

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
July 8, 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, 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:

Ron Fleming, Kevin Cowan and Henry Schmidt.

3. Approval of Agenda

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

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

4. Public Forum

Hank Pate stated that his address was incorrect in the Minutes from June 24th, it should be 201 S. 1st not S. 2nd.

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

Mayoral Appointment

Motion: *Warkins* moved; *Robben* seconded to approve the consent agenda with modifications to the minutes from June 24th. Voted and passed unanimously.

6. Staff Reports:

- Administration Office – Courtney Zollinger – Zollinger added Sedgwick County did a traffic study on Park Glen St after reaching out to LTAP since they discontinued the program. They analyzed the data and provided it to the City at no cost. The 85th percentile was 30 MPH with the average speed from 25-28 MPH. This study was done June 24th – June 30th. Council would like to see another study done during the school year, Zollinger confirmed that Sedgwick County would do another study. Palmer-Witt inquired about the alley between 1st and Prospect that was mentioned at the last meeting, Zollinger has not heard anything back after sending code compliance to check it out. She also asked the water standing on S. Grant, Zollinger confirmed that is still on the list of things to get done.
- Fire Department – Courtney Zollinger – None.
- Police Department – Kirk Ives – Robben stated that he has seen golf carts on the road without the slow-moving triangle, Ives said that they probably aren't registered. When officers see this, they let them know the vehicle needs to be registered, they usually come down quickly to register. Robben asked about the SPV sales from last year, Ives stated there were around 100 in 2024 and they ordered more stickers, so they ordered 120 for 2025 since that wasn't enough last year. Shore asked about the mobile assist devices that are used on the streets where there are no sidewalks, Ives stated that those fall under the disabled act and can travel on the roads.

- Public Works/Parks – Courtney Zollinger – Cole is on vacation. Palmer-Witt asked about well rights, Zollinger stated 10 years ago the city applied for water rights for 49-acre feet at the Sports Complex for irrigation. The City was only granted 25-acre feet (8,147,000 gallons) due to only using a maximum of 25-acre feet in 1 given year throughout the 10-year review. If an increase was needed and justified, the City could apply for an increase in rights, it's a lengthy process. If the City were to exceed the water rights, they will get fined and penalized the next year by the amount. This will be closely monitored by Public Works. Zollinger mentioned a large leak on Southeast Dr. that has been repaired and filled in, Chadd took the lead since Cole is out.
- Senior Center – Amber Ives – Ives thanked Council for coming to lunch today and Chief Ives for cooking the hamburgers. There were 46 seniors who attended lunch. Ives thanked Shirley for giving rides to Seniors in her golf cart to Brain Freeze last week, Shirley said she enjoyed it.

7. Business

a. Special Assessments Ordinance - Indian Ridge at Clearwater

Mayor Ussery was asked by 2 council members to revisit this topic. He invited Kevin Cowen, the City Bond Counsel, and Mr. Fleming to the meeting. The hearing for special assessments was held at the last meeting where 820 E. Ross was discussed as being part of the benefit district. Mr. Fleming had asked if he waited, would he only have to pay \$500 to connect to the new sewer. Zollinger stated that there is a \$500 fee to connect to the sewer, however, she has not had a request to tap into a main sewer line where somebody else is paying specials. When lots are being developed and a building permit is pulled, a fee to connect to water and a \$500 sewer connection must be paid and then they still have the special assessments. After review and speaking with Bond Counsel, they referenced K.S.A. 12-6a (19) that states if somebody requests to connect to an improvement that was not part of the benefit district, the City could assess a "benefit fee". They could not be charged more than originally assessed; in this event everybody else's assessments would decrease. Zollinger explained that Mr. Flemings clay private service line connected to the main sewer across from Cornerstone. Zollinger is not sure why that line was put in that far, but the City does not maintain service lines, only the main. When Mr. Fleming noticed the sewer line going in for Indian Ridge, he thought it would be easier and more cost effective if he could tap into it therefore receiving the same amount of service as anybody within Indian Ridge. This is why he is considered part of the benefit district, but only for the sewer line. Zollinger did speak with Mr. Fleming in February of 2023 and he signed a petition in March of 2023. The Temporary Note lasts for about 2 - 3 years before it gets closed out and goes to a General Obligation bond which is why the bill is now being sent, and properties are being assessed. Kevin Cowan, the City Bond Counsel with Gilmore and Bell, stated that state law requires the governing body to make sure the properties that are similarly situated are assessed in a fair and equitable manner. He then stated what would be unlawful is to be arbitrary, which would be assessing a much smaller amount than others not based on benefit. The petitions for improvements are received for consideration which City staff and Bond Counsel review to make sure everybody that's included is benefiting from this improvement and Council can make the findings and determinations needed and not be arbitrary but assess everybody that's similarly situated. He stated if that doesn't happen, Council runs the risk of other property owners Making claims that Council is being arbitrary. Bond Counsel makes sure that Council can make the findings that properties benefit, and everybody is assessed in an equitable and fair manner. Mayor Ussery wanted to clarify that this particular benefit district was already determined and had to be redone after Mr. Fleming asked to be added to which Zollinger stated was correct. Cowan stated that having the signed petition made the process much cleaner, but you could have non-majority petitions if Council made a finding that there's one other property that's going to connect and not worry about whether that other property owner signs. Cowan believes the way it was handled in 2023 was the correct way since the property benefited and it abuts against other property that connected to the sewer line. Mayor Ussery stated that the signature was obtained which explained the benefit district and the cost making it fair and keeping the cost for the sewer about the same for the properties benefiting. Mr. Fleming stated he received information from Weaver that the cost for hookup was \$500 when he built the new homes and didn't realize the homeowners were also paying specials on top of that but that he still didn't realize it would cost \$10,000 when he signed the petition. Robben asked for clarification on the private sewer line and if the City was obligated in any way since it was an unusually long line. Mr. Fleming stated that the sewer line was put in during a time when they did whatever they wanted after speaking with the Garrisons who did a lot of sewer work in town. After finding out about the new houses going in behind his house, that is when he thought hooking up to the new line would be beneficial and had the plumbing redone to come out of the back of the house then contacted the City to hook up the line. Council asked if someone hooked up after all specials were paid off, 20-30 years, would it cost \$500, Zollinger stated yes if the specials were paid off and Mr. Flemming wasn't charged the \$500 connection fee as an oversight from City staff. Mayor Ussery asked if he had got an estimate on just replacing the old line, Mr. Fleming stated that it didn't make sense to do that since it goes

through 2 driveways and the black top of 4th street. Shore referenced K.S.A. 12-6a (19) coming into a benefit district without it being fully paid off, you must buy into it. Zollinger stated that was the interpretation. Mayor Ussery asked if the amount stays the same even if someone wanted to hook up with 2 years left of the specials or if it gets prorated, Cowan stated there is a bit of Council Discretion, but Statute provides that the full amount can be recalculated after figuring the full cost with the additional property added as well as the time to pay the specials. Mayor Ussery told Mr. Fleming that he has the option to pay the amount upfront without interest by July 24th or payments for 20 years with interest, Mr. Fleming asked what the interest would be, Zollinger will not know that information until after the sales but the City would get the best interest rate available. Henry Schmidt said that he would contact Mr. Fleming with a monthly payment that includes an estimated interest rate tomorrow, but it isn't a guaranteed rate.

Motion: *Walter* moved; *Palmer-Witt* seconded to adopt Ordinance 1118 LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF CLEARWATER, KANSAS, AS PREVIOUSLY AUTHORIZED BY RESOLUTION NOS. 10-2022, 06-2023, 07-2023, AND 08-2023 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS. Voted and passed unanimously.

b. STO Ordinance

2025 Standard Traffic Ordinance (STO) Update includes: Section 40.3 Passing a Stationary Vehicle Displaying Hazard or Caution Signals, Section 114.5 Unlawful Operation of a Work-Site Utility Vehicle and Section 201.1 Failure to Comply with a Traffic Citation. These are updated annually.

Motion: *Warkins* moved; *Palmer-Witt* seconded to adopt Ordinance 1119 regulating traffic within the corporate limits of the City of Clearwater, Kansas; incorporating by reference the "Standard Traffic Ordinance for Kansas Cities," 52nd Edition of 2025, with certain changes and additions; and repealing all other conflicting Ordinances. Voted and passed unanimously.

c. UPOC Ordinance

2025 Uniform Public Offense Code (UPOC) update includes: Section 6.7.2 Trespassing on a Critical Infrastructure Facility.

Motion: *Shore* moved; *Warkins* seconded to adopt Ordinance 1120 regulating public offenses within the corporate limits of the City of Clearwater, Kansas; incorporating by reference the "Uniform Public Offense Code for Kansas Cities," 41st Edition of 2025, with certain changes and additions; and repealing all other conflicting Ordinances. Voted and passed unanimously.

d. Clearwater Public Library Budget

The Library Board has submitted their budget to the City Council and can levy up to 6 mills each year by ordinance 1046. The Board is requesting \$163,188.84 which is the 6 mills.

Motion: *Robben* moved; *Walter* seconded to accept the Library Board 2026 Budget. Voted and passed unanimously.

e. EMPAC Proposal

EMPAC is an employee assistance program (EAP) that provides services designed for personal, family, substance, financial and legal issues that may arise for employees. In discussion with department heads, it was identified that a gap in services existed. There was a recent event where 2 other agencies asked if the City had EMPAC, which the answer is no. There was an EAP with the State Employee Health Plan, but not now. There are two tiers to consider. One plan that offers 6 sessions per employee household and one with 12 sessions. The total cost for the agreement based on 53 employees with 6 sessions is \$3.75 per employee and 12 sessions is \$4.75 per employee. These services also extend to part-time and volunteers that don't receive any medical benefits. The cost for the program will be split between General Administration, Police, Fire, Public Works, and Senior Center. The Fire Department has the most employees and for 12 sessions it would cost \$1710 and 6 sessions would be \$1,350. This would be the City paying and not the employee. Warkins stated they use EMPAC at PEC, it's a good program with no deductible. The City of Derby and Sedgwick County came in and had peer sessions after the recent event, Zollinger believes it would be good to offer this. This would be a one-year enrollment and recommended to start in October of this year to help with the budget, Council consensus is to start it as soon as August 1st.

Motion: *Shore* moved; *Robben* seconded to approve the EMPAC proposal to start August 1st at 12 sessions. Voted and

passed unanimously.

9. Governing Body

Shore – None.

Palmer-Witt – None.

Robben – With the recent floods in Texas, does the City have an emergency plan? Zollinger stated that we do, it is in the LEOP that each department head has at their house or in the car. Robben also seen a lot of comments regarding the fireworks show, asked if it was something to revisit in the future. He stopped in at Brew'd Awakening and was told it was nice to see someone from City Council come in.

Ussery – Also noticed comments about fireworks, but also had people talking with him about them and they were 50/50 on whether they wanted the show or not. He does explain that the show costs around \$20,000 for 12 minutes and can spend that money in other ways. He mentioned that Zollinger had presented several Cities that have a fireworks show, where other agencies pay for it rather than the City. After the executive session, Mayor Ussery stated that there are 2 candidates that will be running for the next election and plans to not fill her spot. Council feels it is best not to fill it at this time. Council will send any vacation days that are scheduled for meetings to Jaye to keep track of.

Walter – Crystal will be stepping down from Council and moving to be closer to family. She has enjoyed being on Council and learned a lot about how cities are run and about community. She thanked the Mayor, Councilmembers and City staff. Mayor Ussery presented her with a plaque of service and thanked her for her time on Council and all that she did in the community.

8. Executive Session

Motion: *Palmer-Witt* 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 governing body, City Administrator and City Attorney. We will reconvene the open meeting in the City Council Chamber at 7:23p.m. Voted and passed unanimously.

The governing body reconvened at 7:23 pm with no action taken.

10. Adjournment

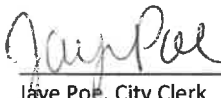
Motion: *Warkins* moved; *Robben* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:42 PM

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 July 8th, 2025, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 22nd day of July 2025.



Jaye Poe, City Clerk

