

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
March 25, 2025
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, Shirely Palmer-Witt and Tim Robben.

The following staff members were present:

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

Others present who spoke:

Jason Gearhardt, Commissioner Jeff Blubaugh, Angela Fowler and Lynn Packer.

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

Brain Freeze 2025 Concession Agreement

Tyler Technologies Agreement

Mayoral Appointment – Fire Department

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – None.
- Fire Department – Courtney Zollinger – None.
- Police Department – Kirk Ives – None.
- Public Works/Parks – Courtney Zollinger – Public Works is at the water conference, there were no questions from council.
- Senior Center – Amber Ives – None.

7. Tenure Recognition – Lt. Gearhardt, 30 years of Service

Chief Ives recognized Lt. Gearhardt's 30 years of service for the City of Clearwater. Gearhardt graduated from the Kansas Law Enforcement Training Center and received numerous accolades, including the Department Accommodation Award and the Kansas Association of Chiefs of Police Bronze Award. Lt. Gearhardt has consistently gone above and beyond in his service to the community. Mayor Ussery and Chief Ives presented Lt. Gearhardt with

a Citizens watch for his service for his “service to the citizens”. Gearhardt expressed his gratitude for the recognition. He thanked his family for supporting him, the Officers and Chiefs he has worked with over the years, as well as the City Council.

8. Commissioner Blubaugh

Commissioner Jeff Blubaugh came to update Council on the staffing of the CRV and the ARC95 project. Angela Fowler, Deputy Chief of Operations for Sedgwick County EMS, provided an update on the staffing of the CRV. The staffing rate is now 96%, which has shown a notable increase from the previous meeting in Clearwater. Sedgwick County has a training program called E2P, which offers paid training and guarantees employment for those who complete it. The CRV spot is filled through an optional overtime system. It's not an assigned position, and employees can sign up for shifts. This makes the CRV position highly desirable due to the flexible, less intense workload compared to regular ambulance shifts. Clearwater's role: In 2024, Clearwater had 357 calls, which is only about 0.5% of the total calls received by Sedgwick County. The CRV's response time is approximately 7 minutes, compared to the 15-minute response time for an ambulance. Transportation needs: 68% of Clearwater calls required transport out of town. Fowler mentioned that Cheney also has a CRV, which requires coordination when staffing the vehicles. A question from Councilmember Robben regarding why Valley Center has its own ambulance was addressed, with Fowler indicating that Valley Center's higher call volume (0.78%) requires more frequent ambulance use. The CRV staffing policy requires paramedics to be cleared to operate independently before being eligible. Council expressed interest in seeing the CRV position become an assigned role rather than based on overtime shifts, as they believe it could improve service and response times in Clearwater as the area grows and thanked Angela for addressing their concerns. Angela thanked the Council for allowing her to speak and mentioned that there is a Lucas device in the CRV. Commissioner Blubaugh expressed his passion for the ARC95 project, highlighting the lack of major infrastructure improvements in the southern part of the county. The last major project in the area was K42 in the 1920s. Lynn Packer, Director of Public Works, started off by saying there are no projects causing detours in Clearwater now, the only project being worked on is the Bridge at Tracy. Although \$3 million was previously earmarked for the project by Senator Moran, the funding was removed due to the continuing resolution. However, the project is still in the preliminary planning phase. Efforts to secure additional grants will continue. The project aims to improve the 95th Street corridor, including a new bridge over the Arkansas River. A transportation study conducted in 2008 identified the need for improved routes in the southern part of the county, and this was confirmed in 2017. Agreements with neighboring cities such as Derby, Mulvane, and Haysville ensure annual contributions to the project. He stated they get notified of properties when they come up for sale so they can purchase or negotiate a right of way for this project. Shore mentioned having the subdivision regulations to include the Right of Ways needed for the project and the Urban Growth Area (UGA). Packer stated they have a protective overlay they are working on to help with that. No studies have yet been done on 119th or 135th streets. Commissioner Blubaugh thanked the Council for inviting him to speak and will take the concerns to be considered. Affordable housing would be good in this part of the County.

9. Business

a. City Code Modifications

Last year it was decided to do away with CivicPlus Code with the increasing prices and use City Code. City Code lawyers have reviewed the entire code and compared all ordinances with statutes and referenced Kansas State Statutes within the city code and compared to other city codes. Ch.1-207 there are 2 conflicting statutes on replacing vacant governing body members. K.S.A. 12-104a purports to have the majority of the entire governing body select replacements, rather than have the mayor select, with council consent, as stated in K.S.A. 15-201. K.S.A. 12-104a also requires an election to be held if a governing body vacancy is not filled within 60 days. To avoid this conflict a charter ordinance can be adopted to continue with the current practice. Ch. 1-208 replaces “Robert’s Rules of Order” with “Code of Procedure for Kansas cities” for the current practice. Ch 4-400’s adding a common moving buildings article since it is not in the current code. Council asked if this was for trailer homes, Zollinger stated it is for physically moving a building. Ch. 8 – 400’s and 600’s Minimum Housing Code and Environmental Code (focuses on quality and appearance of a yard or structures not commensurate with the character of the neighborhood). This also provides a standard for housing that already exists whereas our current code addresses only new subdivision standards and nothing that is currently established. This would be monitored by Professional

Code Compliance, and they are comfortable with the updates. MABCD does inspections on remodels or new builds. Ch. 9 – 108 Provides that the municipal judge (Becki Hurtig) shall appoint the court clerk. If charter out of K.S.A. 12-4108 it allows the governing body to appoint the court clerk instead which is the current practice. Ch. 13 – 600's common snow/ice removal article. current code states that the property owner is responsible for maintaining property between the property line and the center line of the road. This language is tucked into the nuisance under the weed ordinance. Attorney Jennifer Hill stated that the property owners are responsible for any issues that may happen on the sidewalk in front of their house/business, Council discussed and decided to not keep this article.

Motion: *Walter* moved; *Warkins* seconded to authorize staff to bring the Ordinance to adopt the City Code without the snow and ice removal. Voted and passed unanimously.

Motion: *Shore* moved; *Robben* seconded to adopt CHARTER ORDINANCE 23 EXEMPTING THE CITY OF CLEARWATER, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-104a RELATING TO FILLING OF GOVERNING BODY VACANCIES. Voted and passed unanimously.

Motion: *Walter* moved; *Warkins* seconded to adopt CHARTER ORDINANCE 24 EXEMPTING THE CITY OF CLEARWATER, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-4108 REQUIRING APPOINTMENT OF THE MUNICIPAL COURT CLERK BY THE MUNICIPAL COURT JUDGE AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT. Voted and passed unanimously.

b. Kansas & Oklahoma Railroad Agreement

Zollinger changed the agreement to come before the Resolution. Kansas and Oklahoma Railroad Company intends to remove the existing crossing surfacing and install a concrete type crossing surfacing at the mainline track to a length of necessary for roadway width. They will remove existing flashing lights and install new flashing lights with gates. There will be 3 new S-60 Flashing Light Gate Mechanisms equipped with 12" LEDs, signage, and a bell will be installed to replaced cantilevers currently installed Half-round guard rails will be installed on the 2 gates along Tracy Ave, but the gate on adjacent wood Ave will have a straight sections of guard rail since you can't turn right onto Tracy from Wood. The city will be responsible for installing and maintaining the advance warning signs and pavement markings. Cole will be working on pricing for the road markings and warning signs. This is in conjunction with the Sedgwick County Bridge work. Council asked about the maintenance responsibility after the work is done, Zollinger said it would be on the City to maintain it once it is installed.

Motion: *Warkins* moved; *Robben* seconded to authorize the Mayor to sign the K & O agreement as presented. Voted and passed unanimously.

c. Resolution authorizing the mayor to Sign Agreements

Kansas Department of Transportation notified the City of Clearwater that the K & O Railroad company has applied to make improvements to the crossing on Tracy Street. The agreement requires a Resolution authorizing the Mayor to sign the agreement.

Motion: *Shore* moved; *Warkins* seconded to adopt Resolution 08-2025 A RESOLUTION AUTHORIZING THE INSTALLATION OF RAILWAY-HIGHWAY CROSSING SIGNALS AND RELATED WORK ON TRACY AVENUE IN THE CITY OF CLEARWATER, KANSAS AND EXECUTION OF RELATED DOCUMENTS. Voted and passed unanimously.

d. Median Patch

The Park Glen Estates median was removed on March 7th. Public Works packed the area with rock until the area can get patched. Pearson Construction provided a quote to patch the area with 5" of asphalt. Pearson will remove damaged areas in pavement full depth, compact subgrade and place 5" of hot mixed asphalt. Cost of the repair will be \$6,305. Public Works has a balance of \$29,566 in equipment reserve for emergency repairs to pay for this patch. Council discussed the fact that the project involves full-depth repair, grading, and a small quantity of work likely makes the cost justified. Zollinger mentioned that Pearson fixed the repair on Hellar and Elaine after the water leak, and they did a good job.

Motion: *Palmer-Witt* moved; *Warkins* seconded to approve Pearson Construction to do the asphalt repair for

the amount of \$6,305 using equipment reserve funds. Voted and passed unanimously

8. Governing Body

Walter – The ministerial alliance will be having their Christmas in July fundraiser for the food bank. It was asked if City hall is giving out pamphlets or packets with information to new residents when applying for City services. Zollinger said the Chamber of Commerce would put those together and since they are no longer active, they are not available. Walter said it was mainly to get the church's information to the public. It was suggested to put the church information on the City Website, Walter will have someone send the information over.

Shore – Suggested that everyone reads the updates on the current bills, they have been updated.

Warkins – None.

Palmer-Witt – Has received a complaint about a house on Rolling Hills having a dirt pile with wheel barrels and cars parked in the yard where there is no gravel, Zollinger will report this to Kendall with Professional Code Compliance.

Robben – Robben has a strong commitment to advocating for EMS coverage in Clearwater, which was one of the main reasons he initially ran for Council. While he doesn't plan to run for Council again, he intends to continue monitoring the situation and voicing concerns if issues arise. He believed someone fought for the ambulance in Valley Center and challenged Council to voice their concerns and fight for Clearwater. He believes the decline in staffing was due to covid and leadership, but staffing has increased this year. It's important to highlight the growing needs of the City, especially with the Senior Center and its high-acuity attendees. As the population increases, reliable EMS services and transportation become even more critical. If an emergency arises, having proper and timely transportation to handle such situations would be crucial for ensuring the safety and well-being of these residents. He is glad to see the staffing at Sedgwick County increasing.

Ussery – With the ARC95 presentation, he reminded Council that Clearwater stopped budgeting in the financial contribution for that project last year. Zollinger mentioned that there is currently \$10,000 that Clearwater has earmarked for ARC95. He does not know how much Derby, Mulvane and Haysville contribute. A letter was sent to Sedgwick County last year explaining the funds already earmarked as well as not budgeting to contribute any funds in 2025. He believes contributors will have more of a voice at the table for this project. He asked Council if anyone would be gone from any meetings coming up, Robben may be gone from May 11-17. Mayor Ussery encouraged Council to start recruiting for the 3 open seats for Council that need to commit/report to elections by June 2nd at noon.

9. Executive Session

None.

10. Adjournment

Motion: **Walter** moved; **Robben** seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:31 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 March 25th, 2025, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 8th day of April 2025.


Jaye Poe, City Clerk

