

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
May 13, 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 and Shirely Palmer-Witt.

The following staff members were present:

City Administrator Zollinger, City Clerk Poe, Kirk Ives, Amber Ives, Cole Hollis, Jared Dinwiddie, Justin Patrick and City Attorney, Scott Ufford.

Others present who spoke:

Kendall Pierce and Johnny Mishler.

3. Approval of Agenda

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

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

Wholesale Fireworks Sales

Purchase of Public Works Vehicle

Accept Resignation – Ian McGuire

Approve hire – Seasonal workers

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Council discussed the KDHE wastewater permit and the City being in compliant. The City will continue to pursue going transitioning to partial non-discharge. Zollinger mentioned that going full non-discharge into the Ninnescah River will probably never happen. Palmer-Witt inquired whether TruGreen handles spraying along the fence line at the Sports Complex ball fields. Zollinger stated that Public Works handles most of the spraying, but if any issues arise with TruGreen's chemicals, Whitney addresses it. Palmer-Witt inquired about the house across from Elementary East. Zollinger explained the matter has been addressed with Professional Code Compliance (PCC), but the property is now federally owned, and the City has not received any responses from them. If the situation remains unresolved, the City may need to hire or arrange for cleanup and place the costs on the tax roll. Mayor Ussery congratulated Poe on completing the MiniMPA program and asked about her next steps.

Zollinger noted that Poe is entering her fourth and final year in the Certified Municipal Clerks academy. Warkins asked what KMIT was, Zollinger answered Kansas Municipal Insurance Trust, which serves as the City's Workers' Compensation provider. With the gold rating the City receives around a 5% discount.

- Fire Department – Jared Dinwiddie – None.
- Police Department – Kirk Ives – Warkins inquired about interviews following an officer's resignation, and Ives confirmed that one is scheduled for Thursday. The Council asked whether this would bring the department to full staffing, Zollinger noted it would increase the count to six officers, but has budgeted for seven. Shore suggested that newer officers introduce themselves to local business owners. The Council discussed SPV permits, asking if issuance was comparable to previous years. Ives confirmed it is, with more expected as summer and the fall festival approach. Shore asked about license limitations for SPVs, and Ives stated that operation is restricted to licensed drivers, confirming an issue from that morning with a kid.
- Public Works/Parks – Cole Hollis – Warkins shared that the approved seasonal employee is eager to return to Public Works again this year. Hollis said they are glad to have him come back. Council asked what kind and how many fish were stocked at the Chisholm Ridge Ponds, Hollis stated they just helped KDWP unload the fish and he believes they are small mouth bass and catfish. Council then asked about the radios and meters, Hollis stated they have around 765 turned on with about 1,133 total meters. It was mentioned that the east pond needed sprayed, Hollis stated they did it in late March and is on his list to get done again.
- Senior Center – Amber Ives – Council inquired about the coffee last week, Ives stated that she had the day off but that it seemed to go well with attendance being a few lower than normal.

7 Proclamation - National Police Week

Mayor Ussery had President Shore read the Proclamation. WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15th falls as National Police Week; and WHEREAS, the members of the law enforcement agency of the City of Clearwater, Kansas play an essential role in safeguarding the rights and freedoms of City of Clearwater, Kansas; and WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and WHEREAS, the men and women of the law enforcement agency of City of Clearwater, Kansas, unceasingly provide a vital public service; NOW, THEREFORE, I, Burt Ussery, Mayor of the City of Clearwater, Kansas, call upon all citizens of the City of Clearwater, Kansas, and upon all patriotic, civic and educational organizations to observe the week of May 11–17, 2025, as Police Week with appropriate ceremonies and observances in which all of the people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and securities of all citizens. Burt further calls upon all citizens of the City of Clearwater, Kansas to observe Thursday, May 15, 2025, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes. IN WITNESS THEREOF, Burt has hereunto set his hand and caused the Seal of the City of Clearwater, Kansas to be affixed.

8. Hearing – Nuisance 130 N Grant

Kendall Pierce with PCC was present to discuss the nuisance at 130 N. Grant. A packet with pictures and all contact information for this nuisance was provided. There have been several letters sent to 130 N. Grant regarding Article 8-608, unlawful acts for exterior yard. The scattering over, parking, leaving, depositing, and accumulation in the yard following the lumber, wire, metal, tires, concrete, masonry. Plastic products is one of the main issues. Kendall

stated the property had been visited 7 times with several phone calls with the owner. Kendall is asking for guidance on how Council would like to proceed. He spoke with the owner and discussed putting up a chain link fence with a barrier to obstruct the view which seemed like a good compromise. Council asked whether a business was being operated from the property. Zollinger clarified that it is zoned Industrial and used for growing tomatoes, storing tractors, and housing a steel building where a printing business used to operate out of, while his residential property is located just north of it. Mayor Ussery confirmed that the fence proposal had been discussed with the owner, with Pierce stating that while the owner appeared open to the idea, no action had been taken. Pierce stated the issue extends beyond just the plastic—it also involves broken pots, unused containers, and general stagnation. Only about a third of the pots contain plants, while the rest are deteriorating. Mayor Ussery pointed out that the property had been mowed, Pierce said it had. He stated the last time he visited there were bags around the property and asked for those to be cleaned up, but again he tried to work with the owner like he has the other residents with violations. Mayor Ussery asked where the fence compromise was going, Pierce stated there was no improvement as of last week and maybe a timeframe can be set. It was stated that even though it is a commercial/Industrial property, the nuisance violation would not change. With the fence being discussed last week, Mayor Ussery doesn't think they should be alarmed but believes that it is a good idea to put one up with a timeline of maybe 30-60 days, if it isn't done then action will be taken, Pierce agreed. Warkins inquired about the drive north of the property, and Zollinger clarified it is a city-owned alleyway connecting Grant to Byers. Pierce noted that previous violation deadlines and extensions have been granted, suggesting that a Council-imposed timeframe could encourage compliance. Zollinger stated the fence cannot exceed 4 feet and must stay within the property line. Mayor Ussery recommended drafting a letter outlining the type of fence, perimeter and 60 days to comply. If the issue is unaddressed, it will come back to Council for action. The next step would be adopting a Resolution determining this a nuisance that gives him a set time limit to comply or request a hearing. If unresolved, then it would go to municipal court, Ufford stated and/or the City could abate it. Mr. Mishler arrived, and Mayor Ussery asked if he could construct the fence that was previously discussed. Mishler does not see an issue with the pots. Pierce stated there are also vehicles on the property, the pots aren't the only complaint. Mishler stated they are farm property, and the tractors are protected by State. Mishler shared details about an accident that left him crippled, explaining that he works on the pots while seated. Mayor Ussery questioned whether the potted plants were the actual nuisance. Pierce clarified that, under city code, exterior yard conditions include—but are not limited to—scattering, parking, depositing, and accumulation of plastic products. Zollinger stated that pots are not explicitly mentioned in the code, but Pierce emphasized that the concern lies not just with the pots themselves, but their accumulation and condition. Mayor Ussery asked if the ordinance restricts the number of pots, Zollinger explained that nuisance determinations are based on perceptions of blight or unpresentable conditions, as evaluated by PCC. The site has been deemed untidy, unclean, and disorderly, warranting remediation, cleaning, or concealment. Palmer-Witt questioned whether all pots were actively in use, it appears not and last year it appeared the same. Mishler stated it takes time, and they have been filled for the last 20 years and mentioned a farmers' market from the past. Mayor Ussery stated not to limit the pots, but they need to be sightly, Mishler thinks only 3 are broken. Ussery asked If the fence isn't put up, would removing the pots rectify the violation, Pierce believes so. Mishler mentioned he works for Clearwater at the brush dump. Ussery said he can put a fence up or clean it up, then discussion on the property line and placement of the fence was had. Mayor Ussery asked if Hollis could go over and help Mishler determine where the fence could go. Ussery also told Mishler that the fence screen should not become disarray to avoid another nuisance. Mishler agreed to put up a fence within 60 days but was told he must still maintain the yard. Shore asked if this would take care of the vehicles, Pierce stated it should and it was asked if the vehicles were current on tag and operational to which Mishler said they were. Zollinger stated If a vehicle is not operational (move with its own power) then it is considered inoperable and would be a nuisance. Mayor Ussery said Mishler will have 60 days to put up the fence, if it's not done then he can request another hearing, but the council will then take action on what comes next.

9. **Business**

a. **Ordinance to annex 8031 S. Butterfly Ct.**

This is the final step to annexing a lot in Prairie Meadows. It was approved through the Sedgwick County consent agenda with no further discussion from them.

Motion: *Warkins* moved; *Palmer-Witt* seconded to adopt Ordinance 1117 annexing Lot 5 Block 2 Prairie

Meadows Estates, commonly known as 8031 S Butterfly Ct, into Clearwater city limits. Voted and passed unanimously.

b. Mayoral Annual Appointments

Per State Statute and Clearwater Municipal Code, the Mayor is required at the first meeting in May to appoint city officers; Fire Chief, Chief of Police and board members with expired terms. For 2025 there is one position for Chisholm Trail Rec Commission with a four-year term which Mayor Ussery is recommending Shirley Palmer-Witt as a representative for the City Council similar to the school. The Planning Commission will have Kenny Watson and John Hurley reappointed with Ron Witt and J. Dwayne Schneider being appointed for a full board. The Historical Society will reappoint Jennifer McMillan, Randy Joslin and Greta Colbert. The library board will have Jenna Roskilly reappointed with one vacancy. The Fire Department will have the rest of the volunteers be appointed. There are nine people on the Historical Board.

Motion: *Shore* moved; *Walter* seconded to approve the 2025 Mayoral appointments. Voted and passed unanimously.

8. Governing Body

Walter – Will be gone at the next meeting on May 27th.

Shore – Has received many compliments on the road construction.

Palmer-Witt – Wanted to know what the warranty was for the road work being done, Zollinger stated one year. Palmer-Witt mentioned the pothole in front of Shackelford, Zollinger stated that Pearson did not do that road and it is on her list of things to get fixed. Zollinger has submitted the 100 block of Grant though to Pearson as an issue.

Ussery – None.

9. Executive Session

None.

10. Adjournment

Motion: *Palmer-Witt* moved; *Warkins* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:28 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 May 13th, 2025, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of May 2025.


Jaye Poe, City Clerk

