

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
August 26, 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; Jason Gordon, Justin Shore, Samantha Warkins and Shirley Palmer-Witt. Tim Robben was present via GoTo Meetings.

The following staff members were present:

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

Others present who spoke:

Scot Palmer was present. Larry Kleeman with Ranson Financial was present via GoTo Meetings.

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. 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

Accept Resignations for Police and Fire

Utility Bill Write Offs

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Zollinger let Council know that there will be a workshop on September 30th at 6:30pm. The City should have the ISO review report by then and will review it. Warkins asked what the fee is if the City must mow someone's property, Zollinger said it is \$150. Zollinger had a conversation with Professional Code Compliance about the mowing. He was giving more leeway, Zollinger let him know she would like the notice to be left, if they haven't mowed then an official letter giving them 10 days will be sent and if not mowed by then, the City will mow it and charge the fee. There will be no other notifications after that. If the fee does not get paid, it gets submitted against the tax roll by August 25th. Palmer-Witt asked about the property on Ross, there has been contact made and the formal process has started. Mayor Ussery asked about the ditch by Dollar General as it is almost a visual obstruction, Zollinger stated it is Duckhorn Properties responsibility, and that property is on the list. Palmer-Witt stated there is a dip at the 4-way stop on the North side of 4th.
- Fire Department – Jared Dinwiddie – Warkins asked if there were any replacements for the EMT that resigned, Zollinger stated there were 2 volunteers appointed at the last council meeting.
- Police Department – Kirk Ives – Robben asked how long the Durango would be on Purple Wave, Ives stated it will end on September 16th.

- Public Works/Parks – Cole Hollis – None.
- Senior Center – Courtney Zollinger – Warkins asked how the attendance numbers compared to last year, Zollinger did not have that information.

7. **Business**

a. **2026 Budget Hearing**

Motion: *Shore* moved, *Palmer-Witt* seconded to open the public hearing at 6:37 pm. Voted and passed unanimously.

The Governing Body decided not to exceed the Revenue Neutral Rate (RNR) for the 2026 budget which set the Mill Levy at 52.73. By not exceeding the RNR, the City cannot collect any more property taxes in 2026 than it did in 2025. The current 2025 Mill rate is 58.516, which means the Mill levy will be going down a little over 5 Mills. A couple of years ago Clearwater had one of the highest Mill Levy's in comparison to other cities of the third class or cities within Sedgwick County but in 2026 Clearwater will be in the middle and more comparable with other cities similar in Sedgwick County. Items that were considered but not included in the budget were: Replacing stone trash cans at the 200 block of Ross Ave, if there are any funds left over from this year those will be used for this. A new fire truck was declined at the time and new gear racks for the fire department. Reductions that were made in the budget were the 7th position for the Police Department because it was unfilled and the costs in a planning consultant since they were unused. Additions to the budget to stay within the RNR were: the parking lot at the Senior Center, maintenance and insurance on a van for the Senior Center, increasing the Municipal Judge and Prosecutor pay since an increase has not been made in a couple of years, the Fire Department will be getting a new building generator, replacing the floor inside their building, mannequins for EMS for EMS training, as well as Nomex, gloves, booths, helmets and fire resistant flash lights. The pool parking lot will be fixed. Public Works will be adding pedestrian symbols to Kansas Ave. There was also budgeted but not guaranteed a 3% increase in wages. There will continue to be the Equipment Reserve contributions for larger purchases. Zollinger asked if Council had any questions, if not to open it up for others. There were no questions or comments from anyone.

Motion: *Palmer-Witt* moved, *Warkins* seconded to close the public hearing at 6:40pm. Voted and passed unanimously.

b. **Adopt 2026 Budget**

Motion: *Warkins* moved; *Gordon* seconded to adopt the 2026 budget as presented. Voted and passed unanimously.

c. **Adopt Resolution Calling for Temp Notes – Indian Ridge PH 2**

On March 11, 2025, the Governing Body of Clearwater accepted the petitions for water, sewer, drainage, and streets for Indian Ridge Phase 2 and authorized the improvements. We have been holding off on going out for the temporary notes for construction bids to come in to make sure the temp notes were sufficient to cover those costs. For Phase 1, the construction costs came in higher, and we had to get an additional temp note. The petitions were accepted, and the City will need to adopt a Resolution authorizing the sale for the GO Temp Notes to complete the project. The Resolution and supporting documents will be crafted by Bond Counsel Kevin Cowan at Gilmore and Bell. Larry Keeman with Ranson Financial was present via GoTo Meetings to answer any questions. Warkins asked if the \$1.3 million included water, sewer and streets, Zollinger mentioned \$400,000 was for the water and sewer alone from Mies Construction and are still waiting to get bids for the street but are using petitions and engineers estimates. Shore wanted to clarify that Indian Lakes Drive extension was included, Zollinger confirmed it was. The Senior Center has been notified that construction will happen within the next month.

Motion: *Shore* moved; *Palmer-Witt* seconded to adopt Resolution 15-2025 authorizing the sale of temporary notes. Voted and passed unanimously.

d. **Listing Agreement – Property at 95th and 135th**

At the last meeting Council reviewed an offer from Shackelford Machine for \$95,000 on the property at 95th and 135th and countered back with \$15,000/acre with first right of refusal, must improve the property within 2 years and

controlling how the facility looked on the outside as people are entering Clearwater. Zollinger stated she understood that improving the property meant platting the land and having a conceptual drawing done. That alone would be around \$50,000 and would take a lot of time within a 2-year limit. Utilities, building and design would all need to be done since only water is available at that location. Gas, sewer and electricity would need to be installed. Based on some engineers' estimates, it would be close to \$100,000 just for the design itself. Shackelford was not interested in offering more than \$95,000 but wanted to resubmit their offer and would be able to come to a Council meeting in September. They wanted Council to know that they are currently under review with a contract for \$108 million with 2 other competitors. Shackelford has secured \$65 million worth of contracts this year which they are able to run in-house now but need to think of future expansion. They do have property at K-42 that is ready to be built on without limitations but want to keep the business in Clearwater. Shackelford wanted the Council to reevaluate the offer with that additional information. Palmer-Witt suggested listing the property and still have Ryan come to a meeting which would give 30 days' listing. Zollinger stated if the agreement is signed now, the City would pay a 1% broker fee or 3% if the broker does the transaction for both parties. Palmer-Witt believes it is owed to the community to have the property listed and suggested a change on line 66 of the agreement to reflect 3% instead of 3% and then 1%. Council then discussed having the listing for a set number of days, after discussion it was agreed to list for 90 days. Warkins asked when it would be listed, Zollinger believes it would be September 2nd. Mayor Ussery wanted to clarify that the City is not obligated to list City property prior to selling it as that question was asked before and it was confirmed by Counsel. Palmer-Witt mentioned changing paragraph 18 since the negotiations have started with this buyer, they can be excluded from commissioning pay. Scott Ufford suggested one more modification to remove line 172 in their indemnification clause they ask for attorney fees.

Motion: *Palmer-Witt* moved; *Shore* seconded to authorize the mayor to sign a contract with Cosh Real Estate to market the land at 95th and 135th with the modifications on line 16, percentage fee changed to 3% total, listing the property for 90 days, adding current negotiations are exempt and removing line 172 indemnification clause asking for attorney fees. Voted and passed unanimously.

e. Reflection Mobile Bar Request

Scot Palmer stated that he received a lot of requests last year asking to allow children in the beer garden during the Fall festival. He wanted to see if Council would approve this request. Mr. Palmer mentioned Rose Hill's festival and most bars allow children. They would put black X's on the hands of anyone under the age of 21, minus infants and wristbands will go on anyone over the age of 21. Mayor Ussery wanted to confirm that they would still have someone at the entrance to check ID's and keeping the alcohol contained to that area. He then let Scot know the reason for the double fencing is to aid in preventing the passing of drinks through or over the fence. Mr. Palmer said they will have the Clearwater Youth Wrestling Club doing that, they did a great job last year. There was one incident last year where a fake ID made it through, but Scot caught it and asked the person to leave. Mayor Ussery asked if the permit needed to be modified for this request, Zollinger stated that it did not since there is nothing in the Ordinance or ABC that restricts kids from being around alcohol and is up to the governing body to determine how they would like to allow them to utilize the pool parking lot. Palmer-Witt asked if the double fence is common, Scot said it is not then discussion was had about the difficulty of keeping the fence up. Zollinger said it is not a requirement by City Code but was requested by Council. Mayor Ussery would like to keep the fence this year. Warkins mentioned the beer garden area being larger this year. Scot stated he will more than likely put a time restriction allowing children only within the hours of 11a -8p. Council agreed that allowing children accompanied by an adult would be fine. Ufford suggested including the markings on the minors' hand to the motion.

Motion: *Warkins* moved; *Shore* seconded to approve the request to allow children to be accompanied by an adult with proper markings of X on the minor's hand and a wristband on those over the age of 21 into the beer garden during the 2025 Fall Festival. Voted and passed with Palmer-Witt abstaining.

f. CED – Indian Ridge Construction Inspection

CED is the city's engineer so they review all infrastructure plans to ensure they are designed according to the city's code and the best interest of our infrastructure. Garver has been hired by Indian Ridge, which is Bryan Lagaly Homes. CED, as the city's engineer, should review all plans and consult the engineer and contractors on the project and conduct onsite inspection. For Phase 2, CED stated their not to exceed project price is \$60,945 which would be incorporated into special assessments. Warkins asked how many working days this was for, Zollinger stated for Mies it 40 days but the working days for the streets are not available yet. Warkins asked if this was hourly not to exceed contract, Zollinger stated she

believes it is the hours they do the inspections, only for billed items. Zollinger clarified that Garver is the engineer for the developer, and CED is the engineer for the City. Palmer-Witt asked if the employer liability was sufficient, Zollinger stated that it was increased in a prior contract per Jennifer's request and Ufford agreed.

Motion: *Warkins* moved; *Gordon* seconded to authorize the mayor to execute the engineering services contract between City of Clearwater and Certified Engineering Design, P.A. Voted and passed unanimously.

9. Governing Body

Gordon – None.

Shore – None.

Warkins – Warkins asked if the Museum parking lot was going to be stripped still, Zollinger stated it was. Public Works have been working on the school crossings. Warkins stated Glenda would like to have it done by the Fall Festival if possible.

Palmer-Witt – None.

Robben – None.

Ussery – None.

10. Executive Session

11. Adjournment

Motion: *Shore* moved; *Warkins* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:08 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 26th, 2025, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of September 2025.



Jaye Poe, City Clerk

