USD 264 and the Recreation Commission both paid to utilize the sports complex in 2024 for the first time. Council reviewed the rates that were charged to USD 264 and Recreation Commission and thought \$6,000, same as the Rec Commission, was a fair amount based on utilization. Zollinger reached out to a few facilities that host AYSO regions. Wichita parks no longer host AYSO for 6-7 years, when they did, they charged \$12/\$13 per player. Valley Center charges a flat \$10/player fee. They once had a flat seasonal fee but discovered that didn't work well with AYSO and went to a per player fee. AYSO sets their budget based on a per player fee. If they were to pay the \$6,000, the cost per player would go up \$35 based on 173 players. The discussion was tabled at the July Council meeting. AYSO reps approached the Rec Commission to see if they would help sponsor their usage fees per recommendation from Council. The Rec Commission met and did not want to commit to giving any money until a fee is established, Zollinger let them know a recommendation of a per player fee would be brought to Council. There was a consensus that they would like to help once City Council sets the fee since AYSO fits their mission statement and are doing good things for the community. The City does invest nearly \$20,000 in the Soccer fields each year that includes chemicals, mowing, sprinklers etc. with a 3% increase for 2025. Currently the AYSO fees are \$95 per player that covers both fall and spring seasons if they sign up in the fall. Zollinger wanted to explain why the per play fee is recommended versus the flat \$6,000 like the Rec and School was charged. The City offers a similar fee for the Clearwater Swim Team. The swim team is a nonprofit organization within the City but not run by the City. They are charged \$15 per swimmer to utilize the pool. The city provides lifeguards during their practices and lane ropes they provide their equipment. AYSO provides their own nets, goals and refs so the City provides the lawn only. It is recommended to charge a \$5-\$10 per player fee. Whatever is charged to AYSO will be a loss for this year unless the Rec can provide some relief. Ruth Smith and Tyson Frickey were present and explained that their Fall season begins on September 1st – November 1st and their Spring season is from Mid-March to Mid-May. Council questioned the charges and how they worked for each season. Smith stated if a player pays for the Fall season, they can play again in the spring at no additional fee. Their fees have already been established for this coming Fall and Spring seasons so any field usage fees would come from their operating budget. Frickey stated that they have not been raising their rates as rapidly as other regions have, so they have been using the operating budget for that. He stated that Valley Center is \$15 higher per player than Clearwater is. Wichita is set at \$140, but

they maintain the fields. Frickey took over 4 years ago and created a scholarship fund that people could donate \$5 in addition to their registration, the first 2 years went really well until AYSO had to raise the fees the last 2 years. The average number of players is 175 for both fall and spring combined. Fall is around 131 players due to other sports like football and cheer, 2/3 of the players have already signed up. Council asked Zollinger if the Rec seemed positive when asked to help AYSO. Mayor Ussery likes the per player fee rather than the set fee. There are usually only around 20-30 kids that sign up after January 1 of each year (for the spring season). Council discussed the effective date being for 2024 but fees starting January 1 and per player. The AYSO season will be fall of 24 to Spring of 25 so AYSO will have a fee to pay for their upcoming spring season only for new registered players. Council mentioned the loss of revenue at the pool, Zollinger stated it is normally around \$30,000. Palmer-Witt thinks it would be a good idea to keep the fee the same as the swim team at \$15 per player. Warkins suggested asking the Rec if they would want to do a yearly sponsorship for AYSO. Zollinger reiterated the rec seeming to be in favor of helping AYSO as the rec does not offer soccer. Council mentioned the fee of \$150 per game charged to the baseball team this summer, but since AYSO is in Clearwater region it seemed better to do a per player fee field usage will be determined per different circumstance.

Motion: *Robben* moved; *Warkins* seconded to authorize the Mayor to sign the field usage agreement with a fee of \$15/player effective January 2025. Voted and passed unanimously.

c. Water Relocation/Insert Valve

Sedgwick County approached the Cemetery District to obtain a permanent right of way easement near Tracy and Diagonal. Since Clearwater is the City of third class with population under 5,000 the bridge will continue to be maintained by Sedgwick County even when Diagonal gets annexed into the City. The City of Clearwater has a water line that runs on the west side of Tracy and has a 90 degree turn that runs under the railroad tracks towards Wood street. During the bridge work the construction crews will be digging deep enough to install the bridge box and rip rap that it will be within an inch of our water line. The recommendation of staff is to insert a valve on Wood street. During the construction of the project the city would be able to isolate the area by shutting the water off on that stretch of main so if the line were to be hit (and most likely will be hit) there will be no interruption in service or downtime for the construction crews. Sedgwick County would like the City to move the waterline. The cost to do this is estimated to be \$150,000 - \$300,000 on top of working with and permitting from the Railroad which has proven to be difficult. Cole Hollis and Logan Mills (City Engineer) feel very confident with the insert a valve recommendation. There is already a valve on the north of the tracks on Wood. By inserting a valve just south of the tracks it would allow the City to shut the water off isolated to that area when the County is doing their work to avoid any interruptions. CED had to work with the Railroad regarding another town moving their water line and it became very costly, extensive and timely. Clearwater has a loop system, so the water will still flow without interruptions to residents if the second valve is inserted. Council discussed the proposed placement if the waterline were to be moved: the north and south main line would be moved further west and would run straight south under the railroad track. Council asked if money could be saved by doing the work while the bridge was being worked on, Michael Bailey with TranSystems stated that the City line would have to be done before the County came in to start the bridge work. By not moving the water line, when it is directly in line with the bridge project, the City takes on the liability of fixing the water line if it becomes broken by the contractor. Hollis stated if the water line is hit, it would take Public Works about 6 hours to repair it. He has the materials on hand. This is a 6" main line ductile iron that is easy to work with but is not encased. The 6" line that runs east and west under the tracks is also a ductile iron, but it is encased in steel. Other utilities have checked their lines in the area that will be worked on, Kansas Gas may have an abandoned line there and Twin Valley will have to move some of their fiber. Michael Bailey said there has been adjustments made to where the box being installed will not be directly over the waterline anymore. Public Works may end up encasing the line located by the box if needed while the rip rap is being done since it will be exposed. If the valve insertion is not done, the risk of homeowners losing water if the line gets hit is highly possible. The cost to insert a valve only on Wood will be around \$18,000. It is also recommended by staff to encase the 6" water main running north and south in concrete the length that will be under the newly installed riprap. \$18,000 for an insert a valve can be paid with water reserve funds. Michael Bailey believes this work could start after harvest next year. Mills thinks it could be a couple of months before the company inserting the valve could do the work. The cost for the valve itself would be around \$10,000, since the road is being ripped out, the remaining estimate is for repairing to the road. Council discussed the work being in

the Railroad right of way and permitting needing done. Mills will speak with his contact for the Railroad. Warkins mentioned the permit costing \$2,950 with the railroad. Consensus of council is to approve the valve insertion with max \$20,000 without having to come back to council.

Motion: *Warkins* moved; *Robben* seconded to authorize the insert a valve not to exceed \$20,000 on Wood street to isolate the main line for Sedgwick County's bridge project and take on the liability of fixing the main line if damaged during their construction. Voted and passed unanimously.

d. Certified Engineering Design Contract Agreement

The 2024 Street Project will be starting in September 2024. The City of Clearwater has contracted with CED as their City Engineer. It is important to have a qualified person to provide direction to the contractor on behalf of the city and inspect infrastructure projects. For the \$5.7 million project CED's fees will be \$250,000 that will be covered by the General Obligation Temporary Note and be part of the overall project cost. Council discussed this fee being rolled into the project and not in addition to it. Mills will send invoices monthly as work is being done.

Motion: *Walter* moved; *Shore* seconded to approve the contract for construction administration and inspection services with CED and authorize the mayor to sign the contract not to exceed \$250,000. Voted and passed unanimously.

e. Amendment to Charter Ordinance 16 – Officers and Employees

City Council adopted ordinance 1111 changing the appointments to the Chisholm Trail Recreation Commission to be city residents. During the discussion it was pointed out that the wording for the first appointment at the next regularly scheduled appointment would be a member of council. Mayor Ussery informed the council that because the Rec Commission is a 4-year appointment, the commitment would still be there even if off Council. It was then brought up what would happen if that person moved out of the City, therefore Council wanted that language in the Ordinance that stated you must live within the City. Ordinance 1111 has not been published due to this Charter Ordinance, so it is not active yet. Upon investigating the remaining City Code and State Statute that pertains to appointed officers, Scott Ufford found in City Code Sec. 2-70 exempts itself from K.S.A. 15-209 as it applies to appointments of nonresidents of the city and city officers. Because this is a "blanket" exemption out of Kansas Statute we cannot not sign off on Ordinance 1111 that has been approved. Within State Statute it says that a Rec Commission appointee can be withdrawn only if something pulled them as a City Official. Since the City has exempted itself by saying a City Official doesn't have to live within the City limits, just because a person who was appointed moves out of the City it doesn't exempt them specifically from the Rec Commission it does City Council though. The recommended amendment will state: *"(b) The city elects to exempt itself from K.S.A. 15-209, as it applies to appointment of nonresidents of the city as city officers. Unless an appointed city officer is otherwise required by this Code to maintain residency within the City throughout the entirety of their appointment and All appointees by the mayor to the Chisholm Trail Recreation Commission shall be subject to the same residency requirements as any appointed city officer who is required to maintain residency within the City throughout the entirety of their appointment."* This amendment basically states you must live within the City to be an appointee to the Rec Commission. This Charter Ordinance must be adopted before Ordinance 1111 can be enacted. This will only affect appointments moving forward, not any currently on the board. Mayor Ussery stated the point of doing this is to have a direct representation of City tax on the Rec Commission. This change is strictly for the Rec Commission, no other boards. Hill explained that the Rec and Library have their own sections in State Statute with the Rec board being more particular and unique. The City can add additional requirements to the statute.

Motion: *Warkins* moved; *Palmer-Witt* seconded to adopt Charter Ordinance 22 amending the exemption from State Statutes regarding Mayoral appointments. Voted and passed unanimously.

f. Sports Complex Master Plan Update

In September 2023 the Governing Body hire Professional Engineering Consultants, P.A. to work with the Sports Complex stakeholders to create a master plan. After the initial meeting PEC came up with a couple of sketch drawings that included the following that was discussed amongst the group: 4th baseball field, t-ball field, outdoor basketball court, bathrooms near soccer field, dog park, new concession stand, 2 more sets of batting cages, turf

infields, pitching lanes for varsity fields and pocket parks. After the first review of the drawing the Rec Commission asked if there was a space at the sports complex for a rec building. PEC put together 2 drawings that included one with a rec building and one without. The estimate from PEC included new parking area, 4th baseball field, t-ball field, alter existing infields, outdoor basketball court, existing skate park, existing disc golf, added park signage, new concessions stand in different location the old one would be torn down, 2 additional batting cages, restrooms near the soccer fields, new surface on the tennis courts, rec facility and seating and shading at the tennis court. The total cost of all improvements was estimated at \$10,885,327.53. Staff contacted the Kansas Department of Wildlife and Parks to see if an indoor basketball court would be allowed since the agreement says it must promote outdoor activity. Beki Zook had reached out to KDWP to see if they could put the building out there, they couldn't confirm it, but there are possibilities that could allow it. Mayor Ussery stated that the information has been passed to the rec on what information the City would need to submit the request to KDWP. This plan is ultimately a tool for the governing body, rec and school to look at so they can plan. The school would like the fields to be turf. Council discussed the different ideas presented and the drainage at the Sports Complex. There has been no discussion about making any changes to the City Park.

8. Governing Body

Walter – None.

Shore – The Facebook post last week about the budgets had negative truths and speculation with little facts as most of them typically do. This prompted some people to come to the meeting with questions. Courtney had a conversation with one of the attendees and explained the complex topic which went well. Mayor Ussery has tried to explain things as they are posted on Facebook in the past which has not worked out very well, therefore he does not try explaining these types of things anymore. Shore suggested maybe having an hour-long session once a year to explain the complexity of the budget.

Warkins – Fall Festival is coming up quickly and a lot of volunteers will be needed. A sign up will be created soon and shared. Zollinger added that the City will need volunteers to help with the Ducky Dash at the Festival as well.

Palmer-Witt – Asked about South Grant, Zollinger has been out of the office so there is no update. Palmer-Witt asked if the Clearwater rock sign has been power washed, Public Works power washed it but it has been mentioned to seal the sign.

Robben – Robben has heard that Clearwater will be getting a suburban type of vehicle back instead of the vehicle that resembles an ambulance.

Ussery – Just wanted to commend Amber again on all of her hard work and getting the additional funding for the Senior Center.

9. Executive Session

None.

10. Adjournment

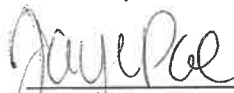
Motion: *Walter* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:54 PM

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 August 27th, 2024, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 10th day of September 2024.


Jaye Poe, City Clerk

