



City of Clearwater Planning Commission Meeting Agenda
Tuesday September 3, 2024, at 6:30pm
129 E Ross Clearwater, KS 67026

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1. Call meeting to order

2. Roll Call

Lyle Berntsen
Michael McBee

J.J. Riggins
Kenny Watson

Ryan Karrick
John Hurley

Jarod Ledington

3. Approve [August 8, 2024, Minutes](#)

4. Change in PUD – Indian Ridge at Clearwater

- a. [Agenda Report](#)
- b. [Request](#)
- c. [Notice](#)
- d. [Publication](#)
- e. [Amended PUD](#)

5. Preliminary Plat – Rausch Addition

- a. [Agenda Report](#)
- b. [Preliminary Plat – With Comments](#)
- c. [Letters to Property Owners](#)
- d. [Comments Submitted for Consideration](#)
- e. [Right of Way](#)

6. Other Business

7. Adjournment

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
August 6, 2024
Clearwater City Hall
129 E. Ross Avenue Clearwater, KS 67026

1. Call meeting to order.

Lyle Berntsen called the meeting to order at 6:30 p.m.

2. Roll Call

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, Michael McBee, J.J. Riggins. John Hurley was online. Jarod Ledington and Ryan Karrick were absent.

The following staff member was present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

Also present: Logan Mills, CED

3. Approve May 7, 2024, Minutes

Motion: *Hurley* moved, *McBee* seconded to approve the minutes of the May 7, 2024, as presented. The motion passed unanimously. 5-0

4. Final Plat Approval – Park Glen Estates Median

At the April 2, 2024, meeting the Board after lengthy discussion made a motion to vacate the median at the entrance of Park Glen Estates and give it to the Park Glen Estates HOA.

CED spent some time and asked around how can a city vacate something in the middle of the road. By state statute, when a right of way is vacated it is split 50/50 with the property owners on either side of it. This means that if the city vacated the middle of the road, then the ownership would automatically become 50/50 with owners of Lots 1 and 11, Block 1 of Park Glen Estates. Then they would in turn have to sign over ownership to the Park Glen Estates Homeowners Association.

Instead of vacating the area the cleanest way to notate the area and sign over proper ownership was to create another “subdivision” for the median, a.k.a Reserve A.

A letter was sent out to all property owners within 200’ of the median asking them to send in written comments. No one had any comments.

In accordance with Section 32-92 – Final Plat of our City Code, CED has prepared a Final Plat for the Park Glen Estates Median Addition for your recommendation to City Council.

The Final Plat will be approved by the City Council who will take your recommendation into consideration.

The Board discussed the options but ultimately wants the Park Glen Estates to be the owners of the median.

Motion: *McBee* moved, *Riggins* seconded to approve the final plat of Park Glen Estates Median Plat

Reserve as presented. The motion passed unanimously. 5-0

5. Other Business

Zollinger let the Board know that there will be a meeting on Tuesday September 3, 2024. On the agenda is Rausch Addition Plat and a PUD change for Indian Ridge.

6. Adjournment

With there being no other business, **Watson** moved, **Riggins** seconded to adjourn the meeting. Voted and passed unanimously. 5-0

The meeting was adjourned at 6:40 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the May 7, 2024, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 6th of August 2024.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson

**City of Clearwater
Planning Commission
September 3, 2024**

PUD amendment Indian Ridge at Clearwater

Context: Bryan Lagaly Properties, LLC is requesting to change the Zoning classification from R-2 to R-3 to install three-family housing units in a section of Indian Ridge at Clearwater. The Board of Zoning Appeals denied the change because they didn't want to allow the option of apartment complexes in the addition this time or in the future. Since R-2 allows for triplex the Board asked that the developer apply for a PUD change to remove the restrictions of single family and duplexes on these lots.

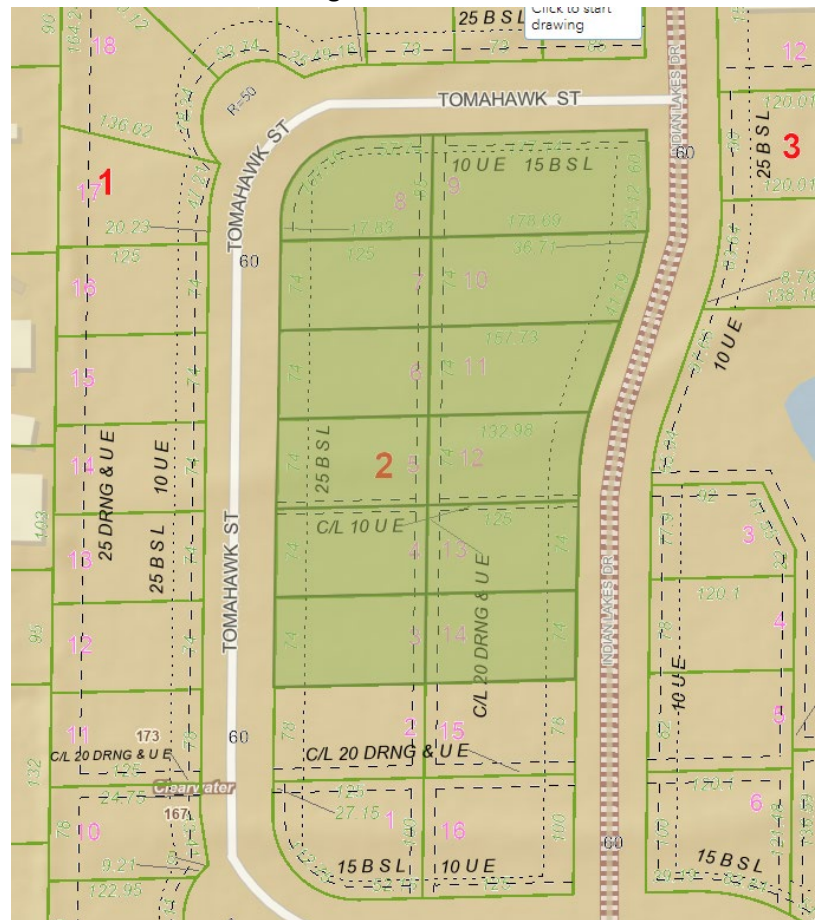
Lots 3-14 Block 2

The areas surrounding these lots will be single and two-family units. North and East of the area are two and multi-family units (Indian Lakes and Senior Residence).

R-2 Dwelling District

Byran Lagaly would like the Board to consider allowing tri-plex's in the stated lot without changing the R-2 zoning district but just amending the PUD allowable builds on these lots. This would give a market variation and allow rental rate to be lower.

Lots 3-14 Block 2 were chosen because they would be surrounded by the rest of the development and not butt up against other established residences.





Change of Zoning Request

Property Owner:	Bryan Lagaly Properties, LLC		
Address:	1517 N. Obsidian Court, Wichita, Kansas 67235		
Applicant (If different from property owner):			
Home Phone:	316-295-7782	Cell Phone:	316-295-7782
Email:	bryanlagaly@gmail.com		

Legal Description of Property (metes and bounds or subdivision/ block/ lot description)
Lots 3 - 14, Block 2, Final Plat and PUD Indian Ridge at Clearwater, Sedgwick County, Kansas.

CURRENT ZONING DISTRICT	REQUESTED ZONING DISTRICT
PUD Indian Ridge at Clearwater	Amend PUD

Reason for Requesting the Change in Zoning
The market demand in this Addition is strong for multi-family housing. The addition of three-family housing will help meet this demand with a new level of affordability.

Present Use of Property
The property is currently zoned R-2, two family residential.


Applicant Signature

7-18-2024
Date

Office Use Only

Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	Future Dev. Single and multi Family	R-2 and R-3
SOUTH	Single and Two-family	R-2
EAST	Two-family and Future Dev Single Fam	R-2
WEST	Future Dev. Single Fam	R-2

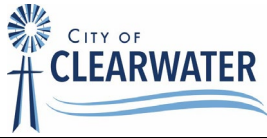
Will the change be consistent with the intent of the comprehensive plan and the future land use map?

Yes

Additional Comments

Instead of doing a change in zoning to an R-3 which was the original request. The Board of Zoning Appeals stated they would rather keep the R-2 and remove the restrictions for housing on the Planned Unit Development.

Received by:	Courtney Zollinger
Date Received:	July 24, 2024 4:26pm
Fee Paid:	April 24, 2024
Date Published:	August 1, 2024
Public Notice Mailed:	July 30, 2024
Hearing Date:	September 3, 2024



July 29, 2024

To: Owners of Property within 200' of land being proposed for a zoning change for Lots 3-14, Block 2 Indian Ridge at Clearwater.

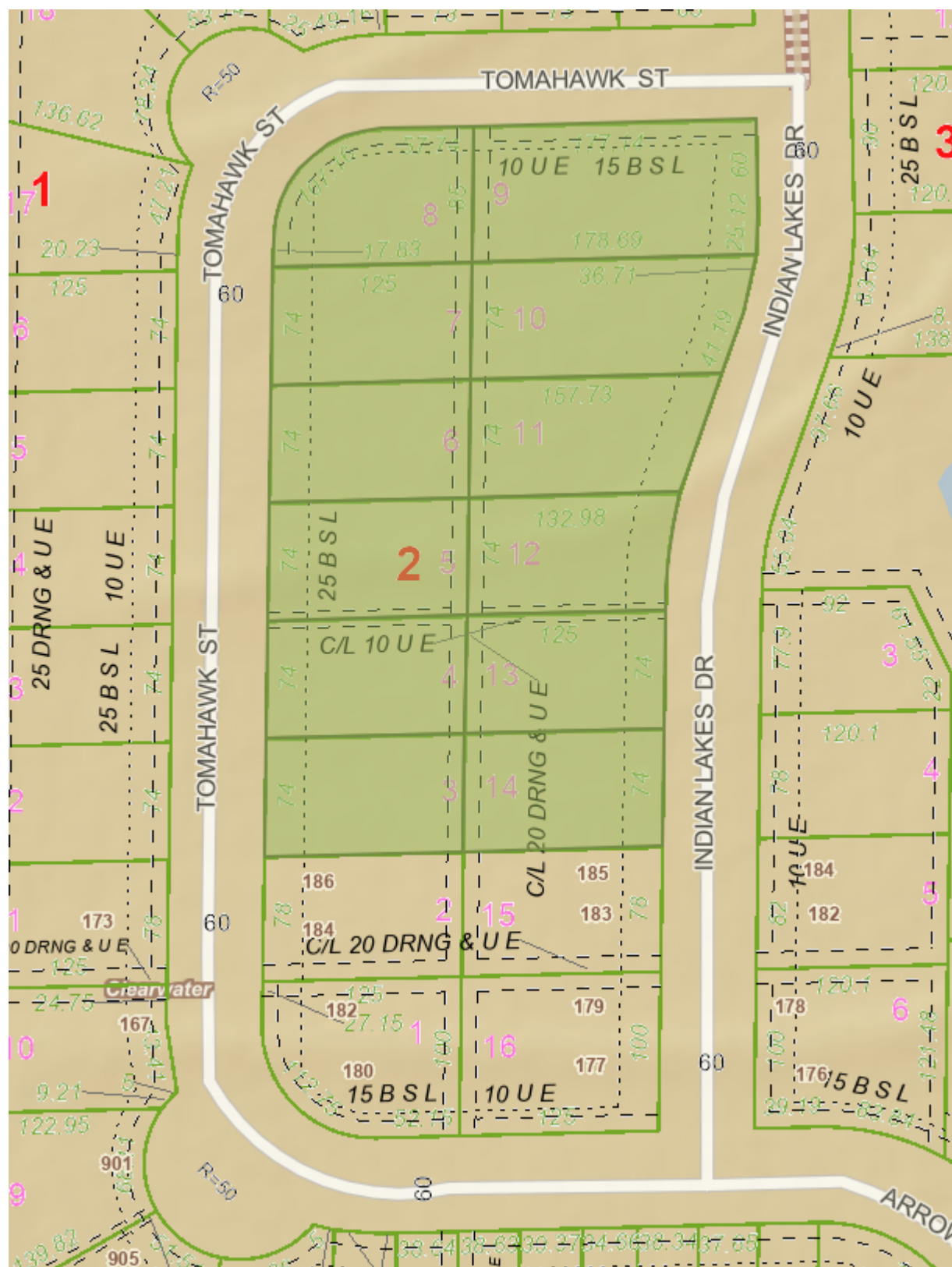
From: Carol Reitberger, Deputy City Clerk

Subject: Change a R-2 (Two and Three Family Dwelling District) Planned Unit Development with a restriction of single and two-family dwelling units to allow three-family dwelling units.

You are being sent this memo because you own property within 200 feet of land which is in the attached proposal. Bryan Lagaly Properties, LLC has requested to remove the Planned Unit Development restriction for Lots 3-14, Block 2 Indian Ridge at Clearwater to allow three-family dwellings. Current restriction for the R-2 Planned Unit Development states only single and two-family homes, however in the city code a R-2 District allows for single, two- and three-family homes.

Enclosed you will find the Change of Zoning request, to remove the restriction only, and Notice of Hearing for September 3, 2024, at 6:30 p.m. at City Hall for Lots 3-14, Block 2 Indian Ridge at Clearwater.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 12:00 p.m., Friday August 30, 2024. Comments will be limited to five minutes each. If you need additional information, please call me (584-2311) or come to the City Hall.



Affidavit of Publication

Kayla Hope Rausch
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk/asst at

Times-Sentinel Newspapers, LLC State of Kansas

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in **Sedgwick
County**, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been published
At least weekly 50 times a year, has been so published
Continuously and uninterruptedly in said county and state
For a period of more than five years prior to the first
Publication of said notice and has been admitted to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire Issue of said newspaper.

First Publication was made
On the 1 Day of August, 2024
Second Publication was made
On the _____ Day of _____, 2024
Third Publication was made
On the _____ Day of _____, 2024

Total Publication Fee \$ 105.00

Kayla Rausch

Subscribed and sworn to before me this

2 Day of August, 2024

Melissa Olthoff

Notary Public

My Commission expires on 5/23/28



PUBLIC NOTICE

First Published in TSnews August 1, 2024 (11)

PUBLIC NOTICE

ZONING VARIANCE HEARING

The City of Clearwater, Kansas Board of Zoning Appeals will consider a request made by Bryan Lagaly Properties, LLC for the parcel described as follows:

Lots 3-14, Block 2 Indian Ridge at Clearwater

The lots listed are currently in an R-2 (Two and Three Family Dwelling District) with a Planned Unit Development restriction that allows only single family and two-family dwelling units. The request is to remove the restriction to allow three-family dwelling units. This does not change the zoning district but allows for a combination of single, two and three-family units as allowed in a R-2 Zoning district for the lots listed above.

THE BOARD OF ZONING APPEALS WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS, ON September 3, 2024.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 12:00 p.m., Friday August 30, 2024. Comments will be limited to five minutes each. Further information may be obtained at Clearwater City Hall, 129 E. Ross, or by calling (620) 584-2311.

INDIAN RIDGE ADDITION PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT 1

Lots 12 – 23 inclusive, Block 1; Lots 3 – 4 inclusive, Block 2; Lots 1 – 4 inclusive, Block 3,
Indian Ridge at Clearwater, Sedgwick County, Kansas.

Know all men by these presents that we, the undersigned, has caused the Planned Unit Development described above to be amended. The Allowed Uses described in General Provision number 3 shall also permit Three-Family residential (Tri-Plexes).

Owners Acknowledgment

Date: _____.

Bryan Lagaly Properties, LLC
A Kansas limited liability company

Bryan Lagaly

State of Kansas)
) SS
Sedgwick County)

The foregoing instrument acknowledged before me, this _____ day of _____, 2024, by Bryan Lagaly, Sole Member, on behalf of Bryan Lagaly Properties, LLC, a Kansas limited liability company.

Notary Public

My Appointment Expires: _____

PLANNING COMMISSION CERTIFICATE

State of Kansas)
County of Sedgwick)
City of Clearwater)

This Amendment of the Indian Ridge at Clearwater Planned Unit Development, Clearwater, Sedgwick County, Kansas, has been submitted to and approved by the Clearwater Planning Commission, Clearwater, Kansas.

Dated this _____ day of _____, 2024.

Clearwater Planning Commission

_____ Chairperson
Lyle Berntsen

_____ Secretary
Carol Reitberger, Deputy City Clerk

CITY COUNCIL CERTIFICATE

State of Kansas)
County of Sedgwick)
City of Clearwater)

This Amendment of the Indian Ridge at Clearwater Planned Unit Development, Clearwater, Sedgwick County, Kansas, has been submitted to and approved by the Clearwater City Council, Clearwater, Kansas.

Dated this _____ day of _____, 2024.

Clearwater City Council

_____ Mayor
Burt Ussery

_____ City Clerk
Jaye Poe

**City of Clearwater
Planning Commission
September 3, 2024**

Rausch Addition Plat

Context: In January 2014 the City of Clearwater approved a consent for annexation from Robert Campbell for a piece of property that is located at the end of S Prospect Ave.

Per city code property must be platted before a building permit can be pulled. The annexed property was never platted prior to annexation nor since. Jill Rausch, the current owner, wished to build on the land now and has submitted a plat for review and approval.

City Engineer, Logan Mills, reviewed the plat and made the following comments and sent them back to the Garber and the Rausch Family.

1. Recommend that a public access not be blocked off by extending public right-of-way through lot1 Block A. Otherwise the plat traps the extension of South Prospect St.
2. Add minimum pad table with appropriate freeboard above FEMA base flood elevations.
3. Does the existing channel at the southeast corner of the lot need to be protected by a drainage easement?
4. The remaining 75-acre property owned by Karen & Don Wells Trust appears to only have access by private drive at the northwest corner of the property. We would like to see a copy of that access easement. I think it is critical to retain public right of way through this plat for future potential development of the 75-acre property owned by Karen and Don Wells Trust. Furthermore, FEMA floodplain divides about 10 acres of property directly south of this plat that would not be accessible unless you build a road through FEMA floodplain.

a. The easements have been provided.

The plat and notice were mailed to all property owners within 200' of the lot and were asked to submit comment in writing. Those comments are attached.

The planning commission shall review the preliminary plat and staff report to determine compliance with these regulations, zoning resolutions, and the comprehensive plan for the city. If all considerations are satisfied, the planning commission shall approve, by signature, the preliminary plat.

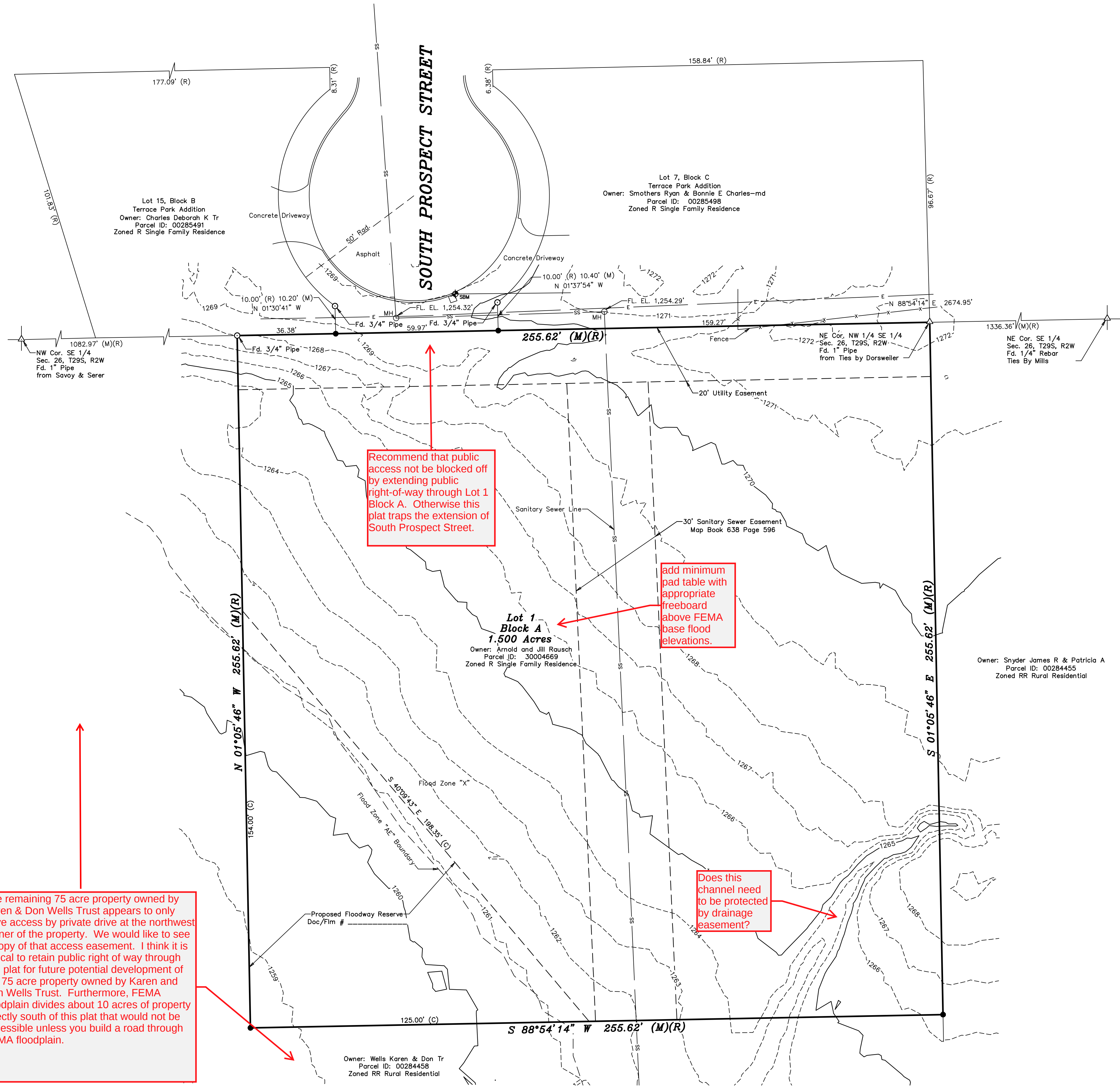
[2022 – 2042 Comprehensive Plan](#)

If the planning commission determines that the preliminary plat does not satisfy the applicable requirements, it may: (1) Allow the subdivider to amend the preliminary plat so as to incorporate such modification and resubmit the preliminary plat to the planning commission. After re-submission the planning commission shall grant its approval provided that all modifications are made under the original agreement. (2)The subdivider may reject the suggested modifications, or within the allowed time limits, may refrain from taking action. In either case, the effect shall be disapproval, and the planning commission shall furnish the subdivider with a written statement setting forth the reasons for disapproval.

PRELIMINARY PLAT

RAUSCH ADDITION

A PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 29 SOUTH,
RANGE 2 WEST OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS



DESCRIPTION:
A tract of land in the West Half of the Southeast Quarter of Section 26, Township 29 South, Range 2 West of the 6th p.m., Sedgwick County, Kansas described as:
Commencing at the Northeast corner of the Southeast Quarter of section 26, Township 29 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas; thence on an assumed bearing South 88°54'21" West along the North line of said Southeast Quarter 1336.36 feet to the Northeast corner of the Northwest Quarter of the said Southeast Quarter for the point of beginning; thence South 01°54'39" West parallel with the North line of said Southeast Quarter 255.62 feet; thence South 88°54'21" West parallel with the North line of said Southeast Quarter 255.62 feet; Thence North 01°05'39" West Perpendicular to the North line of said Southeast Quarter 255.62 feet to the North line of said Southeast Quarter; thence North 88°54'21" East along the North line of said Southeast Quarter 225.62 feet to the point of beginning.

FLOOD NOTE:
According to Flood Insurance Rate Map No. 20173C0607G (dated December 22, 2016) published by the Federal Emergency Management Agency, the property described above lies within **ZONE X**, which is defined as "0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile, Area with Reduced Flood Risk due to Levee." FEMA floodplain and regulatory floodway boundaries are subject to periodic change and such change may affect the intended land use within the subdivision. Subject property described above also lies within **ZONE AE**, which is defined as "Areas with a 1% or greater annual chance of flooding (100-year floodplain). Hydraulic analyses performed. Base flood elevations shown."

BENCHMARK:
Northeast Neighbors driveway South connection to top of curb on South Prospect Street — Approximately ±13 feet North and ±81 feet East of the Northwest corner of Surveyed lot.
Elevation=1375.34 (NAVD88)

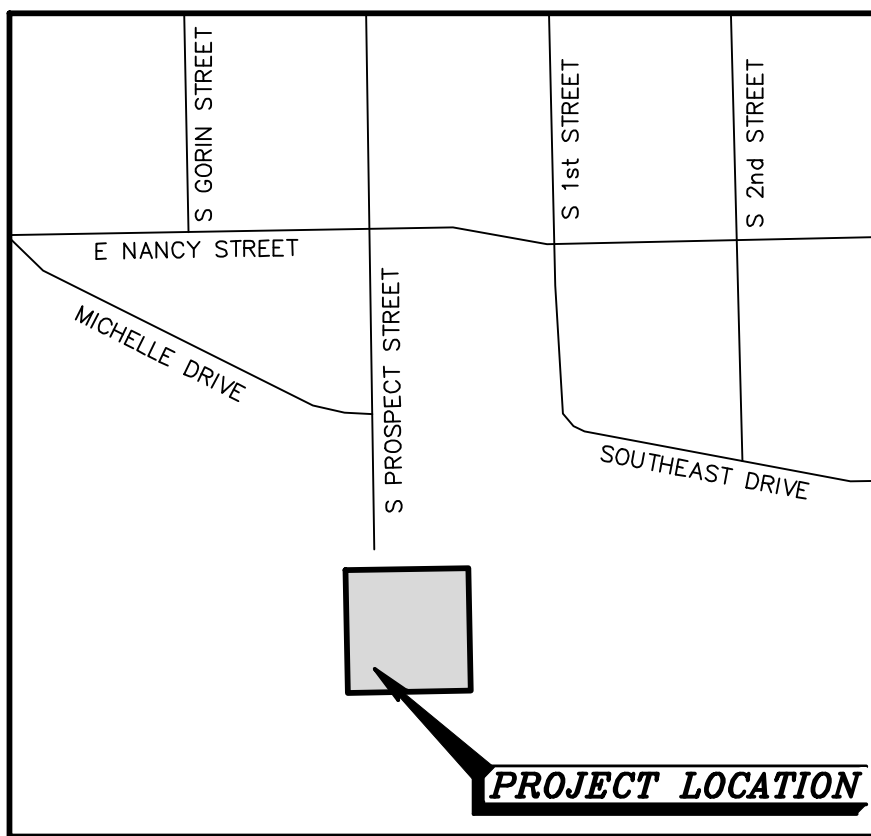
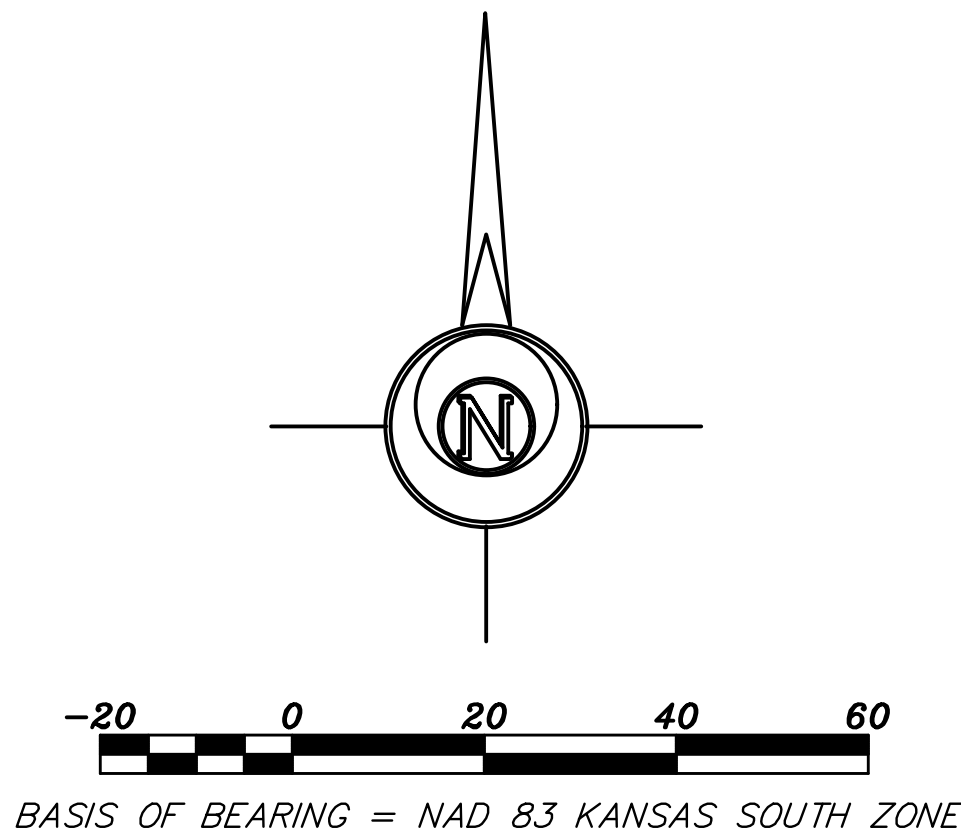
DIGSAFE:
Utilities shown were located by respective owners. Any Utilities not shown are due to no response to Kansas One Call "1-800-DIG-SAFE" Ticket #20154308.
Utility locations shown hereon are based on information received from Kansas One-Call (1-800-DIG-SAFE) identified by Ticket #20154308 on April 15, 2020. Before any digging, contractor should verify utility locations by calling 1-800-DIG-SAFE.

LIDAR FILE: BE_2018_14SPG3050 (2018)
HORIZONTAL AND VERTICAL CONTROL:
HORIZONTAL DATUM: North American Datum of 1983 (NAD83)
VERTICAL DATUM: North American Vertical Datum of 1988 (NAVD88)
NOTE: Contours shown at 1' intervals.

OWNER/SUBDIVIDER:
ARNOLD & JILL RAUSCH
PO BOX 134
CLEARWATER, KS 67026
(316) 706-1874

SURVEYOR:
DANIEL E. GARBER
GARBER SURVEYING SERVICE, P.A.
2908 NORTH PLUM STREET
HUTCHINSON, KANSAS 67502
(620) 665-7032

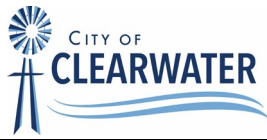
CLOSURE TABLE
NORTHING: 0.00533
EASTING: 0.00003
PRECISION: 10,071.97/0.0053 = 1:1,900,371.70



SEDGWICK COUNTY, KANSAS
VICINITY MAP
(NOT TO SCALE)

- LEGEND**
- Sectional Monument Found
 - Survey Monument Found
 - Fence
 - Sanitary Sewer Manhole
 - Calculated
 - Measured
 - Record measurement
 - Site Benchmark

Prepared For: ARNOLD & JILL RAUSCH		Description: A PORTION OF THE SE 1/4 SECTION 26, T29S, R2W SEDGWICK COUNTY, KANSAS	
Prepared By: GSS HUTCHINSON 2908 North Plum St. 67502 Ph. 620-665-7032 (Main Office)		BRANCH OFFICES: MCIPHERSON Ph. 620-241-4441 SALINA Ph. 785-404-6302 MANHATTAN Ph. 785-320-4810 NEWTON Ph. 316-283-5053 WICHITA Ph. 316-260-9933	
Drawn By: FTB	Scale: 1"=20'	Date of Field Work: JUNE 25, 2024	Job No:
Checked By: WPF	Date: 07/02/2024	Sheet 1 of 1 Sheet(s)	G2024-432



Date: July 24, 2024

To: Owners of Property Within 200' of Rausch Addition

From: Carol Reitberger, Deputy City Clerk

Subject: Preliminary Plat of Rausch

Enclosed you will find the preliminary plat submission for the Rausch Addition. The Clearwater Planning Commission will review the plat and make their recommendations at the September 3, 2024, meeting at 6:30 P.M.

If you have comments to share with the Planning Commission regarding the plat, please submit those comments in writing to creitberger@clearwaterks.org by 5:00 P.M. on September 2, 2024. The comments will be shared with the Planning Commission and will be considered as part of their recommendations. Further information may be obtained at Clearwater City Hall, 129 E. Ross, or by calling 584-2311.

If you need additional information, please call me or come to City Hall.

August 20, 2024

Clearwater Planning Commission:

We are writing this letter in regard to comments placed on the preliminary plat we submitted to the city of Clearwater (Rausch Addition). These comments were written by Logan Mills.

The 1.5 acre piece of property in our proposed plat was surveyed and presented to the planning commission and city council of Clearwater in January 2014 for annexation. Attached are the minutes for these meetings. Both groups were informed it was for a future building site of a family member. At no time during that process did either group mention retaining a right of way access through this 1.5 acres. In the minutes they discussed the history of the property, any future possible build sites and the floodplain. Laura Papisch, who was on the council at this time, will be attending the meeting on September 3rd and can answer questions about their discussion.

Much of the remaining family property is in flood plain and is not suitable for housing development. The lowest point is at base flood elevation of 1254. All planning commission members are welcome to go view our 1.5 acre plat and the property to the south. In doing so, they will see it is not a suitable site for multi family housing or for the future growth of Clearwater.

Another comment on our plat was regarding drainage and channel protections. During the scope of our dirt work J Martin Company will be fixing drainage and terrace problems that have been an ongoing issue. Jason Martin has the expertise to do the necessary work. We have already been in contact with the landowner to the east and Kurtis Lauterbach who farms this land for them. They are happy we are willing to fix these issues at no cost to them.

Finally, the surrounding property, which has been in our family for 112 years, will not be sold. It will continue to be for agricultural and recreational purposes only. We respectfully request the planning commission and council accept the plat as submitted.

Thank you,



Arnold Rausch



Jill Rausch

CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS

PLANNING COMMISSION MEETING

MINUTES

January 7, 2014

The regular meeting of the City of Clearwater, Sedgwick County, Kansas, Planning Commission was held on Tuesday, January 7, 2014, at 7:00 p.m., in the Clearwater City Council Chamber, City Hall, 129 E. Ross Avenue, Clearwater, Kansas.

The following members were present: Mike Cass, Mike Marchart, Ryan Shackelford and Shawna Perry. The following members were absent: Dick Croft, Scott Howell, and George Rudy. The following City staff members were present: Kent Brown, City Administrator; Barbara Salinas, City Clerk; and Janet Amerine, City Attorney.

1. Approval of the Minutes of the Regular Meeting of October 1, 2013

MOTION: The motion to approve the October 1, 2013 minutes was made by Mike Marchart and seconded by Ryan Shackelford. The motion passed unanimously.

2. CONSENT ANNEXATION REQUEST – PORTION OF THE SE QUARTER OF SECTION 26, TOWNSHIP 29 SOUTH, RANGE 2 WEST OF THE 6TH PRINCIPAL MERIDIAN, SEDGWICK COUNTY, KANSAS. REQUESTED BY THE OWNER OF THE MILDRED CAMPBELL TRUST PROPERTY.

Action Required: Review request and make recommendation on annexation and zoning to Governing Body

Administrator Brown clarified the location and there was some discussion regarding the flood plain and the elevation levels that could possibly effect flooding. There was discussion on the surrounding property and what is currently within the city and location of future building sites. The commission discussed the driveway access that could be constructed over the sewer line. However, that choice would be the property owners along with any concerns. Commissioner Marchart had questions regarding future water lines and Brown clarified it would be at the property owners expense.

Commissioner Shackelford asked if there was a requirement to notify the surrounding property owners. Brown stated that there was not.

MOTION: Mike Marchart made a motion to recommend approval of the annexation request to the Governing Body. Shawna Perry seconded the motion. The motion carried.

Public Forum

EMS Director, Donald Schauf asked the Council about getting Wi-Fi at City Hall. Administrator Brown stated that staff could explore this option.

NEW BUSINESS

Consideration of an Ordinance Annexing a Portion of the Southeast Quarter of Section 26, Township 29 south, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas.

Administrator Brown provided a brief history of the request and described the location. He stated that it is the intent of the owners to construct a house on the 1.5 acre property. There was some discussion regarding the logistics of services and access to the property.

Brown stated that the annexation process does not require notification of the surrounding property owners and that the zoning would be R1. Any requests to change the zoning would initiate the zoning process and include notification and publications.

Council Member Whitney made a motion to approve Ordinance 978 annexing a Portion of the Southeast Quarter of Section 26. Council Member Papish seconded the motion. A roll call vote was conducted and the motion carried unanimously.

Designate Times Sentinel as Official newspaper for Legal Publication.

Administrator Brown stated that this is an annual action item and recommended approval to designate the Times Sentinel as the official newspaper for the City of Clearwater.

Council Member Ussery made a motion to designate the Times Sentinel as the official newspaper for Legal Publication. Council Member Clark seconded the motion and passed unanimously.

Designate Emprise Bank as official Depository for the City of Clearwater.

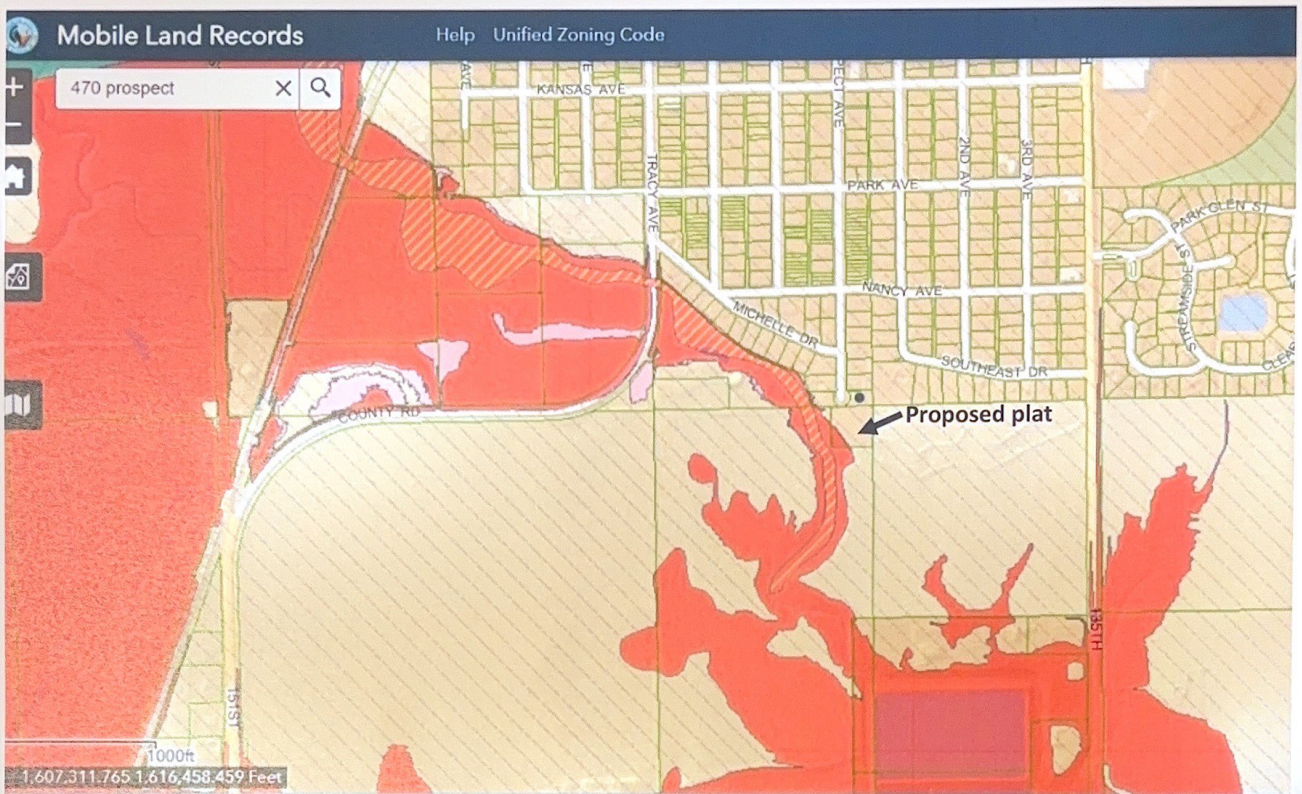
Administrator Brown stated that this is an annual action item. He stated that in the past the City had designated Home Bank, but currently uses Emprise and has a good working relationship with Emprise.

Councilman Ussery asked about fee comparison between the local banks. Administrator Brown stated that in the past we have accepted bids from both local banks to provide a service to the city. Councilman Ussery asked if there were financial considerations involved in switching banks. Administrator Brown stated that there were some financial considerations, but most were those of the conversion to a new financial institution. After further discussion, Brown stated that staff would review the history of the official depository agreements and that the Council will revisit this item before the end of 2014 for 2015 considerations.

Council Member Ussery made a motion to designate Emprise Bank as official depository for the City of Clearwater. Council Member Clark seconded the motion and passed unanimously.

Department Head Reports

Chief Garcia stated that the Police Department's case load increased by approximately 100 in 2013. He reported that they are working on a grant for video systems that would provide 85%



-----Original Message-----

From: Catherine Loger

Sent: Monday, August 5, 2024 7:54 PM

To: Carol Reitberger

Subject: Rausch Addition

To Whom it May Concern,

Please share our comments below with the Planning Commission.

We have no concerns with the preliminary plat described in the documents we received from the City of Clearwater dated July 24. Arnie and Jill Rausch are life long residents of Clearwater and we are excited to have them as neighbors. Their family has owned that land for decades. Since much of that land is in the flood plain, utilizing the portion that is not for a home will be a welcome addition to the cul de sac. Thank you for allowing us to be involved in this decision. We are in full support of this plan. Feel free to contact us if you need anything further.

Dave and Cathe Loger

450 S. Prospect

Clearwater, KS

From: Mary Mellen

Sent: Monday, August 26, 2024 1:10 PM

To: Carol Reitberger

Subject: Rausch meeting

Hey Carol,

Craig and I would like to add a letter of support for Arnie and Jill Rausch and their desire to build near us at 460 S. Prospect. They are great people, and I am sure they will be great neighbors. In fact, they already have graciously allowed my children to venture onto their land and explore. We are excited for them to be our neighbors.

Thanks,

Craig and Mary Mellen

July 29, 2024

To Whom It May Concern:

I am writing this letter in regard to the preliminary plat submitted to the city of Clearwater by Arnie and Jill Rausch. (Rausch Addition). I, along with other family members, own the property to the south and west of their proposed plat. This property has been in our family for many years. Arnie and Jill are related to our family and at some point will be shared owners of our property which is why the family agreed to let them have the 1.5 acres at the end of Prospect.

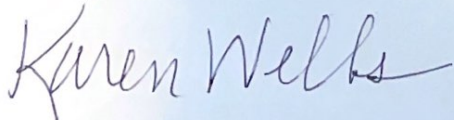
First, I would like to provide some background information on our property. It first came into our family in 1912. In 1954, it was inherited by my mother, Mildred Blumenshine Campbell. My mother passed away in 2004. Our family has had multiple conversations about the future of this property. It has been decided by current owners and future heirs that it will not be sold. Our intention is to continue using it for agriculture and recreational purposes.

In addition, as you can see on the flood plain map attached with this letter, development of our property to expand the city of Clearwater farther to the south of Prospect is not possible. This flood plain map was gathered by speaking to Kelly Dixon, with Sedgwick County.

Finally, I would like to add that the city of Clearwater annexed a portion of our property through eminent domain for the expansion of the city's sewer system. We were happy to accommodate this request for the growth of our city. For this reason, and the others outlined above, we request the city of Clearwater not require the discussed right of way and accept the plat as originally submitted.

If you have any questions, you may reach me at 620.214.3035.

Thank you,

A handwritten signature in blue ink that reads "Karen Wells". The signature is fluid and cursive, with the first name "Karen" being more prominent than the last name "Wells".

Karen Wells



STATE OF KANSAS } ss
SEDGWICK COUNTY }
FILED FOR RECORD AT
11:38

SEP 4 1963
18190

NO. RUFUS E. DEERING
REGISTER OF DEEDS

Original Compared
With Record

RIGHT OF WAY DEED

THIS INDENTURE made this 3rd day of September
1963 between

LYDA JOAN ADAIR and B. D. ADAIR, her husband,
of Clearwater, Sedgwick County, Kansas, of the
First Part;

and

MILDRED CAMPBELL, of said county and state, of
the Second Part.

WITNESSETH:

That in consideration of ONE DOLLAR AND OTHER GOOD
AND VALUABLE CONSIDERATION to them paid by the Party of the
Second Part, the receipt whereof is hereby acknowledged, the
Parties of the First Part for themselves, their heirs and
assigns, covenant and grant with and to the Party of the
Second Part, her heirs and assigns, that it shall be lawful
for her, her heirs and assigns and their agents and servants
and tenants and occupants from time to time of the premises
now held by the Second Party and legally described as

W/2 of SE/4 of Section 26, Township 29 South,
Range 2 West of the 6th P.M.

and any other person or persons for her and their benefit and
advantage at all times freely to pass and repass on foot or
with animals, vehicles, loads or otherwise through and over
a certain road or way located and legally described as

The East Twenty (20) feet of the North
Twenty (20) feet of the NE/4 of the SW/4
of Section 26, Township 29 South Range 2 West
in Sedgwick County, Kansas,

and it shall be lawful for the Party of the Second Part, her
heirs and assigns to repair said way as there shall be occasion
to do so.

IN WITNESS WHEREOF the Parties of the First Part have
hereunto set their hands the day and year first above written.

BLAIR, MATLACK & ROGG

Attorneys at Law

257 NORTH BROADWAY

WICHITA 2, KANSAS

FOREST 3-7536

Lyda Joan Adair
LYDA JOAN ADAIR

B. D. Adair
B. D. ADAIR

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss

BE IT REMEMBERED that on this 3rd day of September
1963, before me, the undersigned, notary public in and for the
county and state aforesaid, personally appeared Lyda Joan Adair
and B. D. Adair, her husband, to me known to be the persons who

3160 55-937

1. 25

STATE OF KANSAS
SEDCWICK COUNTY
FILED FOR RECORD AT
11:38
SEP 4 1963
18189
RUFUS E. DEERING
REGISTER OF DEEDS

Original Compared
With Record

RIGHT OF WAY DEED

THIS INDENTURE made this 3rd day of September
1963 between

LOUISE WISE and KIRK C. WISE, her husband,
of Clearwater, Sedgwick County, Kansas, of the
First Part;

and

MILDRED CAMPBELL, of said county and state of
the Second Part.

WITNESSETH:

That in consideration of ONE DOLLAR AND OTHER GOOD
AND VALUABLE CONSIDERATION to them paid by the Party of the
Second Part, the receipt whereof is hereby acknowledged, the
Parties of the First Part for themselves, their heirs and
assigns, covenant and grant with and to the Party of the
Second Part, her heirs and assigns, that it shall be lawful
for her, her heirs and assigns and their agents and servants
and tenants and occupants from time to time of the premises
now held by the Second Party and legally described as

W/2 of SE/4 of Section 26, Township 29 South,
Range 2 West of the 6th P.M.

and any other person or persons for her and their benefit and
advantage at all times freely to pass and repass on foot or
with animals, vehicles, loads or otherwise through and over
a certain road or way located and legally described as

That portion of the East Twenty (20) feet
of the SE/4 of the NW/4 of Section 26,
Township 29 South, Range 2 West, lying
South and East of the presently existing
highway, in Sedgwick County, Kansas,

and it shall be lawful for the Party of the Second Part, her
heirs and assigns to repair said way as there shall be occasion
to do so.

IN WITNESS WHEREOF the Parties of the First Part have
hereunto set their hands the day and year first above written.

BLAIR, MATLACK & ROGGE
Attorneys at Law
257 NORTH BROADWAY
WICHITA 2, KANSAS
FOREST 3-7536

Louise Wise
LOUISE WISE

Kirk C. Wise
KIRK C. WISE

STATE OF KANSAS)
COUNTY OF SEDGWICK) ss

BE IT REMEMBERED that on this 3rd day of September

7160-55937

1.25



City of Clearwater Board of Zoning Appeal Meeting Agenda
Tuesday September 3, 2024, at 6:30pm
129 E Ross Clearwater, KS 67026

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/494511669>

You can also dial in using your phone.

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Access Code: 494-511-669

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1. Call meeting to order

2. Roll Call

Lyle Berntsen
Michael McBee

J.J. Riggins
Kenny Watson

Jarod Ledington

3. Approve [August 6, 2024, Minutes](#)

4. Other Business

5. Adjournment

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
August 6, 2024
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

1. Call meeting to order

Lyle Berntsen called the meeting to order at 6:40 p.m.

2. Roll Call

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, Michael McBee and J.J. Riggins. Jarod Ledington was absent.

The following staff member was present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

Also Present: Logan Mills, CED

3. Approval of Minutes from June 4, 2024

Motion: *McBee* moved, *Watson* seconded to approve the minutes of the June 4, 2024, as presented. The motion passed unanimously. 4-0

4. Other Business

Zollinger stated that there is a Planning Commission meeting on Tuesday September 3, 2024. Nothing for Board of Zoning at this time.

5. Adjournment

With there being no other business, *Riggins* moved, *Watson* seconded to adjourn the meeting. Voted and passed unanimously. 4-0

The meeting was adjourned at 6:43 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of the August 6, 2024, Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 6th day of September 3, 2024.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson