

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
May 27, 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; 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, Cole Hollis, and City Attorney, Jennifer Hill. Jared Dinwiddie was present via GoTo Meetings.

3. Approval of Agenda

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

Motion: *Warkins* 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

Approve Hire – FT Officer

Palmer-Witt asked for the Claims and Warrants to be pulled from the consent agenda.

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Council discussed the Railroad crossing that was repaired on Tracy and asked if the other ones would be repaired, Zollinger stated they have not sent notification of the other crossings being fixed.
- Fire Department – Jared Dinwiddie – None.
- Police Department – Kirk Ives – Council discussed the restrictions on golf carts being the same for driver's licenses. There have been instances where young children have been driving them, Ives stated they addressed an issue recently regarding these concerns. Although minors cannot be directly issued tickets for this violation, the parents or guardians can be cited. However, this can potentially escalate into a Child in Need of Care case.
- Public Works/Parks – Cole Hollis – None.
- Senior Center – Amber Ives – Shore said he has been receiving more compliments on the Senior Center. They will be going to Stearman's this Friday, with 37 signed up, a van was not available to rent so they will carpool and drive separately.

7. Business

a. Claims and Warrants

Palmer-Witt stated there is an invoice for Ron Witt and wished to abstain from the vote. Mayor Ussery asked if that was necessary, Jennifer Hill stated it is good practice since she will be profiting from the services her husband was paid for.

Motion: *Shore* moved; *Warkins* seconded to approve the claims and warrants. Voted and passed unanimously with Palmer-Witt abstaining.

b. General Obligation Bond Series 2025

The Indian Ridge Phase 1 projects are complete and are ready to issue the bonds. Much of the costs are to be paid by special assessments, minus the water loop that the City agreed to pay for and has been paid already with cash. Before levying assessments, state law requires the city to hold a hearing allowing property owners to comment on proposed assessments. Tonight's action schedules the hearing for the June 24 city council meeting and authorizes city staff and consultants to provide for the appropriate notices. Special assessment billings will begin with December 2025 tax statements. Assessments will be for 20 years. The first step would be to approve each of the said documents, one would be to schedule a public hearing on June 24th, publish the notice for the public hearing, mail the notice to each property owner and make the same available for public inspection. Council questioned the streetlights, Zollinger stated that Evergy pays for them but gets approval of placement from the City first. They give the developer an allowance to put in a certain number of lights since they get those costs back through the services. It applies to Kansas Gas as well.

Motion: *Robben* moved; *Palmer-Witt* seconded to approve all documents, schedule a public hearing for June 24th, Publish the Notice of Public Hearing, Mail the notice to each property owner and make the same available for public inspection. Voted and passed unanimously.

c. 130 N Grant Extension

At the last meeting, Mr. John Mishler was told he needed to put a fence around his property at 130 N Grant within 60 days and he agreed. Cole Hollis was asked to go to Mr. Mishler's property and outline the fence. 130 N Grant has many plastic tubs and other items on the property that have been identified as a nuisance. The abatement process would be to put up a fence where the buckets and vehicles were out of sight. Hollis and Zollinger met with Mr. Mishler and showed him where his property line was and where the buckets were protruding into the City right of way which would need to be moved onto his property. Mr. Mishler asked for an extension since he has planted items for this growing season already. Once the growing season is over, he would then move all his plastic tubs behind his property line and put up a fence. Zollinger responded with he needs to proceed as if an extension has not been granted since it wasn't guaranteed. Council discussed the time of the growing season; it seemed to be mid-July. Council discussed the fence that was already up in the City right of way which will need to be moved, Zollinger stated it is a ground garden. The first notice was sent to Mr. Mishler in November of last year. The vehicles were discussed, they are both registered, but one is missing tires and the other is on cinder blocks so technically they are not operational. The tractor tires and buried in the ground about 6". The protection of state for the farm vehicles was discussed, but since there is no agriculture zoning within the City, it doesn't apply, Ives believes. Shore suggested that a survey be conducted for the exact property lines since the Sedgwick County GIS isn't 100% accurate, Warkins and Palmer-Witt stated that would be costly and a fence is already presenting a hardship for Mr. Mishler as it stands. Consensus was to allow an extension to August 1st since the growing season will be over, but all buckets will need to be moved onto his property as well as the fence that is in the City Right of Way and the fence will need to be installed with a barrier. Zollinger mentioned that he is planning to use tomato cage wire to build the fence with a mesh barrier. If the fence and items are not moved, then a formal resolution declaring it a nuisance will come to Council, and he will have 10 days after that to get it taken care of or a fine may be issued.

Motion: *Palmer-Witt* moved; *Warkins* seconded to grant the extension to August 1st, 2025, for a deadline for 130 N. Grant. Voted and passed unanimously.

d. Chisholm Ridge Lot Offer

The City has received an offer to purchase the remaining 4 lots in Chisholm Ridge. These lots are listed at \$17,500 each and the offer for all 4 lots is \$30,000 plus 7% buyer's brokerage fee. Since they were marketed on MLS last year one lot has sold. All these lots are in the Chisholm Ridge Phase 3 where the Governing Body elected to pay for the water and sewer portion of improvements on the city owned lots to sell them quicker. The city started out with 20 lots in this section and since infrastructure was put in all, but 4 lots remain. The city YTD has invested \$47,510.45 and each year they are not sold and will continue to pay street specials of \$3,792.92. Special payments end in 2041. It was recommended to counter the offer not to pay the broker fee and stipulate that a minimum of 2 houses must be built on the 4 lots 1 on Wrangler and 1 on Trailblazer. If the offer is accepted, it would be finalized before any of the taxes would be due. Council mentioned this seemed almost like an incentive that they have opposed and want to remain consistent. Council asked if they would be able to combine all 4 lots, Zollinger stated it would have to be one owner but if a stipulation was put in place, then they wouldn't be able to pull a permit. Council discussed a counteroffer of \$50,000-\$55,000 that stipulates a minimum of 2 houses must be built and to eliminate the 7% fee. Zollinger stated that 1 lot sold last year for \$17,500 but it was a couple of years since a lot sold before that. The City has owned these lots (34) since 2014. Originally there were incentives, but Council decided to eliminate those. Council asked how the specials work in this area, Zollinger stated the city paid for all water and sewer for all the city lots and believes it's by linear foot. Council discussed having a certificate of occupancy within 365 days of the sale so the lots won't sit empty.

Motion: *Palmer-Witt* moved; *Robben* seconded to authorize staff to send a counter offer at \$50,000 without the broker fee of 7%, minimum of 2 houses 1 per double lot and a certificate of occupancy within 365. Voted and passed unanimously.

8. Governing Body

Shore –

Warkins - None

Palmer-Witt – None.

Robben - The Slurry Seal in Park Glen looks nice.

Ussery – None.

9. Executive Session

None.

10. Adjournment

Motion: *Warkins* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:09 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 27th, 2025, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 10th day of June 2025.


Jaye Poe, City Clerk

