

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
August 12, 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 and Shirley Palmer-Witt.

The following staff members were present:

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

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda, Zollinger stated that City Council appointment needed to be moved to before Staff Reports.

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

4. Public Forum

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

Utility Bill Write Off

Mayoral Appointment – Fire Department

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

6. Appoint Jason Gordon to City Council

Mayor Ussery stated that Mr. Gordon was born and raised in San Diego, California and moved to Kansas in 2003. He then moved to Clearwater in 2012. His wife is JoAnn, and they have 7 adult kids with 7 grandchildren. He is the owner of Gordon Designed Homes. The Clerk swore in Mr. Gordon as a new council member replacing Crystal Walter.

7. Staff Reports:

- Administration Office – Courtney Zollinger – Council questioned the increase in active nuisances/code violations. Zollinger stated many of them are for tall grass. Warkins asked if the alleys were also monitored, Zollinger said they are, if there is a property of concern, report it to staff and it will get addressed. Mayor Ussery stated that the property behind Jump Start has tall grass and needs addressed. Palmer-Witt inquired about the health insurance, Zollinger stated there were some growing pains, but believes it has been sorted out and the City will reevaluate what is being put into reserves at the end of the year most likely. Palmer-Witt asked about zoning with fences and if the current ones would be grandfathered in, Zollinger stated they most likely would, but the Planning Commission hasn't gotten that far in the process yet but will hold a hearing the first part of September about changing the fence Ordinance.
- Fire Department – Jared Dinwiddie – Council asked how many volunteers there were, Dinwiddie stated there are 27 with 3 of them being Cadets. Mayor Ussery asked if Dinwiddie could provide a quarterly report to keep Council updated on the percentage of training and response to calls.

- Police Department – Kirk Ives – Council asked about J turns on Ross, Ives stated that the Officers are more aware of the situation and thought they were not supposed to write citations. Zollinger stated that the Standard Traffic Ordinance addresses this, so it is Statewide. There was discussion on delineators being put in the middle of the road, but it was suggested not to since there are tractors and the parades that come down Ross. Council congratulated the department on the received donations. Chief Ives informed Council that one of the Part-Time officers put in their resignation today.
- Public Works/Parks – Cole Hollis – Warkins stated that Glenda has expressed the need to get the weeds under the merry go round, Hollis has seen it and will get it taken care of.
- Senior Center – Amber Ives – Shore asked about the 21st was still planned, Ives stated yes. There will be pulled pork and beans and will be at 11:30 or 12. Ives updated Council that there have been 5 new participants since her last report.

8. Business

b. GO Bond Series 2025

On June 24, 2025, the Council adopted Resolution 11-2025 authorizing the sale of General Obligation bonds and on July 8th Council adopted ordinance 1118 levying special assessments for Indian Ridge. One property owner paid the specials in full. Property owners were notified of the option. The City Clerk notified Ranson Financial of the payment. Ranson Financial and Gilmore and Bell put together the documentation as today was the closing of the bid for the bonds. The lowest bid came in from Robert W. Baird and Company with an average net interest of 4.2368%. and Country Club bank was 4.2559%.

Motion: Warkins moved; **Palmer-Witt** seconded to award the bid to Robert W. Baird & Co. with average interest rate of 4.2368% . Voted and passed unanimously.

Motion: Warkins moved; **Shore** seconded to adopt Ordinance 1123 An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 2025 of the City of Clearwater, Kansas; Providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto. Voted and passed unanimously.

Motion: Shore moved; **Palmer-Witt** seconded to adopt Resolution 13-2025 A Resolution prescribing the form and details of Bonds, Series 2025 of the City of Clearwater, Kansas, previously authorized by Ordinance no 1123 of the issuer; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith. Voted and passed unanimously.

Motion: Warkins moved; **Palmer-Witt** seconded to authorize the Mayor and Clerk to execute the closing documents. Voted and passed unanimously.

c. Bid Award Indian Ridge Phase 2 – Water/ Sanitary Sewer

At the February City Council meeting the Governing Body Approved Resolution 06-2025 and 07-2025 authorizing water, and sanitary sewer for Indian Ridge Phase 2. Water and Sanitary Sewer bids were opened Thursday, July 29th at 10 am. Three responses were received, with Mies Construction being the lowest bid at \$400,000. The engineers' estimate for the water and sewer improvements was \$637,922. The improvements will be paid initially with a General Obligation Temporary Note and then with special assessments. Shore questioned the difference from the engineer's estimate to the actual cost. Zollinger stated the estimates were low for Phase 1, so they could have been trying to account for that since a second petition was needed for Phase 1. Warkins mentioned if the engineers estimate comes in too low and bidders come in higher, a rebid is needed then all bidders see all the number's.

Motion: Warkins moved; **Shore** seconded to award the bid to Mies Construction for water and sanitary sewer improvements to Indian Ridge Phase 2 Voted and passed unanimously.

d. Reflection Mobile Bar Permit – Fall Festival

The Fall Festival has contracted with Reflection Mobile Bar Service to run the beer garden for the Festival. The days and times will be Friday October 3rd from 5pm-10pm and October 4th from 11:00 AM to 10:00 PM. They will put a double-layer fence around the area. They will provide parents of youth sports organizations to check ID's and help keep the drinks restricted to inside the beer garden area like in the past. The Fall Festival has identified the pool parking lot as the ideal location and will be near the main stage. Per city code the City Council must grant permission to service alcohol on

city property with a Special Event Permit. They Reflection Mobile Bar Service is licensed with ABC. Their privileges allow the licensee to sell and serve alcoholic liquor for consumption on unlicensed premises and other activities as authorized by K.S.A. 41-2643. This would be a 2-day permit for them to serve alcohol on city property during the festival. Shore asked if Chief was okay with the layout, Ives said he was.

Motion: *Shore* moved; *Warkins* seconded to approve the temporary permit for the Clearwater Fall Festival. Voted and passed with *Palmer-Witt* abstaining.

e. Budget Amendment

During the 2025 budget adopted the City did not know the Senior Center would be granted \$35,000. When adopting the budget, the Department on Aging Fund was at \$18,000 for expenditures. Since the larger grant has been received, Council must amend the 2025 budget to allow for the added expenditure for that Fund. The General Fund and Department on aging are split 70/30. 70% paid by the General Fund and 30% by the Department on Aging Fund. The City is required to hold a public hearing to amend the 2025 budget. If there is no protest to increase the spending authority, then the Governing Body will approve the increase for this fund. A budget amendment has not been done since 2016, but with the grant increase we need to authorize to be able to spend up to the \$35,000 or it would be a budget violation. It does not affect taxpayers. This would be setting the hearing for September 9th, 2025. Council asked if the grant had to be spent by a certain time, Zollinger stated that it needed to be spent in the calendar year in which it was received since it is a reimbursement grant. Council asked if there were restrictions on what can be purchased Zollinger stated no, if it is supporting the Senior Center and there has not been a request rejected yet.

Motion: *Palmer-Witt* moved; *Warkins* seconded to approve the budget amendment and set the hearing for September 9, 2025. Voted and passed unanimously.

f. Farmland Lease Agreement

In 2024 the Clearwater Cemetery District, Hammer's LLC, and the City of Clearwater entered into a farm lease agreement with Max Tjaden. Max Tjaden informed all parties that he will not be renewing his contract to farm the land as of this year, which expired July 31st. There are two parties interested in farming the property, Jake Johnson, and Wes Struthers. Since the City and the Cemetery owned property at 95th and 135th, the Cemetery has arranged the lease agreement, and the City has followed suite. Since Hammer's LLC came on as a party to the land, they have also followed the Cemetery Districts recommendations. The Cemetery District will meet on Thursday to review two offers for leasing the property with the possibility of a third from the Hammers farm manager. Wes Struthers has offered \$48/acre to start in November and Jake Johnson has offered \$0 rent for 3 years and then \$50/acre after that. Jake stated he spoke with Max Tjaden and was informed of a water problem on the land which is why Max no longer wants to farm it. Jake is offering to fix the water issues in exchange for \$0 rent for 3 years. Once agreed upon the rent will either be \$48/acre (\$432) immediately or \$50/acre (\$450) after 3 years for the City. This would be to authorize the Mayor to execute whichever agreement the cemetery district does agree to so the mayor can sign the chosen agreement on Thursday after the cemetery makes their decision. Council discussed the length of the leases, since the goal is to sell the property, Zollinger stated that all the information will be shared with the other two entities. The City's property is around 9 acres where the other 39 acres are the Cemetery's and Hammers LLC. Mayor Ussery believes the drainage issue is causing lack of access to farm equipment. He also stated if the property is sold, the language would allow the notification to the buyer that it is under lease and would allow time to farm the crops unless the buyer says no, then an estimate of how much the property would potentially yield would be calculated and would have to be paid. Currently the City takes the payment from the farmer and distributes it based on the contract to Hammers and the Cemetery.

Motion: *Palmer-Witt* moved; *Warkins* seconded to authorize the mayor to sign the Farmland Lease Agreement with the designated farmer of the Clearwater Cemetery Districts choosing. Voted and passed unanimously.

g. Transfer Eq Reserve Balances to a CD

The city has been setting aside funds in equipment reserve for future improvements. Currently there is \$309,458.77 in equipment reserve for the streets, not including year-to-date sales tax received (\$214,203.10) or budgeted transfer to equipment reserve (\$202,728). The current certificate of deposit for a 7-month term is 3.85% APY. In the Sewer Equipment Reserve Fund there is \$456,594 set aside for sewer upgrade, relining pipes, and a Jetter. \$309,458 @ 3.85% APY will bring in around \$6,800 in interest, \$726,389 would gain around \$16,000. The sewer department would gain approximately \$10,000 in interest. Zollinger mentioned that transfers are usually done at the end of the year but is

comfortable to move it now as the budget looks good. Palmer-Witt asked when the payment for the street project is due, Zollinger said it will be due in 2027. Shore asked about the rates of the 12-month CD's, Zollinger stated that the 7-month CD's have the best rate. She also mentioned that the bank runs special rates for government agencies. Council asked if the funds could be withdrawn early and if there would be a penalty, Zollinger said it is possible but there is the \$800,000 identified as emergency funds that are not in CDs. The consensus of the Council is to put the Sewer Equipment Reserve funds into their own CD and the Street Funds into it's own CD.

Motion: Warkins moved; **Shore** seconded to authorize the City Clerk to transfer the balance of Equipment Reserve for streets, Year to date sales tax and the 2025 budgeted transfer funds into a Certificate of Deposit with Emprise Bank for a term of 7 months and transfer the Equipment Reserve for sewer upgrade, relining pipes and jetter into a Certificate of Deposit with Emprise bank for a term of 7 months . Voted and passed unanimously.

h. Purchase Policy Update

The purchasing policy hasn't been reviewed since 2016. The current purchasing policy states the City should go through the formal bid solicitation with anything \$10,000 or over. There are still exceptions such as cooperative purchases, sole source purchases, and purchases from State, Federal, and other governments. The formal bid process at \$10,000 for sealed bids does seem in excess of the amount of those funds. In reviewing other municipality purchasing policies, general guidelines were no formal solicitations under the price of \$25,000. There was one update after the City attorney reviewed the policy, a new State Statute put in K.S.A. 75-6905 that had a correction of bids for that process was added into the purchasing policy when it relates to Public Works and construction contracts. Mayor Ussery mentioned a minor repair that Courtney received a bid for was just over the \$10,000 threshold which is what prompted the review of the purchasing policy. Palmer-Witt asked Mrs. Hill to explain the language for the correction of bids. Hill explained this language allows contractors to fix a bid if there was a mistake made before closing, before it goes open and everyone looks at it. There are nuances in the Statute that is must be a non-judgmental change, such as not doing the math correctly or forgetting an item before submitting a bid. Hill stated it is ten Statutes long so she attempted to take those and consolidate it to a policy that can be applied. She explained that the bidder must notify the City within two business days after the bids have been open that there is a non-judgmental mistake on the bid the City shall permit a bidder to withdraw its bid without penalty or full picture of the bid security.

Motion: Warkins moved; **Palmer-Witt** seconded to adopt Resolution 14-2025 updating the Purchasing Policy. Voted and passed unanimously.

i. Consider offer on 95th/135th Land

The City received an offer on the 95th and 135th Street property that is currently not on the MLS. Zollinger wanted to bring the offer from Shackelford Machine to Council since it was received before it was decided to put it on the MLS with an agent. They are offering \$95,000 which is about \$10,157/acre, first right of refusal at purchase price. They would not be able to honor the stipulation of improvements within 2 years, but if they do not improve on it and want to unload the property, it can come back to the City for the purchase price. If agreed upon, they would like the property to be zoned light industrial before the sale and the land be platted to which Zollinger explained it would be at their cost. As far as the front building facade, they agreed that no loading or bay doors would be facing 135th Street but would be facing the backside which would be the west side. Zollinger informed Council that the purchasing price for the property was right at \$10,000/acre. Palmer-Witt asked if they considered a different time for the improvements, Zollinger said that they didn't want to commit any time for improvements as they are not certain if they would need to build soon or not. Warkins identified the property as being the previous discussed property to farm. Shore expressed his desire to have improvements relatively soon. Mayor Ussery mentioned minimum structure sizes, Zollinger stated minimum lot size is 10,000 sq. ft with side yard setback at 30' rear yard 25' or 20 % whichever is smaller and for new building the front yard is set at 30'. Shore has concerns with truck traffic if there may be residential development behind the building. Ussery has made the Cemetery aware of this offer. Mayor Ussery believes finding someone to farm smaller pieces of land will be difficult to find when speaking of the City's 9 acres and mentioned there will be a cost to maintain the property if not farmed. Council discussed the future growth of the City, supporting local businesses, getting debt off the books and property taxes. Zollinger stated if Council does not accept the offer, she will bring a contract for marketing this property on the MLS and when she spoke with the agent it was hard to get a comp but was suggested to list it for \$12,000 - \$17,000/acre. Mayor Ussery stated the reasoning for the time to improve is to prevent the property from never being built on. The City makes annual payments of \$40,000 between the North of Chisholm Ridge property (40 acres) and this 9-acre property, if the property sells then the proceeds must go toward the debt with the total amount

being around \$300,000. Gordon was concerned with residential being next to a cemetery, Mayor Ussery mentioned that portion would not be used as a cemetery and that the future growth will be to the North of the current cemetery and eventually that property will be sold for funds to improve the new cemetery. Council reviewed the floodplain map. Zollinger stated that the property North of Chisholm Ridge used to be the Cemetery's and was swapped with the City's portion closer to the old cemetery for future residential growth, then a swap with Hammer's was done after Bill Hammer's reached out to the Cemetery. Zollinger did mention the person who farms the property North of Chisholm Ridge has reached out and intends to plan for residential growth to the East. Water already travels along 103rd Street which would make the growth easier to the East. Mayor Ussery mentioned the study for water, sewer and growth of the City. Palmer-Witt mentioned having septic if the property were to be sold Residential, Zollinger stated new districts would need to be created and the zoning districts would need amended, there is sewer at the Church which could be extended. It was mentioned that Cosh Real Estate would have a 1% fee to list this property on the MLS, Palmer-Witt would like to see more advertising on this property than what was done on the Chisholm Ridge properties. Council would like to see multi-listing for the possibility of residential, light industrial, commercial, all except heavy industrial. Palmer-Witt suggested not listing all the stipulations on the MLS but discussing them when inquiries are made. Council consensus was to list it for \$15,000/acre, first right of refusal at purchase price and must be improved within 2 years. Zollinger mentioned that money would be tied up to possibly purchasing the land back for the time limit given, Hill mentioned the cash basis law if committing to buying something. Mayor Ussery wants to let Shackelford know what decision is made on how the lot will be listed and what the provisions will be so if they would like to send a counteroffer, it could be considered by Council. Palmer-Witt mentioned being in contact with conjoining properties when she is listing properties, Mayor Ussery will let the agent know that if the City portion is too small for an interested buyer, that the other entities may be interested in selling their property and he would speak with them. Council would like the plat to be laid out and infrastructure planned as proof of development within the time limit.

Motion: *Palmer-Witt* moved; *Warkins* seconded to authorize staff to let Shackelford know their offer was not accepted. Voted and passed unanimously.

Motion: *Shore* moved; *Warkins* seconded to authorize staff to put together an agreement with an agent to list the 135th and 95th property on the MLS at \$15,000/acre, having provisions of first right of refusal, proof of development within two years and if commercial, an attractive front building façade with entry to the back. Voted and passed unanimously.

9. Governing Body

Gordon – None.

Shore – Welcomed Jason to Council and suggested that he attend the next League of Kansas Municipalities event.

Warkins – There is a Fall Festival meeting on Monday and believes most items are ironed out.

Palmer-Witt – She has a recreation meeting tomorrow. There are two pending sales in Park Glen Estates with a lot sold and believe they are going to break ground on another one. Zollinger stated that the name is staying Park Glen Estates, if they wanted to change it, they would have to go through the whole platting process again so they will just create an HOA under the name Stoney Creek since there will be two HOA's.

Ussery – Welcomed Jason once more and was glad to have this type of meeting for him to sit in on for his first time.

10. Executive Session

Motion: *Shore* moved; *Warkins* seconded to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters, to include Chief Ives, City Administrator and City Attorney. The City Council will reconvene the open meeting in the City Council Chamber at 8:30 p.m.

Council reconvened at 8:30 p.m. with no action taken.

11. Adjournment

Motion: *Shore* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:30 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 August 12th, 2025, City Council meeting.

August

Given under my hand and official seal of the City of Clearwater, Kansas, this 26th day of ~~July~~ 2025.



Jaye Poe, City Clerk

