

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
September 23, 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, Samantha Warkins, Shirley Palmer-Witt and Tim Robben. Justin Shore was present via GoTo Meetings.

The following staff members were present:

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

Others present who spoke:

Hank Pate and Logan Mills

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

Aging Project Lease Agreement

Mayoral Appointment

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Zollinger informed Council that Whitney had recently overseeded the ball fields and commons area at the sports complex, however one of the softball fields was affected by army worms. TruGreen has been contacted to treat the area again. The fields will need to be reseeded which Jeremy Whitney has offered to work with the City on the labor cost involved. Robben inquired whether any preventative measures could have been taken, Zollinger explained that the fields had already been treated, but the current conditions were ideal for the army worms to lay their eggs. Zollinger reported that Shore had inquired about the possibility of holding a fall citywide cleanup in response to the recent storm-related brush debris. She explained that the City's contract with Waste Connections only includes spring citywide cleanup. Zollinger mentioned the potential option of opening the brush dump; however, due to the saturated ground conditions, increased traffic could cause further issues. She asked the Council for suggestions on how to proceed. Mayor Ussery has not heard any complaints and suggested revisiting this topic if another big storm occurs. Warkins asked if there had been any offers on the 135th property, Zollinger said there had not been. She also mentioned that Shackelford could not make it to this meeting but asked if they would be open to attending any other meetings and would put it in the business section. Palmer-Witt inquired about the pothole at 4th and Ross, Zollinger stated that she had not spoken with Cole about that yet but would.

- Fire Department – Jared Dinwiddie – Palmer-Witt inquired about the number of failing hydrants, Dinwiddie mentioned some of them were stem issues, being too low for the steamer discharge, low pressure and vegetation around hydrants. Zollinger pointed out that many of them failed due to the 3-foot circumference required to be cleared from a hydrant, which is according to the International Fire Code. Dinwiddie doesn't want to risk breaking the stem by turning them for testing but it would be better to do in the event of a call. Council asked if there was a plan to fix the failed hydrants, Zollinger responded that Public Works will be evaluating each one to determine the appropriate corrective action, which may include looping the system or installing new water lines where necessary. Mayor Ussery mentioned that the daily notifications for the CRV has stopped and is only sent out if it is not staffed.
- Police Department – Courtney Zollinger – None.
- Public Works/Parks – Cole Hollis – Shore sent in a question about the batting cages being unusable, Zollinger will have Public Works look at them.
- Senior Center – Courtney Zollinger – None.

7. **Business**

a. **GO Temporary Note 2025 – Indian Ridge Phase 2**

In August of 2025, the City Council adopted Resolution 15-2025 authorizing the sale of temporary notes for the Indian Ridge Phase 2 Improvements. The improvements consist of paving, sanitary sewer and water. The next step in the G O Temp Note will be to award the bid with the lowest being Robert W. Baird with an interest rate of 3.5 and average net interest rate of 3.6169. Then adopt a Resolution authorizing and directing the issuance, and authorize the Mayor and Clerk to execute the closing documents

Motion: *Warkins* moved, *Palmer-Witt* seconded to award the bid to Robert W. Baird & Co. Voted and passed unanimously

Motion: *Palmer-Witt* moved, *Warkins* seconded to adopt Resolution 16-2025 authorizing and directing the issuance, sale and delivery of general obligation temporary notes, series 2025, of the city of Clearwater, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes as they become due; making certain covenants and agreements to provide for the payment and security thereof; and authorizing certain other document and actions connected therewith. Voted and passed unanimously.

Motion: *Palmer-Witt* moved, *Gordon* seconded to authorize the Issuance of General Obligation Temporary Notes Series 2025 and authorize the Mayor and Clerk to execute the closing documents. Voted and passed unanimously.

b. **Ordinance Amendment to Article 23-2 Fences**

The Planning Commission discussed Article 23-2 at the prior meeting and asked staff to prepare an amendment to the code, in which the hearing was held on September 2nd at 6:30. Since the amendment doesn't affect a specific property owner, it was published in the Times Sentinel with proper notice. The amendments recommended by the Planning Commission to the code include the following added language: Fence permits are required prior to construction. All permit applications must be accompanied by a plot plan and an application for zoning compliance. The Zoning Administrator may require a photograph or sketch of the proposed fence. Currently there is no approval required. Fences are not permitted in the city right-of-way. Currently the code says that the City may remove a fence from any right of way therefore there are fences in the right of way and all the way to side yards, this would keep everything within their own property. Except as otherwise set forth in this Ordinance, permitted materials in residential districts for fences on all properties shall include: new lumber and new wood boards; split rail; chain link; wrought iron and decorative aluminum; vinyl; brick and masonry; stone, rock and concrete and stucco. Zollinger stated that this was taken after Cheney. Prohibited materials in residential districts shall include but not be limited to: sheet metal; metal building siding and roofing materials; corrugated metal or fiberglass; barbed wire except as may be permitted for security requirements; chicken wire; plywood; scrap wood; scrap metal; canvas, nylon or other non-rigid material or fabric; cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence; and stock fences. Conditional use for fences: The Board of Zoning Appeals may as a conditional use approve the construction of higher fences and/or permitted placement in the right-of-way in any district if the Board finds that the public welfare is preserved. People can currently apply for variances. Any fence existing on the effective date of Ordinance No. 1124 which has been previously approved by the City shall be allowed. However, if any such fence is removed, then any new

fence will need to comply with the then, existing city code. This means current fences are fine until they're completely removed, then they will need to be compliant with the new city code. Repairment of a fence with the same material, size and location is not considered removed. The Planning Commission is making a recommendation to council to approve the amended ordinance referring to fences within the Clearwater city limits. Palmer-Witt asked if there were fences now that were obstructing view, Zollinger stated that if alleys were considered an intersection, then yes, but she has not read where they are. Zollinger mentioned one fence variance that will be at the next Planning Commission/Board of Zoning Appeals meeting for being beyond the front of their house which is not compliant. Palmer—Witt asked about the fence that was approved for North Grant, Zollinger stated that it would be “grandfathered” in since Council found it acceptable and the Ordinance must be published in the paper for 30 days for it to take effect. Warkins asked how this would affect anyone constructing a fence currently, Zollinger said anybody who has a fence up before the 30 days of publication is grandfathered in until it is considered removed. Shore asked about the fence being used for Ag on Hellar and Grant, Zollinger said it is still in residential and if it is ever torn out, it would have to be redone in compliance or request a variance.

Motion: *Palmer-Witt* moved, *Warkins* seconded to accept the Planning Commission’s recommendations and adopt Ordinance 1124 amending article 23-2. Voted and passed unanimously.

c. Berm in Alley between 1st and Prospect

At the June 24th meeting Hank Pate, owner of 201 S 1st street, spoke during the public forum stating his front lawn is holding water since the curb and guttering was installed. He did state that the water was not going inside his house but with the heavy rains, water was standing in his front yard during the June 2nd rain when 4” came down in a short period. On July 3rd we met with Mr. Pate and his neighbor and seen that 201 S 1st is the lowest property on the block, and all the water is designed to run behind. The grade was looked at again by Certified Engineering Design (CED) and the curb is lower than the house and is in line with the entire street. 200 block of S 1st is supposed to drain to the north into the ditch along Kansas. CED suggested the option of installing a concrete flume (similar in appearance to a sidewalk ramp) to facilitate water flow. However, Mr. Pate declined, expressing concern that while the flume could help drain standing water, it could also allow water to enter his yard. The owner to the south had installed a small berm behind their fence in the alley to help divert water. Mr. Pate asked if the city could install a berm to help the flooding on his property. Council reviewed the survey of 1st Street and could see where the water would stand. When the curb and guttering was put in, it was supposed to, and is, drawing the water off the middle of the road and run it down the gutter which then heads south to Park. Logan Mills checked on the house and alley this morning since there was about 2” of rain and there was water standing in the street and at the front of the property, about 2 hours later it had mostly drained. Zollinger mentioned that the berm requested may or may not keep the water out of the property and may keep the water in the alley which could create issues for Public Works. Mr. Mills explained that the water in the alley does seep into Mr. Pates property in the Southwest corner and comes out toward the road. In theory, adding a berm would act as a restriction to keep water either in the alley and head North to the ditch for proper drainage. The plans were originally designed with a flume for this drainage issue but was decided by the neighbors and Mr. Pate that it was unsightly and was declined to put in. Mr. Mills mentioned another possible option was to have Public Works run their blade through the center of the alley to keep more of the water going North. Council discussed the water standing in the alley ruts after the rest had drained this morning. Mr. Pate stated that there is a high spot at his neighbors’ far South side in the alley then seems to level out. Council asked if the berm would help or push water onto someone else’s property, Zollinger stated that it’s possible. Mr. Mills pointed out that the alley is not tipped to drain well and would need to be cut on a grade to divert the water and putting a berm in may compound water standing in the alley. Robben asked if an inlet could be put in and ran to the storm drain, Mills mentioned putting piping in to help drain the water from the yard was looked into, but it wouldn’t have had a slope for draining since there is only 6” from the low point of his yard and the ditch. Mr. Pate confirmed that the standing water from this morning did drain, he is more concerned with the heavy constant rains like from June 2nd where the water was almost to the house. He mentioned the smaller flume on N. Prospect as an option and the curb being built high causing the issues in his yard, Mr. Mills referred to the survey that was done before the curb and guttering were put in that showed the water pooling in that area. Council inquired about the height difference between the old and new curb, Mr. Mills explained they didn’t want to lower the street much because of the utilities so they added 3.5” to create the curb so that the street water stays in the street then hits the gutter and go south which is why the flume was suggested to capture and divert the water. Mr. Pate reiterated his concerns with the flume allowing the water into his yard first before it drains. Hollis mentioned his property being at the top with the street running South and doesn’t think much would run to the area in question. Mr. Mills stated that he doesn’t have a perfect answer nor how to fix this issue without the proposed suggestions. It was discussed that the flume could be changed in size and

placement as to what was originally proposed. It was going to go where the water meters are since that is where most of the standing water is and mentioned that the flume will be at a gradual slope. Council voiced their concern on cutting and grading in the alley eventually causing it to wash out. Mayor Ussery stated that the flume, alley grading and berm are not going to have an immediate or definite fix and Mr. Pate can't be forced to put a flume in and left the choice to him. Mr. Pate stated that he didn't want the City spending a ton of money on this, he just wants the water to drain off fast enough to not back up into the house and would be good. Mr. Mills stated that the flume was already worked into the budget of the project. Mr. Pate stated that originally the flume was going to partially go into his neighbor's yard, Whitney, who is a landscaper and takes a lot of pride in his yard, but if the flume can go only in his yard then he is agreeable to that.

Motion: *Gordon* moved, *Palmer-Witt* seconded to authorize Pearson to install a flume onto Mr. Pates property. Voted and passed unanimously.

d. Special Event Permit – The River Church

The City Clerk received a request from the River to host their tailgate party at City park. After reserving the park shelters, they had asked if a trailer could be placed on the grass and were told a Special Event Permit would be needed for this kind of event. Mr. Sizemore included a letter in his request; the event will be September 28th with a tailgate service at 11 am and the tailgate party after that. The trailer, intended to serve as a stage for a live band, would be located in the grassy area near the south sidewalk. Because this event involves use of public property and includes a large setup, City Council approval is required. Hollis is only concerned about ruts with all the recent rain. Mayor Ussery recommended approving the request with the following stipulations: approval from Public Works must be obtained the Friday before the event; City to prove the River with exact placement of the Trailer; having a plan to set up in the parking lot if the ground is too saturated.

Motion: *Palmer-Witt* moved, *Warkins* seconded to approve the Special Event Permit for the River with the specific stipulations. Voted and passed unanimously.

9. Governing Body

Shore – None.

Gordon – Said it was good to see everyone.

Warkins – The Fall Festival is next weekend and volunteers are needed.

Palmer-Witt – None.

Robben - None

Ussery – None.

10. Executive Session

None.

11. Adjournment

Motion: *Warkins* moved; *Robben* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:25 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 September 23rd, 2025, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 14th day of October 2025.


Jaye Poe, City Clerk

