

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
June 24, 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, Crystal Walter, Shirely Palmer-Witt and Tim Robben.

The following staff members were present:

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

Others present who spoke:

Hank Pate, Ron Flemming and Henry Schmidt

3. Approval of Agenda

Mayor Ussery stated an executive session and an extension for 130 N. Grant needed added to the agenda..

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

4. Public Forum

Hank Pate at 201 S. 2nd stated that his yard is holding water after the heavy rain. This started after the road was redone and the curb and guttering were put in. He stated that he spoke with Logan Mills about the issue and the City, but there has been no resolution. Mayor Ussery requested that Council be given time to get information on this issue from Mr. Mills and the City so they can be more informed since this is the first they are hearing of it. Mr. Pate agreed. Ron Fleming at 820 E. Ross stated that he had issues with his sewer line with it being clay and requested to hook up to the new main behind his house in the new development. He stated that he spoke with a developer who told him they hooked up to an existing sewer main for \$500 there was a riser put in that was approved by the City. Zollinger explained that Mr. Fleming was included in the benefit district, which is why the specials for the sewer are being assessed to his property. Council asked Mr. Fleming if he was made aware of the cost when he first asked to tap into the new sewer main, he stated that he received a letter and was told around \$9,000 which has increased to \$10,691.48 which can be paid in installments over 20 years. Mr. Fleming has been hooked on this line for about 2 years. He stated that he paid \$10,000 to rerun the service line to the back of his house to tap into the new main and does not believe he should have to pay another \$10,000. Zollinger stated that she spoke with Mr. Flemming a couple of years ago and an exact cost of the project was unknown. His old service line went to the South of his house and to 4th street to the City main. It was a long line and tapping into the one behind his house was much shorter. Mr. Fleming stated that his basement flooded at one point, and he installed 2 sump pumps. Robben asked if there were any policies on grandfathering a resident regarding this issue, Zollinger stated there were not any. Council discussed the difference in cost to hook up to an existing sewer main verse a new one. They asked if the funds could be reallocated to the other lots in the benefit district? Zollinger stated that the certified letters had already been mailed to each property owner and did not think it was possible and mentioned that the City would have to pick up the cost if that is the way Council chose to go. The specials are split up with the total cost divided by the parcels that benefit from the improvement, Zollinger believes the sewer improvements were split with 35 parcels. Hollis mentioned a tap and riser was installed at Mr. Flemings request. There will be a public hearing for these assessments in this meeting and Mr. Flemings concern will be addressed at that time.

5. Inserted Executive Session

Motion: *Shore* moved; *Walter* seconded to recess into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship, to include Council, City Administrator and City Attorney. We will reconvene the open meeting in the City Council Chamber at 7:10p.m. Voted and passed unanimously.

Council reconvened at 7:10 with no action taken.

6. 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

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

7. Staff Reports:

- Administration Office – Courtney Zollinger – Zollinger added the Rec approved to move the director's office to City Hall in the old Cemetery office. The City will work on the rec's financials until the end of the year during the transition process. There will not be an added admin fee since they approved to pay up to \$75,000 in support of the City for 2025. Palmer-Witt stated this was done in hopes of regaining trust, workability and good faith. Zollinger has already been attending the Rec meetings this year, she mentioned that they did decide they will not be exceeding the RNR for 2026. She also pointed out that the assessed valuation came in and the MIL will decrease from 58.87 to 52.73. Palmer-Witt asked if the code compliance checks the alleys, Zollinger stated he should. She has received a complaint regarding the alley between 1st and Prospect and Park and Kansas. Staff will get this to them to look at. Shore asked if there would be a debris pick-up, Zollinger stated there would not. Walter asked about Brew'd Awakening having a hearing, Poe stated the date listed in the report is a deadline for anyone to submit their suggestions or concerns to ABC, but they have their Occupational Permit for their drinking establishment through the City already.
- Fire Department – Jared Dinwiddie – None.
- Police Department – Kirk Ives – Shore stated the SPV's seem lower this year as they had over 120 last year. Ives stated they are on track and expect more to register in fall for the festival and games. Shore asked if a reminder letter could be sent to the registrants annually, Nichols stated that they do send a reminder postcard out at the beginning of the year. Ives stated that the new officer was here with Officer Jacks, but they had to leave. Jacks wanted to introduce Council to Officer Corbett. He also mentioned that Jacks was Officer Corbett's SRO when he was younger.
- Public Works/Parks – Cole Hollis – Palmer-Witt mentioned 2 handicap signs missing, one from City Park and the other from the Sports Complex. Hollis was unaware of the one missing at the Sports Complex. Mayor Ussery asked about the dashed lines on 4th street by the school, Zollinger looked into that and it is not legally required to have the double yellow line there. Robben thought there was an ordinance about that, Zollinger stated there is not, but there is one for parking on 4th she believes.
- Senior Center – Amber Ives – None.

8. Business

a. Special Assessments - Indian Ridge at Clearwater

Motion: *Walter* moved; *Robben* seconded to open the Public Meeting at 7:19 pm for Indian Ridge Special Assessments. Voted and passed unanimously.

On May 27, 2025, Council approved documents initiating the special assessment process for improvements in Indian Ridge Phase 1. Council also established tonight as the public hearing date. Notices were mailed to property owners and the Notice of Public Hearing was published. Property owners may pre-pay their assessments by July 24, 2025. If not, the balance will be bonded, and special assessments will be collected in 20 annual installments to provide for the related debt service. Henry Schmidt with Ranson Financial is here to answer questions, he is contacting Bond Counsel to see if the money could be reallocated to the people at Indian Ridge. Palmer-Witt asked if they prepay, is it without interest, Zollinger said yes. The letters that went out did not have the interest rate included since the bonds have not been sold and the interest rates are not known yet. They have until July 24th to pay the flat amount before interest, in the past there has been a couple of prepayments made, many people roll it into the 20-year payment. After the 24th, the interest is assessed and it is amortized out, they could go to the county and pay it off there, but the interest would still be included since the interest is taken at the sale of the GO Bond then spread out evenly through the parcels and divided by the 20

years for the cost to each. Council asked what the cost would be per month and per year, Zollinger stated it would be around \$534.57 per year and \$44.55 per month without interest. Schmidt stated he just spoke with Gilmore and Bell, Kevin Cowen to get his input on the matter. If Mr. Flemings lot benefited from the improvement, then he should be assessed like all the other lots who benefited, if he did not benefit from it then he should not be assessed the specials. If there were discussions between Public Works, the City Engineer and Mr. Flemming then a partial assessment could be looked at. He stated the Ordinance can be moved to the July 8th meeting and still have time to mail notices of final assessments, take prepayments still until July 24th and still have a sale on August 12th to make sure all information will be correct. Zollinger mentioned the closing will need done before August 25th to be on the books for next year. Schmidt said the sale Resolution can still be passed without having the assessments finalized so they can hold a sale. That will give them time to have discussions regarding Mr. Flemings property as he is not confident with the information provided tonight to decide. The final letters will go out after the Ordinance gets adopted with the final amounts to be assessed. The only issue would be making sure the newspaper gets it published on the 10th, Zollinger stated we can notify them and ask them to hold it and send them an approval email after it gets adopted during the meeting. Mayor Ussery asked if anyone else wanted to speak during the public hearing, Robben asked Mr. Fleming if he had any other comments. Mr. Fleming stated that he though he was doing a favor of building the line to install instead of having to go back and do it later, if he knew then he would have waited.

Motion: Shore moved; **Palmer-Witt** seconded to close the Public Meeting at 7:32 pm for Indian Ridge Special Assessments. Voted and passed unanimously.

Motion: Robben moved; **Walter** seconded to adopt Resolution 11-2025 authorizing the offering for sale of General Obligation bonds, Series 2025, of the City of Clearwater, KS. Voted and passed unanimously.

Motion: Walter moved; **Shore** seconded to table Ordinance to the July 8th meeting. Voted and passed unanimously.

b. Chisholm Ridge Lot Offer

The City Council has considered an offer on the Chisholm Ridge lots and at the last meeting approved the City Administrator to work on a contract with Klausmeyer Construction to sell the 4 remaining lots for \$32,000, building 4 houses within 365 days, paying 0% in brokerage fees, and closing costs. There was also a liquidation clause to be worked out. The City received a 2nd offer for the same 4 lots for \$64,000, building 4 houses within 1 year with a 1% brokerage fee. Corey Sandy is the listing agent for these lots and is here to speak about the 2 offers. Corey mentioned he was not involved with the 1st offer until the counter from the City was sent. The counter included specific items to be done. The next day, the agent sent the counter back without signatures from the buyer or seller, it didn't include the specific building in 365 days but stated to build within the next year which is a little vague. He believes as a real estate broker that is not a valid finalized offer. When Zollinger let Mr. Sandy know about the offer, he told her that he had been working with an agent on these lots for a few weeks. He let them know about the offer that was received and asked if they would submit their offer, which was submitted the next day. It was then agreed that a multiple offer form to all who submitted an offer would be sent out. Mr. Sandy sent the multiple offer form to both agents, one agent returned it with their offer, the other agent has not. Mr. Sandy tried contacting the other agent by phone and emails multiple times with no response until Friday. The other agent told Mr. Sandy that he was under the impression that the City had accepted the offer. Mr. Sandy saw the counter and contract from him, but the contract had the closing date listed as June 6th when it was sent on (June 13th he believes) and the contract wasn't signed. Mr. Sandy sent a follow-up email with information regarding the lots, the other agent didn't realize they were listed in MLS, so Mr. Sandy explained when he came into this and information on what has been done so far then asked if the other agent had different information and has not heard back from him. Mayor Ussery stated that there are 2 offers for the 4 lots, 1 for \$32,000 with 4 houses and other stuff to be worked out and the 2nd offer for \$64,000 with 4 houses built within 365 days. Mr. Sandy stated that the offer is signed, the buyer is ready to bring in a cashier's check on Monday and for the City just to deed them the lots with no title fees. Mayor asked Lee Harp if he was the agent for the other offer, he stated yes, Mayor Ussery asked if he would like to address Council, he would if the agent would give him permission. Mr. Sandy had no issues with Mr. Harp speaking. Mr. Harp asked if anyone has ever thought they bought something which was in turn sold out from under them and that there is superfluous talk about the signatures and dates. Mr. Harp said that he had an email, which is writing and a legal document, that stated Council would like to accept the offer from Klausmeyer Construction 4 lots for \$32,000, 4 houses within 365 days and no brokerage fees. He stated these lots were already sold since Council accepted the offer and pointed out there is tape from the meeting and doesn't believe there should be any questions. Mayor Ussery asked Mr. Ufford to address the legality of the email, Ufford stated that in Kansas for an offer to be accepted, the acceptance needs to be in writing and signed at this point, there is no signature, and the offer was not signed. Mr. Harp stated there were no signed agreements on the lots sold before, people came in and paid with a check, then received a quit claim deed.

Zollinger said that there were contracts for all lots. Harp stated he heard otherwise and asked who wrote the contracts. Zollinger replied the contract/agreement was approved by the city attorney between the buyer and the City. Mayor Ussery stated that Council has two offers before them to decide on. One that still as to be worked through and one with signatures ready to be accepted and executed. His interests are to be doing this legally and doing what is best for the taxpayers by getting as much as the City can for the lots which would return to the taxpayers the money that was used to invest in the property. Palmer-Witt stated her only concern was the lack of signature from the buyer. Zollinger stated that most of the other lots that sold were quit claimed to the buyer which saved on fees.

Motion: *Palmer-Witt* moved; *Walter* seconded to allow the Mayor to execute the contract for \$64,000, build 4 houses within 365 days, City to pay the 1% brokerage fee and Quit Claim deed to the buyer. Voted and passed unanimously.

c. Nuisance Abatement Extension 130 N Grant

There has been discussion on 130 N. Grant regarding the red and white pots for a couple of meetings. On May 27th Council granted an extension to August 1st to put up a fence and get the pots behind the fence and off of the Right-of-Way. Since that meeting there was a death in the family. Mr. Mishler has also lost many of the tools that have recently been purchased for this project. Zollinger is requesting an extension to October 1st. The city received a note requesting an additional 10 days. Council asked about the injuries, Zollinger stated his were minor. The doctor sent a letter releasing him after 10 days. Mr. Mishler did call the City right after the accident stating that he would get it done but needed another week, Zollinger told him not to worry about it and it would be addressed later. With the heat, he has lost some help.

Motion: *Palmer-Witt* moved; *Shore* seconded to extend the abatement for 130 N. Grant to October 14th. Voted and passed unanimously.

9. Governing Body

Walter – Appreciated the notice regarding the 4th of July going out.

Shore – Seconded Walter.

Palmer-Witt – Had the 1st rec meeting, which was lengthy, but they got a lot accomplished. The library will decide what to do with the office that the rec director is using.

Robben - None.

Ussery – There has been comments about a fireworks show, some would like one and others don't. The City made a financial decision that it wasn't worth the money for a 12-minute show.

10. Adjournment

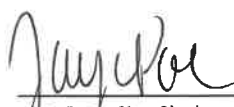
Motion: *Palmer-Witt* moved; *Warkins* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:22 PM

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 June 24th, 2025, City Council meeting.

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


Jaye Poe, City Clerk

