



City of Clearwater Council Meeting Agenda
Tuesday November 11, 2025, at 6:30pm
129 E Ross Clearwater, KS 67026

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1. **Call to Order/ Invocation and Flag Salute**
2. **Roll Call**
3. **Approval of Agenda**
4. **Public Forum** - Members of the public can address the Mayor and City Council limited to not more than five minutes.
5. **Consent Agenda** - Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed.
 - a. [Previous Council Meeting Minutes](#)
 - b. [Claims and Warrants](#)
 - c. [Christmas Comes to Clearwater Road Closures](#)
6. **Staff Reports**
7. **Business**
 - a. **Action:** [Request for 2nd Command Vehicle](#)
 - b. **Action:** [Nuisance Violation – 139 N Gorin](#)
 - c. **Action:** [Nuisance Violation – 148 N Lee](#)
 - d. **Action:** [Nuisance Violation – 730 E Hellar](#)
8. **Governing Body Comments**
9. **Executive Session**
10. **Adjournment**

Next Assignment Numbers

Charter Ordinance: 25

Ordinance: 1125

Resolution: 19-2025

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 6:00 and 6:30 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
October 28, 2025
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Council President Justin Shore called the meeting to order at 6:30 p.m. followed a moment of silence and flag salute.

2. Roll Call

The City Administrator called the roll to confirm the presence of a quorum. The following members were present: Councilmembers; Justin Shore, Jason Gordon, Samantha Warkins and Tim Robben.

The following staff members were present:

City Administrator Zollinger, Justin Patrick and Amber Ives.

Chief Ives and City Attorney, Scott Ufford were present via GoTo Meetings.

3. Approval of Agenda

Council President Shore asked if there were any modifications to the agenda, there were none.

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

4. Public Forum

None.

5. Consent Agenda

Council President Shore 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 Resignation – Fire Department

Municipal Judge Agreement 2025

Municipal Prosecutor Agreement 2025

Mayoral Appointment – Fire Department

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Shore asked about the ISO regression. Zollinger explained that every few years the organization goes through a rating for ISO which sets insurance rates. The City received a regression letter for the rural area, the City submitted a response to participate in retro regression, in which a plan will need to be made within a year. There were no rating changes for the City.
- Fire Department – Justin Patrick – Shore asked how the training went for engulfment, Patrick stated that it went well.
- Police Department – Kirk Ives – None.
- Public Works/Parks – Courtney Zollinger – Zollinger updated Council on the repair to the 2001 F350 costing \$500 .
- Senior Center – Amber Ives– Robben asked for an update on the expansion of the Senior Center. Zollinger explained that they are still in the planning phase with David Wells at SPT and PEC. There should be drawings and preliminary pricing brought to Council soon.

7. Business

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

The last City Council meeting, the Governing Body was informed that General Obligation Temporary Note 2025 would not cover the cost of all improvements in Indian Ridge since the paving bids came in higher than engineers estimate. At the meeting council accepted the revised petition for paving and adopted resolution 17-2025. Because GO Temp Note 2025 will not cover the entire project council could elect to use cash funds which would be tied up for the length of the project (3 years) or take out another temporary note. There was consensus at the last meeting to proceed with a temporary note.

Motion: *Warkins* moved, *Gordon* seconded to adopt Resolution 18-2025 authorizing the offering for sale of General Obligation Temporary Notes, Series 2025B, of the City of Clearwater, Kansas. Voted and passed unanimously.

9. Governing Body

Warkins – None.

Gordon – Wished good luck to the 6th grade football team.

Robben – Believes that the expansion of the Senior Center is important.

Shore – Congratulated Jaye on graduation and the lights on one side of the street were off on Main Street.

10. Executive Session

None.

11. Adjournment

Motion: *Robben* moved; *Warkins* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 6:42 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 October 28th, 2025, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 11th day of November 2025.

Jaye Poe, City Clerk

Check Register Report

Date: 11/04/2025

Time: 1:59 pm

Page: 1

City of Clearwater

BANK: EMPRISE BANK

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
EMPRISE BANK Checks								
52116	11/05/25	Printed			ALDERETE	NICK ALDERETE	FITNESS CLASS LEADER	400.00
52117	11/05/25	Printed			AMAZON BUS	AMAZON BUSINESS	AAA BATTERIES, THUMBDRIVES PD	790.46
52118	11/05/25	Printed			AXON	AXON ENTERPRISE, INC	BODY CAM MOUNTS/CHIEF & JACKS	68.00
52119	11/05/25	Printed			BB LUMBER	B & B LUMBER	BACK DOOR POLICE DEPT	446.67
52120	11/05/25	Printed			BUR	JAMIE BURLEY	MILEAGE AND CCMFOA PARKING	49.55
52121	11/05/25	Printed			CED	CERTIFIED ENGINEERING DESIGN	Professional Services	650.00
52122	11/05/25	Printed			CW LIBRARY	CLEARWATER PUBLIC LIBRARY	OCTOBER APPROPRIATION	928.57
52123	11/05/25	Printed			CW WELLNESS	CLEARWATER WELLNESS CENTER	NOVEMBER CLEARWATER WELLNESS	105.00
52124	11/05/25	Printed			DECKER ELE	DECKER ELECTRIC	PD & PARK CAMERA SFTWR UPDATE	2,420.00
52125	11/05/25	Printed			DIG OF SYS	DIGITAL OFFICE SYSTEMS	COPIER OVERAGE	42.32
52126	11/05/25	Printed			EVERGY	EVERGY KANSAS CENTRAL	129 E.ROSS SAL	81.88
52127	11/05/25	Printed			HOSP MINTS	HOSPITALITY MINTS, LLC	MINTS FRONT OFFICE	100.10
52128	11/05/25	Printed			HUBER & AS	HUBER & ASSOCIATES	ENTERPOL LICENSE & OS MAINT	4,310.00
52129	11/05/25	Printed			HURTIG BEC	BECKY. C. HURTIG	Professional Services - Judge	1,100.00
52130	11/05/25	Printed			IVES AMBER	AMBER IVES	EVENTS AND MILEAGE	424.90
52131	11/05/25	Printed			KS ONE CAL	KANSAS ONE CALL SYSTEM, INC.	59 LOCATES	78.47
52132	11/05/25	Printed			KPOA	KANSAS PEACE OFFICERS ASSOC	ANNUAL DUES FOR KPOA	210.00
52133	11/05/25	Printed			KS ST TRES	KANSAS STATE TREASURER	OCT 25 COURT TREASURER REP	1,434.50
52134	11/05/25	Printed			LINN LARRY	J. LARRY LINN	PROSECUTION SERVICES	1,000.00
52135	11/05/25	Printed			MCDONALD	MCDONALD TINKER PA	SEPTEMBER ATTORNEY FEES	1,202.77
52136	11/05/25	Printed			NAVRATS	NAVRAT'S OFFICE PRODUCTS	COUNCIL MEMBER SHIRTS	265.90
52137	11/05/25	Printed			OREILLY	O'REILLY AUTO PARTS	F 350 WRECK REPAIR	420.90
52138	11/05/25	Printed			ONESOURCE	ONESOURCE TECHNOLOGY, INC	MICROSOFT 365 BUSINESS	4,097.00
52139	11/05/25	Printed			PEARSON	PEARSON CONSTRUCTION LLC	PAY REQUEST \$13	123,048.67
52140	11/05/25	Printed			PELZ DEB	DEBORAH PELZ	Senior Center Floor cleaning	130.00
52141	11/05/25	Printed			PETTY CASH	PETTY CASH	OFFICE SUPPLIES	28.94
52142	11/05/25	Printed			POSTLOCITY	POSTALOCITY	MAIL OCTOBER WATER BILLS	1,000.00
52143	11/05/25	Printed			PCC	PROFESSIONAL CODE COMPLIANCE	NOVEMBER CODE COMPLIANCE	1,700.00
52144	11/05/25	Printed			ROASTER JO	ROASTER JOE'S	PUBLIC WORKS DRINKING WATER	39.15
52145	11/05/25	Printed			SHORE JUST	JUSTIN SHORE	FALL CONF EXPENSE REIMBURSE	676.18
52146	11/05/25	Printed			SPCLTY MEC	SPECIALTY MECHANICAL INC	FALL SERVICE FILTER CHECKS	2,435.24
52147	11/05/25	Printed			TIMES NWSP	TIMES-SENTINEL NEWSPAPERS	RESOL 17-2025 PAV IND RDG PH 2	495.00
52148	11/05/25	Printed			TYLER TECH	TYLER TECHNOLOGIES	FINANMIGRATION ERP PRO 10	1,430.00
52149	11/05/25	Printed			WICHTA TRC	WICHITA TRACTOR CO.	REPAIR UNIV JOINT DISC MOWER	383.10
52150	11/05/25	Printed			ZORO	ZORO TOOLS, INC	LOCKOUT/TAGOUT KIT	197.09

Total Checks: 35

Checks Total (excluding void checks): 152,190.36

Total Payments: 35

Bank Total (excluding void checks): 152,190.36

Check Register Report

Date: 11/04/2025

Time: 1:59 pm

Page: 2

City of Clearwater

BANK: EMPRISE BANK - EFT

Check Number	Check Date	Status	Void/Stop Date	Reconcile Date	Vendor Number	Vendor Name	Check Description	Amount
EMPRISE BANK - EFT Checks								
3872	11/05/25	Printed			BEAM	BEAM	NOVEMBER BEAM VISION/DENTAL	1,332.27
3873	11/05/25	Printed			BLUE CROSS	BLUE CROSS AND BLUE SHIELD	NOVEMBER BCBS HEALTH INS	17,045.88
3874	11/05/25	Printed			CASEYS	CASEY'S	STATEMENT	2,682.76
3875	11/05/25	Printed			FARMERS	FARMERS BANK	NOVEMBER FCMI RESERVE PAY	7,556.29
3876	11/05/25	Printed			KDOR	KANSAS DEPARTMENT OF REVENUE	OCTOBER SALES TAX 2025	379.96
3877	11/05/25	Printed			KS GAS SVC	KANSAS GAS SERVICE	401 W. ROSS PUBLIC WORKS	44.52
3878	11/05/25	Printed			KS GAS SVC	KANSAS GAS SERVICE	129 E. ROSS CITY HALL	49.85
3879	11/05/25	Printed			KS GAS SVC	KANSAS GAS SERVICE	149 N. FOURTH MUSEUM	44.52
3880	11/05/25	Printed			KS GAS SVC	KANSAS GAS SERVICE	319 W. ROSS FIRE DEPT	116.68
3881	11/05/25	Printed			KS GAS SVC	KANSAS GAS SERVICE	901 CLEARCREEK LIFT STATION	62.81
3882	11/05/25	Printed			KS GAS SVC	KANSAS GAS SERVICE	921 E. JANET	48.78
3883	11/05/25	Printed			LIBERTY NA	LIBERTY NATIONAL	NOVEMBER LIBERTY	455.07
3884	11/05/25	Printed			TWIN VAL	TWIN VALLEY TELEPHONE	109 S. LEE POLICE DEPT	240.07
3885	11/05/25	Printed			TWIN VAL	TWIN VALLEY TELEPHONE	149 N. FOURTH MUSEUM	83.92
3886	11/05/25	Printed			TWIN VAL	TWIN VALLEY TELEPHONE	921 E. JANET SENIOR CENTER	62.90
3887	11/05/25	Printed			TWIN VAL	TWIN VALLEY TELEPHONE	129 E. ROSS CITY HALL	189.05
3888	11/05/25	Printed			TWIN VAL	TWIN VALLEY TELEPHONE	400 W. ROSS PUBLIC WORKS	109.86
3889	11/05/25	Printed			TWIN VAL	TWIN VALLEY TELEPHONE	319 W. ROSS FIRE DEPT	479.04
3890	11/05/25	Printed			TWIN VAL	TWIN VALLEY TELEPHONE	PARK BROADBAND	3.00
3891	11/05/25	Printed			VERIZON	VERIZON WIRELESS	FIRE DEPT BROAD BAND	40.01

Total Checks: 20

Checks Total (excluding void checks):

31,027.24

Total Payments: 20

Bank Total (excluding void checks):

31,027.24

Total Payments: 55

Grand Total (excluding void checks):

183,217.60

City of Clearwater
City Council Meeting
November 11, 2024

Christmas Comes to Clearwater – Safety Zone

Context: Christmas Comes to Clearwater is December 6th. The event starts at 8am with Breakfast with Santa at the Center. There are several downtown events from 1pm – 4pm including train rides in the road.

Chief Ives would like to designate Ross Ave between Byers and Gorin as a Safety Zone (K.S.A 8-1460). The City Clerk will mail letters to all businesses and residents between Byers and Gorin that will be affected by the road closure.



Financial: There is no financial obligation for the City.

Legal Considerations: Review and comment as necessary.

Recommendations/Actions: Approve the Ross Ave Safety zone from Byers to Gorin for the Christmas Comes to Clearwater.

To: Mayor and City Council
 From: Courtney Zollinger, City Administrator
 Date: November 7, 2025
 Re: Administration Report

- The carpets have been cleaned at City Hall.
- Downtown Trick or Treat was a success.
- Members of staff participated in the Future in Finance at the High School on the 6th.
- Blue Cross Blue Shields rates came in with an 11.75% increase. We did get other quote from UHC and they were much higher than BCBS. We will renew with BCBS for 2026. The increase will be covered with what was budgeted for 2026.
- I attended the Western Coalition of Sedgwick County Cities meeting where Commissioners Baty and Wise attended. The topic of Fire District 1 was the main point of discussion, and they wanted everyone to know there is no action on the table at this time. They are still asking for information from the Fire District and once they have their information, they will set up meetings with the named cities in the resolution that was presented to them by a steering committee.
- Sedgwick County helped conduct a 2nd traffic study for Park Glen at the beginning of November. The traffic engineer reviews the number of cars and speeds throughout that time and figures the 85th percentile to recommend as a speed limit. During this time the 85th percentile was right around 30 MPH which is the current speed limit for that road. There is no recommendations to adjust the speed limit or install speed humps on Park Glen street.

Date	Daily Volume	Mean Speed	85 th Percentile Speed
11/4/2025	426	26.1	32.1
6/25/2025	303	25.9	31.4

- Year to Date (October 2025): 1% Sales Tax Collected: **\$310,347.72**
- Total Sales Tax Collected since January 2024: **\$599,769.03**

Dates to Remember

- November 11th – City Offices Closed for Veterans Day
- November 24th – Final Day to submit Tree Contest Forms
- November 27th-28th City Offices Closed for Thanksgiving
- December 6th – Christmas Comes to Clearwater
- December 25th& 26th – City Hall Closed for Christmas
- January 1st – City Offices Closed for New Years

Active Nuisances/ Code Violations

139 N Gorin	131 S Prospect	116 S Gorin	219 S Prospect	317 E Ross	730 E Hellar
427 N 1 st Ave Ct	249 N Grant	130 N Grant	130 Tracy	414 E Park	1140 Red River Cir
168 Longhorn Ct	150 N Tracy	126 S Gorin	212 Grant	205 Tracy	148 Lee
143 S 2nd					

To: Mayor and City Council
From: Jared Dinwiddie
Clearwater Fire Chief
Date: November 6, 2025
Re: Fire Department Staff Report

- Clearwater Fire responded to **6** medical calls and **4** fire calls since our last report.
- Average response time for SGCO EMS on medical calls has been around **17** minutes. Sedgwick County EMS Community Response Vehicle (CRV81) response time has averaged about 3 minutes.
- To Date: The department has been unable to respond to **3** emergency calls.
- To Date: The CRV has been unstaffed **30** times.
- The Department had training on propane emergencies at our last training on the 4th. Thank you to Russ Reed with Propane Marketers Association of Kansas and PERC (Propane Education & Research Council) for coming down and training our personnel.
- The Department held its annual Association Meeting on the 6th.
- Portable 800 radios are wrapping up on reprogramming with the Radio Shop. Once these are complete, CFD will schedule a time with the Radio Shop to come down and reprogram all the mobile radios on the apparatuses.
- SUCO 911 has gone “Live” on the State 800 radio system and has begun a soft transition of the radio system from UHF to the State 800 system.
- The Department received its ISO report on October 21st. The department is currently in a retrogression phase and the Department replied on October 31st that it intends to participate in the retrogression program to correct the flaws in our ISO rating review.



To: Mayor and City Council

From: Kirk Ives, Chief of Police

Date: November 6, 2025

Re: Police Department Staff Report

Officers:

Halloween was another success this year. We had lots of help and it ran very smooth.

Police Clerk:

SPV permits are at 108 for the year.

Building:

Getting ready for winter.

Vehicles:

Regular maintenance. Oil changes and 1 battery replaced.

Matters of interest since the last meeting on Police Activity:

We have had 48 dispatched/reported calls with 8 arrests and 13 citations issued since my last report. (Does not always include self-initiated calls).

To: Mayor and City Council Members

From: Cole Hollis, Public Works Director

Date: November 11, 2025

Subject: Public Works Summary

1. Well 2 rebuild is complete waiting for samples from KDHE
2. Valve exercising completed for both North and South Valves
3. Repair leak at 218 N Gorin (tighten setter nut and add neoprene washer)
4. Closed ponds effluent at the end of October.
5. Reinstall City limit/Speed limit signs at Tracy and 95th
6. Winterize Sports complex restrooms and concession
7. Repair heater in Well 2
8. Light all well heaters and distribute electric heaters
9. Change lights at the library (used the last of the fluorescent bulbs and changed 2 fixtures to LED)
10. Barricades and grill put out for Halloween event
11. Install a cylinder seal kit in leaking skid-steer boom cylinder
12. Sourced a bumper from a salvage yard for the 2001 F350
13. Straightened cross member and installed new radiator in 2001 F350
14. Distribute notices for sewer cleaning 11/10 through 11/17. Cleaning will include the south side of town from grain to 1st and Park Glen.



2001 F350 Back in service



Clearwater Senior Center

Staff Report

November 6, 2025

To: Mayor & City Council

From: Amber Ives, Coordinator

October has passed just as quickly as it arrived, and we had a great time celebrating all the Halloween things. One of our favorite things around here is having the school kids come in for various reasons. In October, we had the high school Leadership Class in to help make commodity boxes and games and then the CIMS choir kids came and put on a musical performance for us. I love seeing the connections between the different age groups. Everyone's favorite senior to visit when they come is our sweet Mary Bacon. They are always amazed that she is 100 years old!

Monday, we will have the Alzheimer's Association in for a luncheon presentation covering the caregiver and the stress of caring for others. Preventing burnout and frustration is a key component to keeping family at home and happy. This is not necessarily all about Alzheimer's, but ANYONE who is in a caregiver's role. I hope to have at least 35 people in attendance.

Our Friendsgiving Lunch and Learn will be on the 3rd Tuesday this month because we will be closed on the 11th, which is the second Tuesday. The FFA group will be using the facility for their veteran's breakfast, but then the building will be closed to all other events that day. As always, you are welcome to join us for our Lunch and Learns anytime!

Respectfully,
Amber Ives
Senior Center Coordinator



**City of Clearwater
City Council Meeting
November 11, 2025**

Fire Department Request for Additional Command Vehicle

Context: Norwich City Council has offered Clearwater Fire their old 2007 Chevy Trailblazer for free. A value of about \$3,600. The department would like to add it to the fleet as an additional Command Vehicle. The current Forestry Owned 1999 Chevy Tahoe Command Vehicle is housed at Justin Patrick's house, out of the city limits, so he can respond to the calls quicker. This would be used by Chief Dinwiddie to respond to calls for instant command and also be used as to go to training or meetings instead of a personal vehicle or rental car.

The Trailblazer has approximately 145,000 miles on it. Chief Dinwiddie states there is enough room in the station to house the additional vehicle.

Here is the current fleet vehicles with mileage

EVS



	Tahoe: Command Vehicle 710 (Forestry Owned)	2024 Pierce Enforcer: Engine 71	1999 Freightliner: Engine 72	1999 Ford F350: Brush 71	2003 International Brush 72	2008 International: Tender 71	2017 Ford Explorer
2025							
JANUARY	74,024	1,694	11,751	17,024	5,532	6,536	53,096
FEBRUARY	74,142	1,742	11,753	17,025	5,532	6,536	53,198
MARCH		1,833	11,754	17,041	5,550	6,551	53,252
APRIL		1,860	11,775	17,134	5,593	6,611	53,332
MAY	74,527	1,906	11,795	17,162	5,613	6,626	53,398
JUNE		2,010	11,802	17,185	5,619	6,647	53,519
JULY	74,777	2,060	11,805	17,228	5,645	6,673	53,604
AUGUST	74,797	2,106	11,811	17,233	5,650	6,681	53,663
SEPTEMBER							
OCTOBER		2,224	11,883	17,284	5,765	6,757	53,917
NOVEMBER		2,338	11,885	17,307	5,799	6,760	53,971
DECEMBER							
Totals	773	644	134	283	267	224	875

Norwich Trailblazer next page.



Financial: By adding this to the fleet the city would be needed to carry insurance. Full coverage is \$730/year and liability is \$634/year. Any additional costs (i.e. paint, equipment install, minor repairs, etc) will be paid out of the fire equipment reserve (approx. \$2,500 - \$3,500).

Legal Considerations: Review and comment as necessary.

Recommendations/Actions: Consider the donation from City of Norwich to add a command vehicle to the Fire Department fleet.

Code Compliance Violation Report

Report Prepared By: Kendall Pierce, Code Enforcement Officer

Date Prepared: October 28, 2025

Property Address: 139 N Gorin Ave, Clearwater, KS 67026

Property Owner: CHANNING B & SHAWNA L HINKLE

Parcel ID/Tax ID: 00284689

Report Purpose: This report documents the history of code compliance inspections, identified violations, and related actions for the specified property. It is prepared for review by legal counsel to support potential enforcement proceedings.

Introduction

This report outlines a chronological history of site visits and inspections conducted at the above-referenced property. Each entry includes the date of the visit, the inspecting official, observations made, specific code violations identified (with references to applicable local, state, or federal codes), and any follow-up actions taken or recommended. The violations pertain to nuisances, including accumulation of rubbish/debris, junked or inoperable motor vehicles, and related maintenance issues under Clearwater Municipal Code Chapter 8 (Health and Welfare). All information is based on official records, photographs, and field notes.

Evidence such as photographs, notices issued, and correspondence with the property owner are available upon request and can be appended to this report. Attached photos and documents are referenced below and included as exhibits.

History of Visits and Violations

Visit 1: August 5, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Initial complaint response regarding visible debris, vehicles, and potential nuisances on the property.
- Observations: Side yard next to shed cluttered with green ladder, wooden pallet, broom, bags of debris, and miscellaneous items like tires and tools. White SUV parked nearby. Garage/carport area filled with extensive clutter including tools, hoses, containers, a silver Mercedes sedan, and scattered automotive parts on the floor. Conditions suggest ongoing accumulation posing fire and pest risks.
- Violations Identified:

- Violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Accumulation of rubbish, debris (pallets, tires, bags), and other offensive substances creating health/safety risks.
- Violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Exterior yard and structure conditions violating maintenance standards.
- Violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Potentially inoperable vehicles (e.g., Mercedes) stored amid clutter, not registered or operational.
- Actions Taken: Sent letter and recommended cleanup and organization. Photographs taken and filed (see Attached Photo 1: Side yard debris near shed, timestamped Aug 5, 2025 at 1:21:10 PM; Attached Photo 2: Garage interior clutter and Mercedes, timestamped Aug 5, 2025 at 1:21:17 PM).

Visit 2: August 22, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Follow-up inspection to verify compliance with initial recommendations.
- Observations: Garage/carport remains heavily cluttered with tools, pipes, hoses, automotive parts, and debris on the floor. Silver Mercedes still present amid mess; no significant abatement. Side areas show persistent rubbish.
- Violations Identified:
 - Continued violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Persistent accumulation of rubbish and debris.
 - Continued violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Ongoing failure to maintain exterior conditions.
 - Continued violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Inoperable vehicle not addressed.
- Actions Taken: Noted lack of progress. Prepared for escalation to formal notices. Photographs taken and filed (see Attached Photo 3: Garage with Mercedes and clutter, timestamped Aug 22, 2025 at 10:29:46 AM; Attached Photo 4: Floor debris detail, timestamped Aug 22, 2025 at 10:29:49 AM).

Visit 3: September 9, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Re-inspection to assess abatement and issue formal notices.
- Observations: Side yard debris persists with pallet, tire, broom, sign ("Major Med"), bags, and scattered items. Garage interior shows increased clutter, including containers, pipes, tools, and automotive parts around the Mercedes and other vehicles. No evidence of cleanup.
- Violations Identified:
 - Ongoing violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: No abatement of rubbish or debris.
 - Ongoing violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Continued yard and structure maintenance issues.
 - Ongoing violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Persistent storage of potentially junked vehicles.
- Actions Taken: NOVs issued for nuisances and environmental violations (citing § 8-101, Article 6, and Article 2). NOVs mailed and posted. Deadline for compliance set for 10 days per code. Photographs taken and filed (see Attached Photo 5: Side yard debris, timestamped Sep 9, 2025 at 11:15:09 AM; Attached Photo 6: Garage clutter and vehicles, timestamped Sep 9, 2025 at 11:15:16 AM).

Visit 4: October 10, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Compliance check following NOV issuance.
- Observations: Minimal changes; garage cluttered with black SUV (plate 230 LKH), Mercedes, tools, pipes, and debris piles. Side areas show ongoing rubbish accumulation.
- Violations Identified:
 - Persistent violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Remaining rubbish and debris.
 - Persistent violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Yard conditions not abated.
 - Persistent violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Multiple vehicles in disrepair.

- Actions Taken: Noted non-compliance post-deadline. Escalation to citation recommended, with potential fine per § 8-103 (up to \$500/day). Photographs taken and filed (see Attached Photo 7: Garage with SUV and Mercedes, timestamped Oct 10, 2025 at 11:54:43 AM; Attached Photo 8: Debris pile near vehicles, timestamped Oct 10, 2025 at 11:54:40 AM).

Visit 5: October 27, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Final check prior to legal referral.
- Observations: Garage shows persistent clutter with Mercedes, pipes, hoses, containers, and increased debris like exhaust parts and bags. No resolution of issues.
- Violations Identified:
 - Continued violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined.
 - Continued violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code.
 - Continued violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property.
- Actions Taken: Confirmed repeated non-compliance. Case referred to legal department for enforcement action. Photographs taken and filed (see Attached Photo 9: Garage clutter detail, timestamped Oct 27, 2025 at 10:26:58 AM; Attached Photo 10: Vehicles and debris, timestamped Oct 27, 2025 at 10:26:59 AM).

Summary of Violations

The property has demonstrated repeated non-compliance with local codes, primarily related to nuisances and vehicle storage. Key violations include:

- Rubbish and Debris Violations: Occurred across all visits; accumulation of items like tires, pallets, tools, pipes, and automotive parts.
- Environmental/Yard Violations: Failure to maintain exterior conditions, creating blighting hazards.
- Junked Vehicle Violations: Persistent issue with potentially inoperable vehicles (e.g., Mercedes, SUV) amid clutter.

- Total Fines Issued: [Insert total, e.g., Potential \$1,500 if citations enforced; none paid to date].
- Outstanding Issues: Full remediation required, including removal of debris, organization of storage, and verification/removal of junked vehicles.

Recommendations

- Proceed with legal action to enforce compliance, potentially including court-ordered abatement and recovery of costs under Clearwater Municipal Code § 8-103 and § 8-304.
- Schedule a joint inspection with legal counsel if needed.
- Monitor the property for future violations.

Attachments:

- Photos: 10 total, timestamped and geolocated as described above (e.g., Photo 1-10: Visual evidence of conditions on specified dates).
- Documents: NOVs (issued on Sep 9, 2025), plus any correspondence logs.
- Code References: Excerpts from Clearwater Municipal Code Chapter 8 (Health & Welfare), Articles 1 (Nuisances), 2 (Junked Motor Vehicles), and 6 (Environmental Code) attached for reference.

This report is factual and based on documented evidence. For further details or clarification, contact

Kendall Pierce
Professional Code Compliance
procodecompliance@icloud.com
316-251-4140





Aug 5, 2025 at 1:21:10PM
37.505983° N 97.504025° W



Aug 5, 2025 at 1:21:17 PM
37.505892° N 97.504045° W



Aug 22, 2025 at 10:29:46 AM
37.505928° N 97.504031° W



Aug 22, 2025 at 10:29:49 AM
37.505899° N 97.504021° W



Sep 9, 2025 at 11:15:09 AM
37.505959° N 97.504000° W



Sep 9, 2025 at 11:15:16 AM
37.505895° N 97.504020° W



Oct 10, 2025 at 11:54:40 AM
37.505864° N 97.504003° W



Oct 10, 2025 at 11:54:43 AM
37.505912° N 97.504003° W



Oct 27, 2025 at 10:26:58 AM
37.505886° N 97.504055° W



Oct 27, 2025 at 10:26:59 AM
37.505891° N 97.504046° W

Professional Code Compliance

July 14, 2025

Dear Channing & Shauna,

It has come to our attention that your property located at 139 N Gorin Ave, Clearwater, KS 67026 violates the City's **HEALTH AND PUBLIC WELFARE code Chapter 16 sec 16-1.**

The violation on your property requires cleaning up all piles of metal around the cars, or covering the opening. Also, clean up the pile of items on the side of the building. This area also needs to be mowed.

Please note:

1. You will have **10 days from the date of this notice to alleviate** the exterior conditions Yard Violation.
2. You also have **10 days from the date of the receiving of this note to request a hearing before the governing body** on the matter.
3. **Failure to alleviate the condition or to request a hearing may result in prosecution** under K.S.A. 12-1617e and /or **abatement** of the condition by the city according to K.S.A. 12-1617e with the costs assessed against the property.

If you have questions regarding this order, please contact us. Thank you in advance for your compliance.

Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-251-4140 or 316-213-6986



CITY OF CLEARWATER, KANSAS

RESOLUTION NO. _____

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS WITHIN
THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS
AND ORDERING THE REMOVAL AND ABATEMENT OF SAID
NUISANCE AT 139 N. GORIN AVE, CLEARWATER, KANSAS.

WHEREAS, the provisions of K.S.A. 12-1617e and Section 8-609 of the City of Clearwater's City Code empower the Governing Body of the City of Clearwater, Kansas to determine by resolution that a nuisance exists based upon an official written statement filed with the City Clerk identifying a nuisance and stating that such nuisance is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City; and

WHEREAS, the provisions of K.S.A. 12-1617e and Section 8-609 of the City of Clearwater's City Code further empower the Governing Body of the City of Clearwater, Kansas to thereupon order the owner or agent of the owner of property to remove and abate any and all nuisances from any lot or parcel of ground within the City of Clearwater, Kansas, and if the owner or agent fails to comply with the requirements of the order, to proceed to have the things described in the order removed and abated from the lot or parcel of ground; and

WHEREAS, on the August 5, 2025, a letter was sent to the owner of 139 N. Gorin, Clearwater, Kansas, recommending cleanup and organization of rubbish, debris, and junked vehicle on the property.

WHEREAS, on September 9, 2025, notices of violation were delivered to the property owners detailing the violations present at 139 N. Gorin and giving the property owners ten days to remove the violation and said violation was not removed.

WHEREAS, on October 10, 2025, continued non-compliance was documented.

WHEREAS, on October 28, 2025, an official written statement was provided to the City detailing the violations present and notices provided to the property owners of 139 N. Gorin;

WHEREAS, said official written statement stated that such identified nuisance is a menace and dangerous to the health, safety, or general welfare of the inhabitants of the City, or of any neighborhood, family or resident of the City.

WHEREAS, the violations identified in the official written statement remain unabated.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS:

Section 1. After reviewing the official written statement filed with the City Clerk identifying the nuisances described as follows:

8-101. Nuisances unlawful; defined. *It shall be unlawful for any person to maintain or permit any nuisance within the city defined, without limitation, as follows:*

- (a) Unsheltered open storage of personalty, for a period of 30 days or more (except in licensed salvage yards);*
- (b) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;*
- (f) All articles or things whatsoever, caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood.*

8-608. Unlawful acts. *It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:*

- (a) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:*
 - (1) lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;*
 - (2) abandoned motor vehicles; or*
 - (3) furniture, stoves, refrigerators, televisions, sinks, bicycles, lawn mowers, or other such items of personal property.*

8-202. Nuisances unlawful; defined; exceptions. *It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.*

- (a) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of city ordinance, or incapable of moving under its own power, or in a junked, wrecked or inoperable condition.*

The Governing Body of the City of Clearwater, Kansas determines that such nuisances do exist and are a menace and dangerous to the health, safety, and general welfare of the inhabitants of the City of Clearwater, Kansas, and/or of a neighborhood, family or resident of the City of Clearwater, Kansas.

Section 2. The Governing Body of the City of Clearwater, Kansas herewith orders the owner and/or agent of the owner of the property located at 139 N. Gorin Clearwater, Kansas 67026 to remove and abate from said property, on or before the 21st day of November 2025, the nuisance described as follows:

All inoperable vehicles or vehicle accessories must be removed from the property. If vehicles are operable, they must have current registration with the county.

Section 3. The Governing Body of the City of Clearwater, Kansas further orders the owner and/or agent of the owner of the property located at 139 N Gorin, Clearwater, Kansas 67026 to remove and abate from said property, on or before the 21st day of November 2025, the nuisance described as follows:

All exposed and unsheltered clutter, pipes, hoses, containers, and debris, including exhaust parts and bags

Section 4. Before the expiration of the above-stated ten (10) day-time period or any extension thereof, the recipient thereof may request a hearing before the City Administrator of the City of Clearwater, Kansas. The governing body of the City of Clearwater, Kansas hereby authorizes the City Administrator to grant written extensions of the above-stated ten-day time if the owner and/or agent of the owner of the property demonstrates that due diligence is being exercised in abating the nuisance.

Section 5. If, at the expiration of the above-stated ten (10) daytime period or final extension thereof, the above-described nuisance is not successfully removed and abated by the owner or agent of the owner, the City of Clearwater, Kansas may lead to charges against you in the Clearwater Municipal Court that may be punished by a fine of not less than fifty (\$50) and not more than one hundred dollars (\$100) plus court costs for each violation of Section 8-608 and up to five hundred dollars plus court costs for each violation of Sections 8-202 and 8-101. Each day of noncompliance constitutes a separate offense.

Section 6. In addition, or as an alternative to filing charges against you in municipal court as provided in Section 5, above, if the nuisance remains unabated at the expiration of 10 days from the date of passage of this Resolution, the City may seek to remedy the above stated violations. All costs incurred by the City to effectuate abatement shall be charged against the lot

or parcel of ground on which the nuisance is located pursuant to K.S.A. 12-1617e and Section 8-611 and 8-614 of the Clearwater Municipal Code.

Section 7. In accordance with K.S.A. 12-1617e, this Resolution shall be served on the owner or agent of the owner of the property by mailing it via certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, this Resolution shall be served by mailing it via certified mail, return receipt requested, to the last known address of the owner.

Adopted by the City Council this ____ day of _____, 20__.

Approved by the Mayor this ____ day of _____, 20__.

MAYOR, BURT USSERY

ATTEST:

CITY CLERK, JAYE POE

NOTICE OF SERVICE

I certify that on this ____ day of _____, 20__, a copy of the foregoing Resolution was served on _____, as the owner or agent of the owner of the property, and whose address is _____, by:

____ mailing it via certified mail, return receipt requested, to the above address, or

____ personal service.

Code Compliance Violation Report

Report Prepared By: Kendall Pierce, Code Enforcement Officer

Date Prepared: October 28, 2025

Property Address: 148 Lee Ave, Clearwater, KS 67026

Property Owner: WYLIE REED JR

Parcel ID/Tax ID: 00284704

Report Purpose: This report documents the history of code compliance inspections, identified violations, and related actions for the specified property. It is prepared for review by legal counsel to support potential enforcement proceedings.

Introduction

This report outlines a chronological history of site visits and inspections conducted at the above-referenced property. Each entry includes the date of the visit, the inspecting official, observations made, specific code violations identified (with references to applicable local, state, or federal codes), and any follow-up actions taken or recommended. The violations pertain to nuisances, including accumulation of rubbish/debris, junked or inoperable motor vehicles, overgrown weeds/vegetation, and related maintenance issues under Clearwater Municipal Code Chapter 8 (Health and Welfare). All information is based on official records, photographs, and field notes.

Evidence such as photographs, notices issued, and correspondence with the property owner are available upon request and can be appended to this report. Attached photos and documents are referenced below and included as exhibits.

History of Visits and Violations

Visit 1: August 5, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Initial complaint response regarding visible overgrown vegetation, debris, and potential nuisances on the property.
- Observations: Backyard heavily overgrown with tall grass and weeds exceeding 8 inches, scattered debris including wood planks and tires. An old, inoperable Volkswagen Beetle partially buried in vegetation, with rusted body and flat tires. Miscellaneous items like a pink umbrella or tent visible..

- Violations Identified:
 - Violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Accumulation of rubbish, debris (wood, tires), and other offensive substances creating health/safety risks.
 - Violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Weeds and grasses exceeding 8 inches in height, declared a public nuisance.
 - Violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Exterior yard conditions violating maintenance standards.
 - Violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Inoperable and abandoned vehicle (Volkswagen Beetle) not registered or capable of movement.
- Actions Taken: Letter sent to the owner. Recommended cleanup and removal. Photographs taken and filed (see Attached Photo 1: Backyard overgrowth and debris, timestamped Aug 5, 2025 at 1:20:36 PM; Attached Photo 2: Old vehicle in weeds, timestamped Aug 5, 2025 at 1:20:31 PM).

Visit 2: August 22, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Follow-up inspection to verify compliance with initial recommendations.
- Observations: Conditions unchanged; backyard remains overgrown with weeds over 8 inches, debris scattered, and inoperable Volkswagen Beetle still present amid vegetation. Pink umbrella/tent and other items visible. No abatement observed.
- Violations Identified:
 - Continued violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Persistent rubbish and debris.
 - Continued violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Failure to remove nuisance weeds.
 - Continued violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Ongoing yard maintenance violations.
 - Continued violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Unabated inoperable vehicle.

- Actions Taken: Noted lack of progress. Prepared for formal notices. Photographs taken and filed (see Attached Photo 3: Overgrown yard with vehicle, timestamped Aug 22, 2025 at 10:28:27 AM; Attached Photo 4: Close view of debris and weeds, timestamped Aug 22, 2025 at 10:28:28 AM).

Visit 3: September 9, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Re-inspection to assess abatement and issue formal notices.
- Observations: Overgrowth and debris persist; no significant changes. NOVs issued and posted on front door. Property shows continued neglect with junked vehicle and rubbish.
- Violations Identified:
 - Ongoing violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: No abatement of debris or rubbish.
 - Ongoing violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Weeds exceeding 8 inches not removed.
 - Ongoing violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Yard conditions remain in violation.
 - Ongoing violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Continued presence of junked vehicle.
- Actions Taken: Two NOVs issued: One for weeds (citing Article 3 § 8-301 to 8-307, requiring removal within 10 days), one for environmental/yard violations (citing Article 6 § 8-601 to 8-615). NOVs mailed and posted on door. Deadline for compliance set for 10 days per code. Photographs taken and filed (see Attached Document 1: NOV for Weeds, timestamped Sep 9, 2025 at 1:35:00 PM; Attached Document 2: NOV for Environmental Code/Yard Violations, timestamped Sep 9, 2025 at 1:34:54 PM; Attached Photo 5: Front door with posted NOV, timestamped Sep 9, 2025 at 1:46:05 PM).

Visit 4: October 10, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Compliance check following NOV issuance.

- Observations: Partial mowing observed, but weeds and overgrowth around vehicle and debris remain over 8 inches in spots. Junked Volkswagen Beetle unchanged; rubbish like tires and wood still present. Pink umbrella/tent visible.
- Violations Identified:
 - Persistent violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Remaining debris and rubbish.
 - Persistent violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Incomplete removal of nuisance vegetation.
 - Persistent violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Yard not fully abated.
 - Persistent violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Inoperable vehicle not removed.
- Actions Taken: Noted partial improvements but ongoing violations. Escalation to citation recommended. Photographs taken and filed (see Attached Photo 6: Yard with vehicle and weeds, timestamped Oct 10, 2025 at 11:55:51 AM).

Visit 5: October 27, 2025

- Inspecting Official: Sam French
- Purpose of Visit: Final check prior to legal referral.
- Observations: Grass shorter overall, but debris increased with multiple tires lined up, wood logs, red crate, blue bike, and other rubbish. Junked vehicle remains; overgrowth minimal but nuisances persist. Conditions continue to pose risks.
- Violations Identified:
 - Continued violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Accumulation of rubbish and debris.
 - Continued violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Residual weeds in areas.
 - Continued violation of Clearwater Municipal Code Article 6 § 8-601 to 8-615 – Environmental Code: Persistent yard violations.
 - Continued violation of Clearwater Municipal Code Article 2 – Junked Motor Vehicles on Private Property: Junked vehicle unabated.

- Actions Taken: Confirmed non-compliance. Case prepared for referral to legal department. Photographs taken and filed (see Attached Photo 7: Backyard with tires and debris, timestamped Oct 27, 2025 at 10:28:05 AM; Attached Photo 8: Vehicle in yard, timestamped Oct 27, 2025 at 10:28:07 AM).

Summary of Violations

The property has demonstrated repeated non-compliance with local codes, primarily related to nuisances under Chapter 8. Key violations include:

- Rubbish and Debris Violations: Occurred across all visits; accumulation of items like tires, wood, crates, and miscellaneous rubbish posing fire/pest hazards (§ 8-101).
- Weed and Vegetation Violations: Overgrown areas exceeding 8 inches, declared a nuisance (§ 8-301, § 8-302).
- Junked Vehicle Violations: Persistent inoperable Volkswagen Beetle, unregistered and abandoned (Article 2).
- Environmental/Yard Violations: Overall exterior conditions failing maintenance standards (Article 6 § 8-601 to 8-615).
- Total Fines Issued: [Insert total, e.g., Potential \$1,500 if citations enforced; none paid to date].
- Outstanding Issues: Full remediation required, including debris removal, vegetation control, vehicle removal, and yard cleanup.

Recommendations

- Proceed with legal action to enforce compliance, potentially including court-ordered abatement and recovery of costs under Clearwater Municipal Code § 8-103, § 8-304, and Article 2 abatement provisions.
- Schedule a joint inspection with legal counsel if needed.
- Monitor the property for future violations.

Attachments:

- Photos: 8 total, timestamped and geolocated as described above (e.g., Photo 1-8: Visual evidence of conditions on specified dates).

- Documents: 2 NOVs (photos of originals issued on Sep 9, 2025), plus any correspondence logs.
- Code References: Excerpts from Clearwater Municipal Code Chapter 8 (Health & Welfare), Articles 1 (Nuisances), 2 (Junked Motor Vehicles), 3 (Weeds), and 6 (Environmental Code) attached for reference.

This report is factual and based on documented evidence. For further details or clarification, contact-

Kendall Pierce
Professional Code Compliance
116 N Star St, El Dorado, KS 67042
procodecompliance@icloud.com
316-251-4140





Aug 5, 2025 at 1:20:31 PM
37.506370° N 97.504036° W



Aug 5, 2025 at 1:20:36 PM
37.506227° N 97.504058° W



Aug 22, 2025 at 10:28:27 AM
37.506310° N 97.504018° W



Aug 22, 2025 at 10:28:28 AM
37.506310° N 97.504018° W

Professional Code Compliance

Date-

9-9-25

Dear Property Owner,

It has been brought to the City's attention that your property at 148 Lee
Clearwater, KS 67026 violates the City's **HEALTH AND PUBLIC WELFARE**
Code, Article 3 Section 8-301 to 8-307 regarding Weeds (exceeding 8 inches in height).

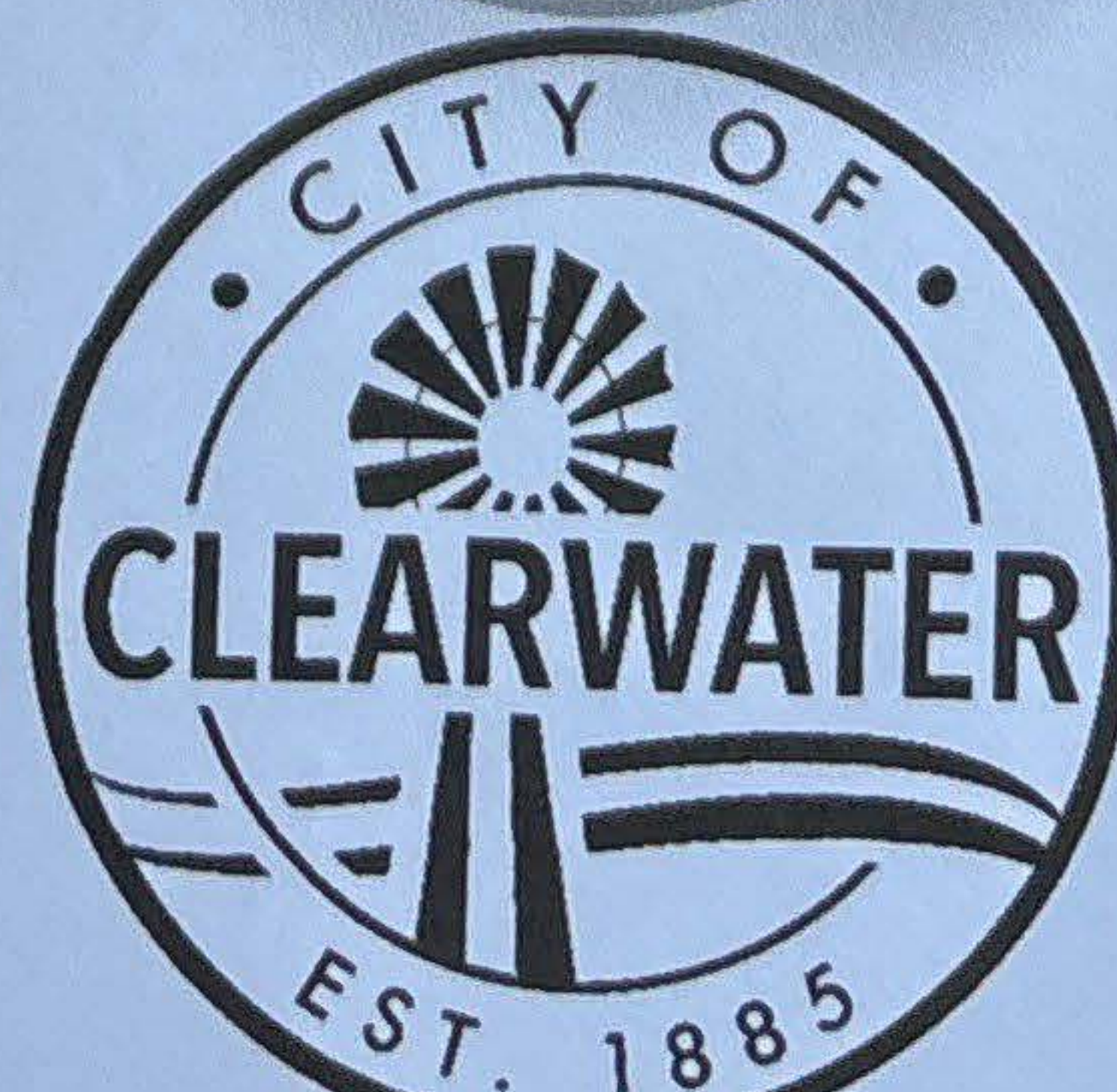
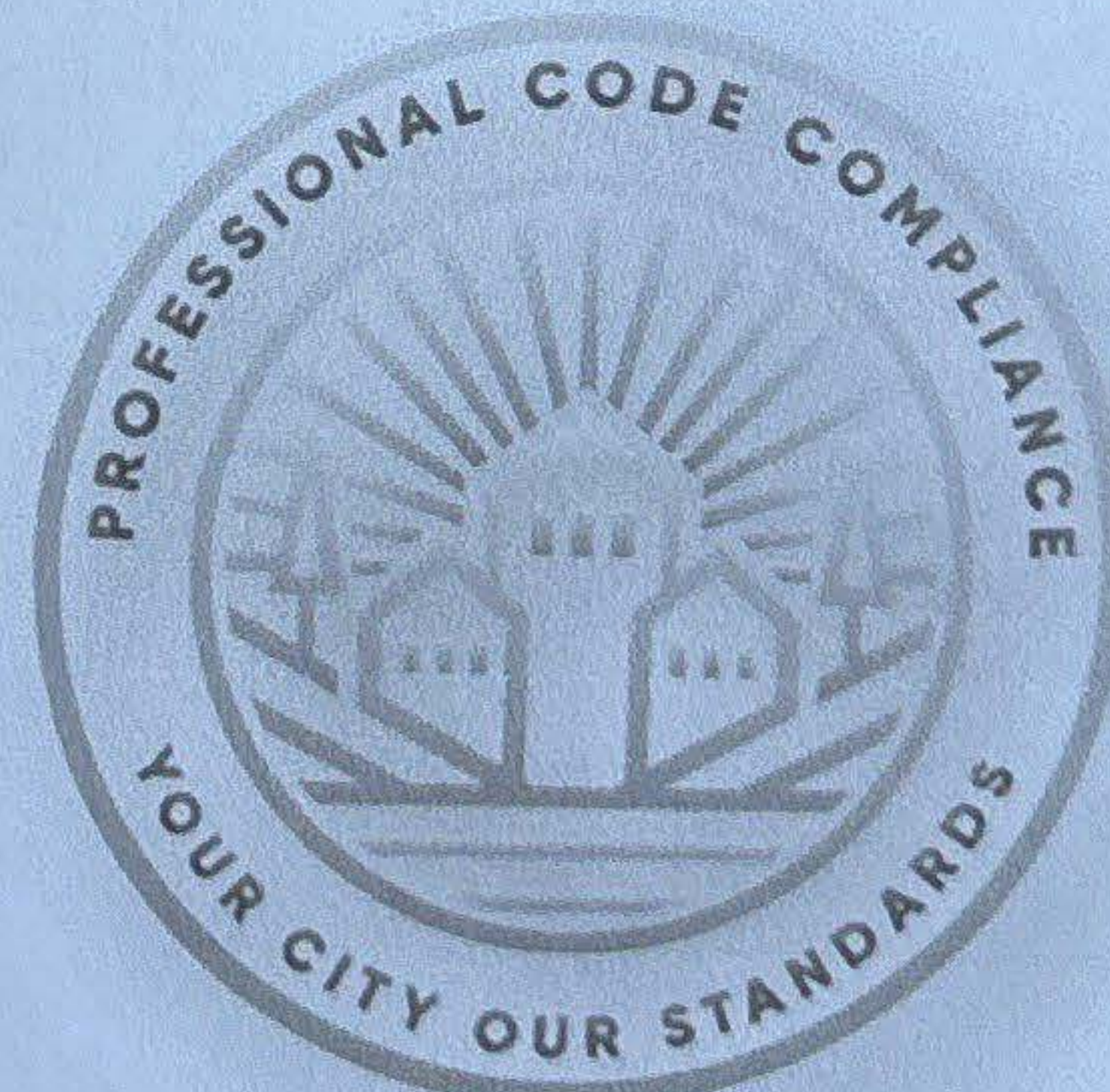
Notice

- b.) That the owner, occupant, or agent in charge of the property is **ordered to cut the weeds within 10 days of the receipt of notice.**
- c.) That the owner, occupant, or agent in charge of the property may request a hearing, per K.S.A. 12-1617e, within 10 days of the receipt of notice.
- d.) That if the owner, occupant, or agent in charge of the property does not cut the weeds, the City or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the owner, occupant, or agent in charge of the property.
- e.) That the owner, occupant, or agent in charge of the property will be allowed to pay the assessment, and, if it is not paid within 30 days of such notice, it will be added to the property tax as a special assessment.
- f.) That no further notice shall be given before the removal of weeds during the current calendar year.

If you have any questions regarding this order, please contact us. Thank You for in advance for your consideration.

Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-251-4140



Sep 9, 2025 at 1:35:00 PM
37.501724° N 97.505320° W

Professional Code Compliance

Dear

Dear Property Owner,
It has come to our attention that your property located at 148 Lee Clearwater, KS 67026 violates the City's **HEALTH AND PUBLIC WELFARE Environmental Code- Article 6 sec 8-601 to 8-615.**

The violation on your property includes:

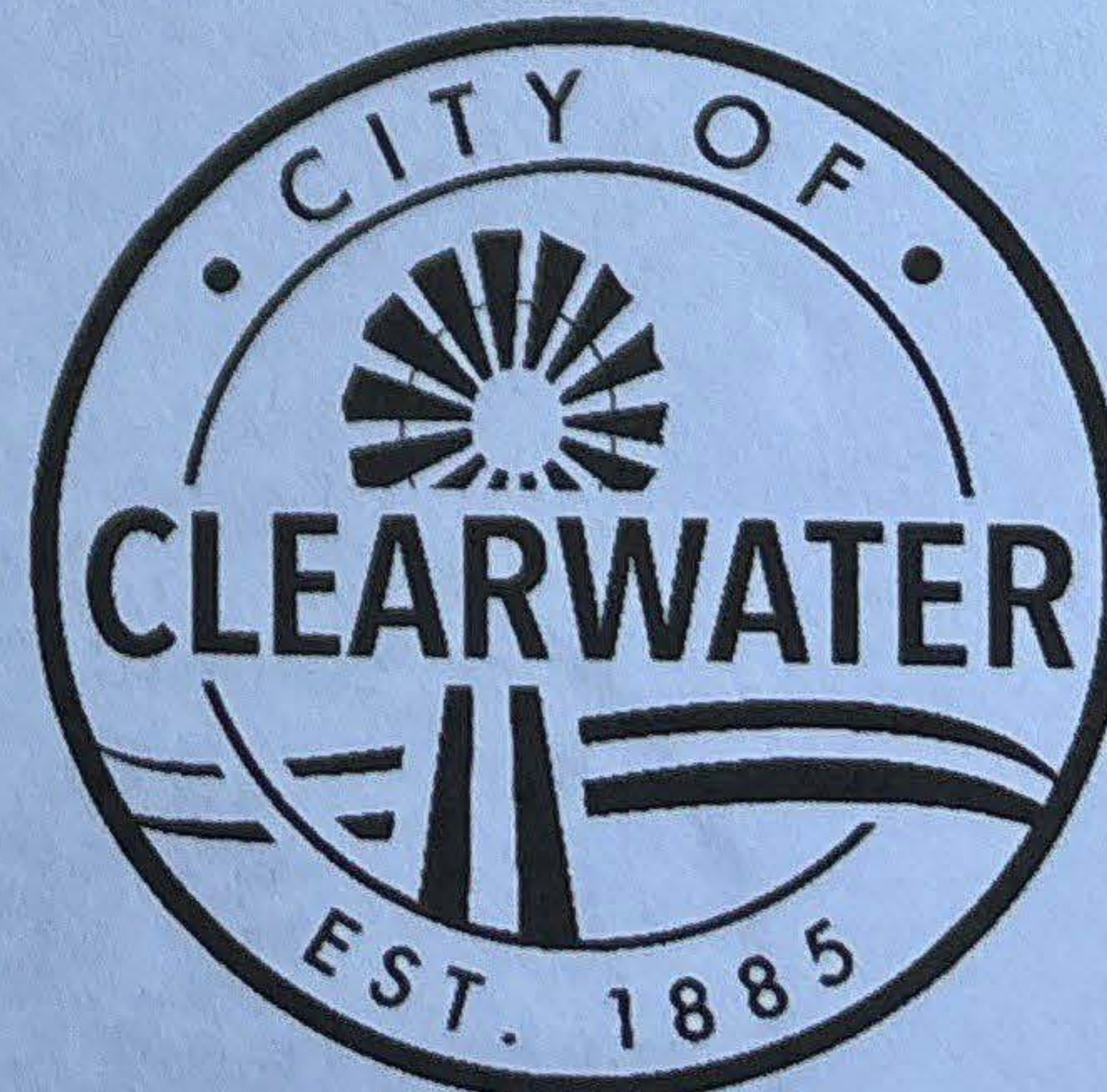
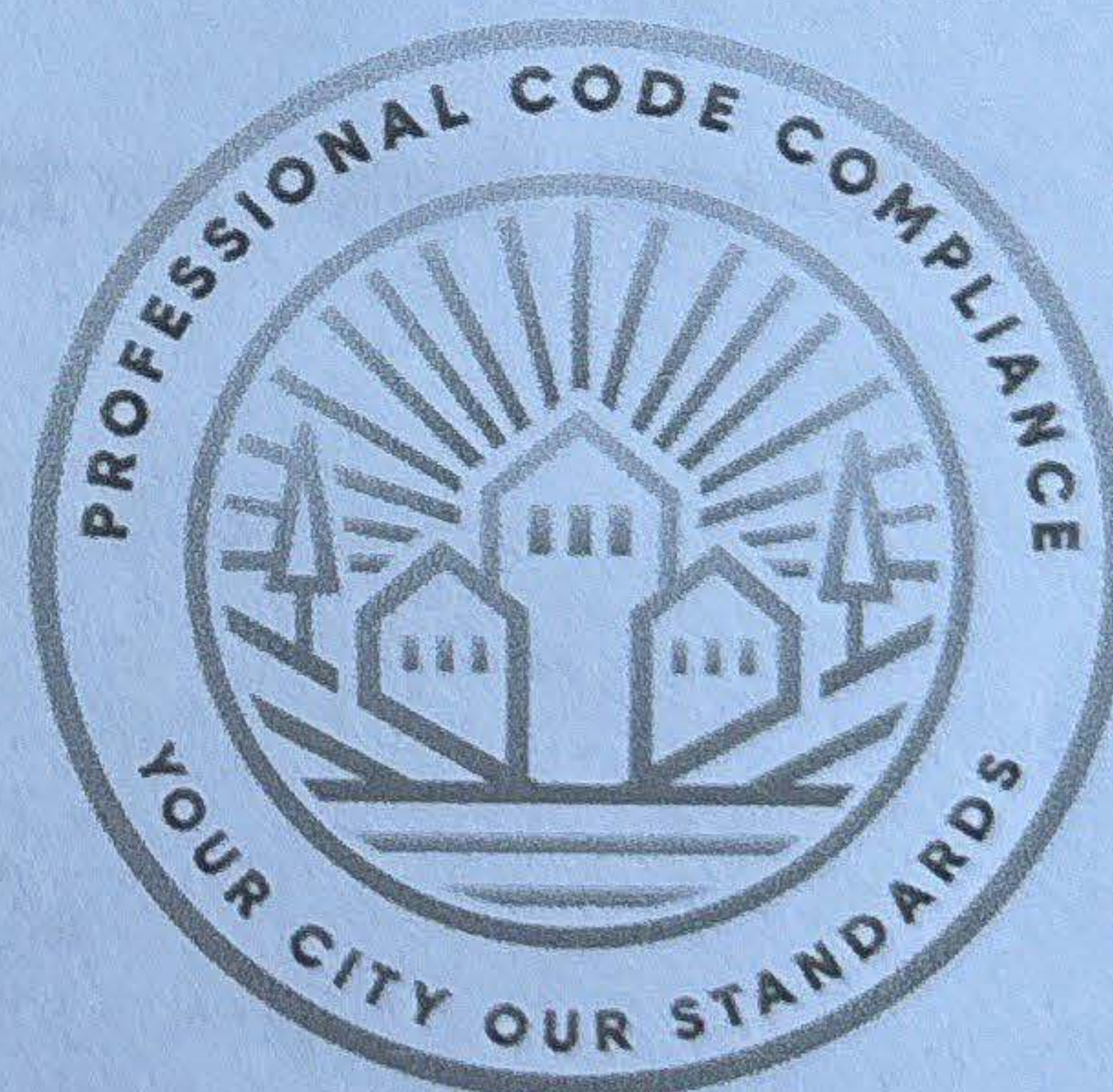
Please note:

1. You will have **10 days from the date of this notice to alleviate** the exterior conditions Yard Violation.
2. You also have **10 days from the date of the receiving of this note** 9-9-25 **to request as provided in K.S.A. 12-1617e a hearing before the governing body** on the matter.
3. That **failure to alleviate the condition or to request a hearing may result in prosecution** under K.S.A. 12-1617e and **/or abatement** of the condition by the city according to K.S.A. 12-1617e with the costs assessed against the property.

If you have questions regarding this order, please contact us. Thank you in advance for your compliance.

Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-251-4140



Sep 9, 2025 at 1:34:54 PM
37.501713° N 97.505312° W



Sep 9, 2025 at 1:46:05 PM
37.506267° N 97.504504° W



Oct 10, 2025 at 11:55:51 AM
37.506055° N 97.504138° W



Oct 27, 2025 at 10:28:05 AM
37.506026° N 97.503991° W



Oct 27, 2025 at 10:28:07 AM
37.506186° N 97.504128° W



Oct 27, 2025 at 10:28:06 AM
37.506172° N 97.504045° W

Professional Code Compliance

July 21, 2025

Dear Wylie,

It has come to our attention that your property located at 148 Lee Ave, Clearwater, KS 67026 violates the City's **HEALTH AND PUBLIC WELFARE code Chapter 16 sec 16-1.**

The violation on your property requires cleaning up the metal and wood fence. The car needs to be moved. Tires need to be moved or stacked neatly. Also, please address the weeds/grass.

Please note:

1. You will have **10 days from the date of this notice to alleviate** the exterior conditions Yard Violation.
2. You also have **10 days from the date of the receiving of this note to request a hearing before the governing body** on the matter.
3. **Failure to alleviate the condition or to request a hearing may result in prosecution** under K.S.A. 12-1617e and /or **abatement** of the condition by the city according to K.S.A. 12-1617e with the costs assessed against the property.

If you have questions regarding this order, please contact us. Thank you in advance for your compliance.

Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-251-4140 or 316-213-6986



Professional Code Compliance
116 N Star
El Dorado, KS 67042

CERTIFIED MAIL

Retail

U.S. POSTAGE PAID
FCM LETTER
EL DORADO, KS 67042
JUL 21, 2025
\$10.48
S2324N503425-07

9589 0710 5270 2385 5521 57
67026
RDC 99

REED, WYLIE JR
150 N LEE
CLEARWATER, KS 67026

RETURN RECEIPT
REQUESTED

DEFINITION
NIXIE 672 DE 1 0008/08/25
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
3C: 67042190216 *1160-09659-22-14
57026074895562

7-23 128 81

CITY OF CLEARWATER, KANSAS

RESOLUTION NO. _____

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS AND ORDERING THE REMOVAL AND ABATEMENT OF SAID NUISANCE AT 148 LEE AVE., CLEARWATER, KANSAS.

WHEREAS, the provisions of K.S.A. 12-1617e and Section 8-609 of the City of Clearwater's City Code empower the Governing Body of the City of Clearwater, Kansas to determine by resolution that a nuisance exists based upon an official written statement filed with the City Clerk identifying a nuisance and stating that such nuisance is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City; and

WHEREAS, the provisions of K.S.A. 12-1617e and Section 8-609 of the City of Clearwater's City Code further empower the Governing Body of the City of Clearwater, Kansas to thereupon order the owner or agent of the owner of property to remove and abate any and all nuisances from any lot or parcel of ground within the City of Clearwater, Kansas, and if the owner or agent fails to comply with the requirements of the order, to proceed to have the things described in the order removed and abated from the lot or parcel of ground; and

WHEREAS, on August 5, 2025, a letter was sent to the owner of 148 Lee Ave., Clearwater, Kansas, recommending cleanup and removal of overgrowth, debris and abandoned vehicle on the property.

WHEREAS, on September 9, 2025, notices of violation were delivered to the property owners detailing violations present at 148 Lee Ave. and giving the property owners ten days to remove the violation and said violation was not removed.

WHEREAS, on October 10, 2025, continued non-compliance was documented.

WHEREAS, on October 28, 2025, an official written statement was provided to the City detailing the violations present and notices provided to the property owners of 148 Lee Ave.;

WHEREAS, said official written statement stated that such identified nuisance is a menace and dangerous to the health, safety, or general welfare of the inhabitants of the City, or of any neighborhood, family or resident of the City.

WHEREAS, the violations identified in the official written statement remain unabated.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS:

Section 1. After reviewing the official written statement filed with the City Clerk identifying the nuisances described as follows:

8-101. Nuisances unlawful; defined. *It shall be unlawful for any person to maintain or permit any nuisance within the city defined, without limitation, as follows:*

(a) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;

(f) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood.

8-301. Weeds to be removed. *It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are declared a nuisance and are subject to abatement as hereinafter provided.*

8-608. Unlawful acts. *It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:*

(a) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:

(1) lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;

(b) Exterior conditions (structure) shall include, but not be limited to, deteriorated, dilapidated, or unsightly:

(3) fences, walls, or retaining walls.

8-202. Nuisances unlawful; defined; exceptions. *It shall be unlawful for any person to maintain or permit any motor vehicle nuisance within the city.*

(a) A motor vehicle nuisance is any motor vehicle which is not currently registered or tagged pursuant to K.S.A. 8-126 to 8-149 inclusive, as amended; or parked in violation of city ordinance, or incapable of moving under its own power, or in a junked, wrecked or inoperable condition.

The Governing Body of the City of Clearwater, Kansas determines that such nuisances do exist and are a menace and dangerous to the health, safety, and general welfare of the inhabitants of the City of Clearwater, Kansas, and/or of a neighborhood, family or resident of the City of Clearwater, Kansas.

Section 2. The Governing Body of the City of Clearwater, Kansas further orders the owner and/or agent of the owner of the property located at *148 Lee Ave., Clearwater, Kansas 67026* to remove and abate from said property, on or before the *21st day of November 2025*, the nuisance described as follows:

Removal of all rubbish and debris; removal of all weeds and trimming of all overgrown vegetation.

Section 3. The Governing Body of the City of Clearwater, Kansas, herewith orders the owner and/or agent of the owner of the property located at *148 Lee Ave., Clearwater, Kansas 67026* to remove and abate from said property, on or before the *21st day of November 2025*, the nuisance described as follows:

All inoperable vehicles or vehicle accessories must be removed from the property. If vehicles are operable, they must have current registration with the county.

Section 4. Before the expiration of the above-stated ten (10) day-time period or any extension thereof, the recipient thereof may request a hearing before the City Administrator of the City of Clearwater, Kansas. The governing body of the City of Clearwater, Kansas hereby authorizes the City Administrator to grant written extensions of the above-stated ten-day time if the owner and/or agent of the owner of the property demonstrates that due diligence is being exercised in abating the nuisance.

Section 5. If, at the expiration of the above-stated ten (10) daytime period or final extension thereof, the above-described nuisance is not successfully removed and abated by the owner or agent of the owner, the City of Clearwater, Kansas may lead to charges against you in the Clearwater Municipal Court that may be punished by a fine of not less than fifty (\$50) and not more than one hundred dollars (\$100) plus court costs for each violation of Section 8-608 and

up to five hundred dollars (\$500) plus court costs for each violation of Sections 8-101 and 8-202. Each day of noncompliance constitutes a separate offense.

Section 6. In addition, or as an alternative to filing charges against you in municipal court as provided in Section 5, above, if the nuisance remains unabated at the expiration of 10 days from the date of passage of this Resolution, the City may seek to remedy the above stated violations. All costs incurred by the City to effectuate abatement shall be charged against the lot or parcel of ground on which the nuisance is located pursuant to K.S.A. 12-1617e and Section 8-611 and 8-614 of the Clearwater Municipal Code.

Section 7. In accordance with K.S.A. 12-1617e, this Resolution shall be served on the owner or agent of the owner of the property by mailing it via certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, this Resolution shall be served by mailing it via certified mail, return receipt requested, to the last known address of the owner.

Adopted by the City Council this ____ day of _____, 20__.

Approved by the Mayor this ____ day of _____, 20__.

MAYOR, BURT USSERY

ATTEST:

CITY CLERK, JAYE POE

NOTICE OF SERVICE

I certify that on this ____ day of _____, 20__, a copy of the foregoing Resolution was served on _____, as the owner or agent of the owner of the property, and whose address is _____, by:

____ mailing it via certified mail, return receipt requested, to the above address, or

____ personal service.

Code Compliance Violation Report

Report Prepared By: Kendall Pierce, Code Enforcement Officer

Date Prepared: October 28, 2025

Property Address: 730 E Hellar St, Clearwater, KS 67026

Property Owner: SAGE L ELDER

Parcel ID/Tax ID: 00285314

Report Purpose: This report documents the history of code compliance inspections, identified violations, and related actions for the specified property. It is prepared for review by legal counsel to support potential enforcement proceedings.

Introduction

This report outlines a chronological history of site visits and inspections conducted at the above-referenced property. Each entry includes the date of the visit, the inspecting official, observations made, specific code violations identified (with references to applicable local, state, or federal codes), and any follow-up actions taken or recommended. The violations pertain to nuisances, including accumulation of rubbish/debris, overgrown weeds/vegetation, and related maintenance issues under Clearwater Municipal Code Chapter 8 (Health and Welfare). All information is based on official records, photographs, and field notes.

Evidence such as photographs, notices issued, and correspondence with the property owner are available upon request and can be appended to this report. Attached photos and documents are referenced below and included as exhibits.

History of Visits and Violations

Visit 1: August 21, 2025

- **Inspecting Official:** Sam French
- **Purpose of Visit:** Initial complaint response regarding visible overgrown vegetation, debris, and potential nuisances on the property.
- **Observations:** Side yard shows dense, overgrown bushes and vines encroaching on fence and utility pole. Leaning/rotting wooden fence sections with chain-link behind. Large pile of branches and debris near garage doors. Grass mowed but vegetation exceeds 12 inches in height in shrub areas. Gray truck parked nearby with expired tags.
- **Violations Identified:**

- Violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Accumulation of rubbish, debris, or other waste materials (e.g., branches) that may harbor pests or create fire hazards; overgrown vegetation constituting a nuisance.
- Violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Weeds or vegetation over 12 inches in height declared a public nuisance.
- **Actions Taken:** Letter sent and it was recommended trimming and debris removal. Photographs taken and filed (see Attached Photo 1: Side yard with overgrown bushes and fence, timestamped Aug 21, 2025 at 2:44:14 PM; Attached Photo 2: Garage with branch pile, timestamped Aug 21, 2025 at 2:44:32 PM).

Visit 2: September 9, 2025

- **Inspecting Official:** Sam French
- **Purpose of Visit:** Follow-up inspection to verify compliance with initial recommendations.
- **Observations:** Overgrowth persists in side yard; bushes and vines still dense. Branch pile near garage unchanged. NOVs prepared and posted on front door (address confirmed as 730). Grass patchy but mowed; debris visible. NOV for weeds taped to door with clip.
- **Violations Identified:**
 - Continued violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Persistent overgrown vegetation and debris creating health/safety risks.
 - Continued violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Failure to remove weeds/vegetation over 12 inches.
- **Actions Taken:** Two NOVs issued: One for weeds (citing § 8-301 to 8-307, requiring removal within 10 days), one for environmental/yard nuisances (citing Article 6 § 8-601 to 8-615). NOVs mailed, posted on door, and photographed. Deadline for compliance: 10 days per code. Photographs taken and filed (see Attached Document 1: NOV for Weeds, timestamped Sep 9, 2025 at 1:36:46 PM; Attached Document 2: NOV for Environmental Code/Yard Violations, timestamped Sep 9, 2025 at 1:36:51 PM; Attached Photo 3: Front door with posted NOV, timestamped Sep 9, 2025 at 1:50:35 PM).

Visit 3: October 10, 2025

- **Inspecting Official:** Sam French
- **Purpose of Visit:** Re-inspection following NOV issuance to check for abatement.

- **Observations:** Minimal progress; side yard bushes still overgrown, encroaching on fence. Gray truck (license 390 KAS) parked in driveway, appearing operational but property shows ongoing neglect. branch pile reduced slightly but remnants visible. Grass mowed, but weeds in shrub beds exceed 12 inches and the back fence appears to be down and needs repaired.
- **Violations Identified:**
 - Ongoing violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: No abatement of debris or overgrown vegetation.
 - Ongoing violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Continued presence of nuisance weeds/vegetation.
- **Actions Taken:** Noted non-compliance post-NOV deadline. Escalation to citation recommended, with potential fine per § 8-103 (up to \$500/day). Photographs taken and filed (see Attached Photo 4: Front driveway with truck and trash bin, timestamped Oct 10, 2025 at 12:54:21 PM; Attached Photo 5: Side yard with overgrown bushes, timestamped Oct 10, 2025 at 12:56:12 PM).

Visit 4: October 27, 2025

- **Inspecting Official:** Sam French
- **Purpose of Visit:** Final compliance check prior to legal referral.
- **Observations:** Branch pile persists near garage; overgrown vines/bushes in side yard unchanged, leaning fence deteriorating. Gray truck still present. Grass patchy with emerging weeds; debris scattered. Conditions worsening with fall leaf accumulation.
- **Violations Identified:**
 - Persistent violation of Clearwater Municipal Code § 8-101 – Nuisances Unlawful; Defined: Accumulation of rubbish/debris (branches) and overgrown vegetation.
 - Persistent violation of Clearwater Municipal Code § 8-301 – Weeds to be Removed: Weeds/vegetation over 12 inches not abated.
- **Actions Taken:** Confirmed repeated non-compliance. Case referred to legal department for enforcement, including possible abatement under § 8-304 and cost recovery. Photographs taken and filed (see Attached Photo 6: Truck close-up near garage, timestamped Oct 27, 2025 at 12:45:47 PM; Attached Photo 7: Garage with branch pile, timestamped Oct 27, 2025 at 12:45:48 PM; Attached Photo 8: Side yard fence and overgrowth, timestamped Oct 27, 2025 at 12:46:51 PM).

Summary of Violations

The property has demonstrated repeated non-compliance with local codes, primarily related to nuisances under Chapter 8. Key violations include:

- **Rubbish and Debris Violations:** Occurred across all visits; persistent branch piles and waste materials posing fire/pest hazards (§ 8-101).
- **Weed and Vegetation Violations:** Overgrown areas exceeding 12 inches, declared a nuisance (§ 8-301, § 8-302).
- **Outstanding Issues:** Full remediation required, including debris removal, vegetation trimming, and fence repair.

Recommendations

- Proceed with legal action to enforce compliance, potentially including court-ordered abatement and recovery of costs under Clearwater Municipal Code § 8-103, § 8-304.
- Schedule a joint inspection with legal counsel if needed.
- Monitor the property for future violations.

Attachments:

Photos: 8 total, timestamped and geolocated as described above (e.g., Photo 1-8: Visual evidence of conditions on specified dates).

Documents: 2 NOVs (photos of originals issued on Sep 9, 2025), plus any correspondence logs.

Code References: Excerpts from Clearwater Municipal Code Chapter 8 (Health and Welfare), Articles 1 (Nuisances) and 3 (Weeds) attached for reference. This report is factual and based on documented evidence. For further details or clarification, contact- Kendall Pierce



Aug 21, 2025 at 2:44:32 PM
37.507469° N 97.498017° W



Aug 21, 2025 at 2:44:14 PM
37.507018° N 97.497863° W

Professional Code Compliance

Dear

It has come to our attention that your property located at 730 E Heller Clearwater, KS 67026 violates the City's **HEALTH AND PUBLIC WELFARE Environmental Code- Article 6 sec 8-601 to 8-615.**

The violation on your property includes:

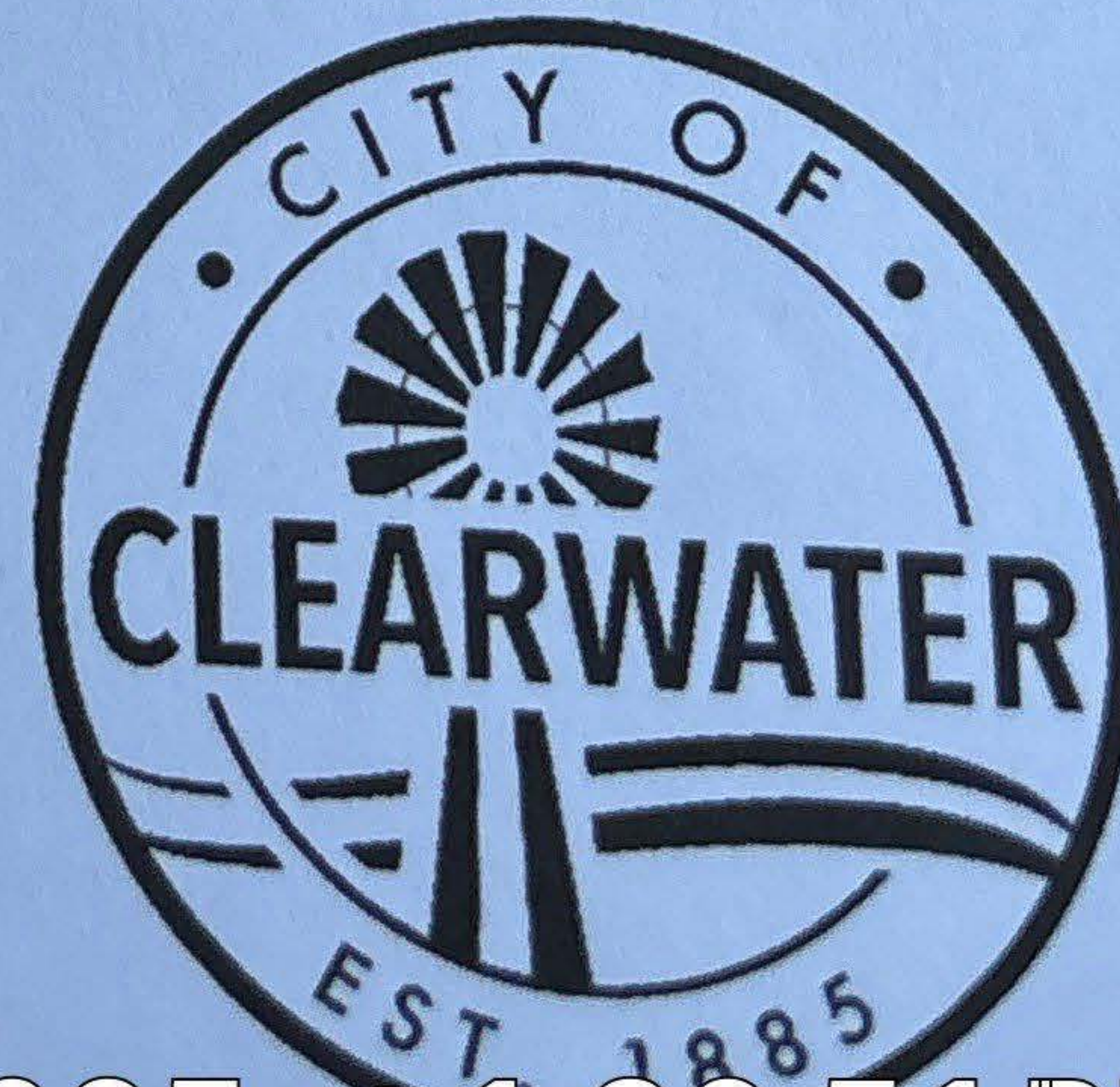
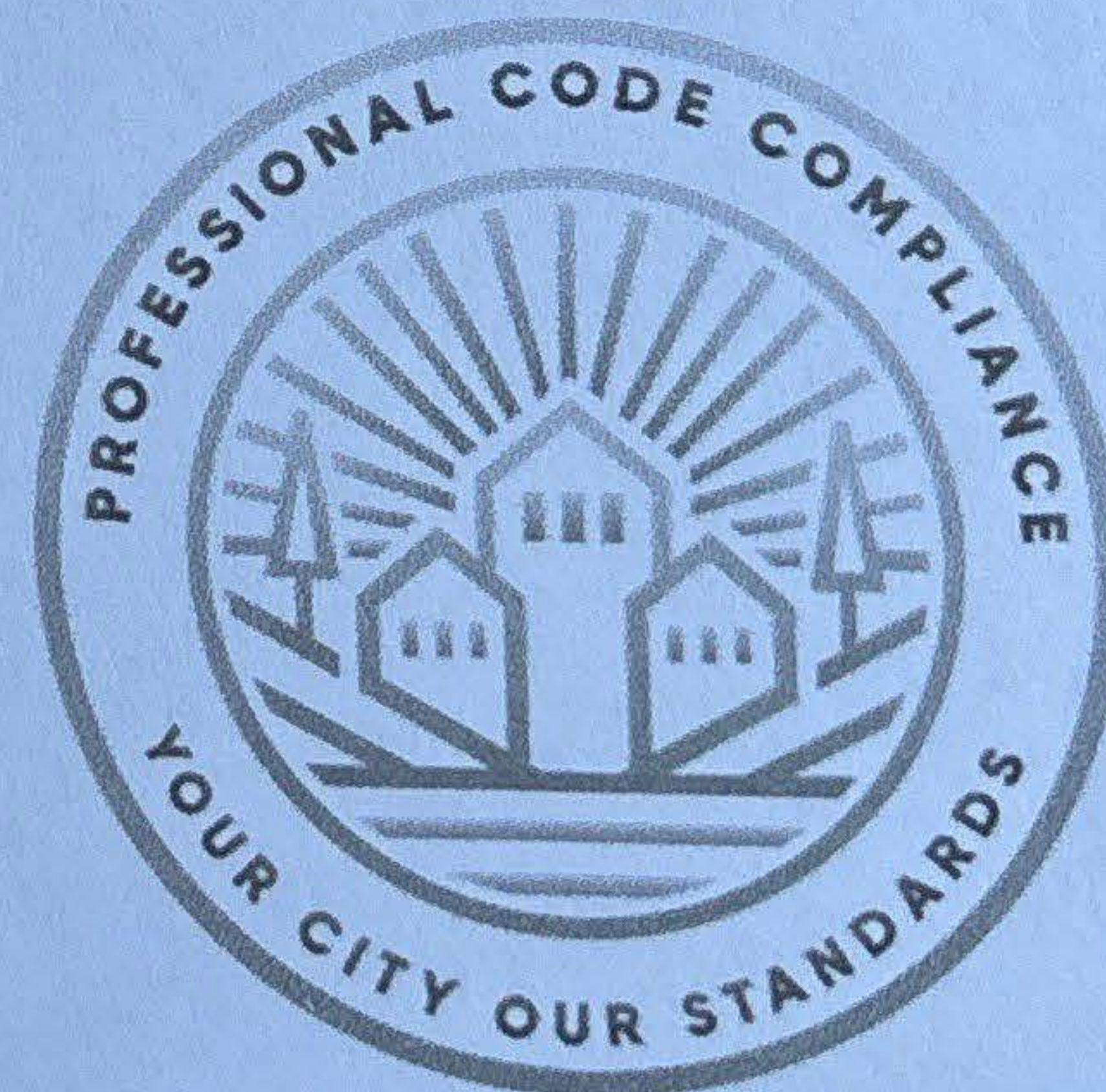
Please note:

1. You will have **10 days from the date of this notice to alleviate** the exterior conditions Yard Violation.
2. You also have **10 days from the date of the receiving of this note** 9-9-25 **to request as provided in K.S.A. 12-1617e a hearing before the governing body** on the matter.
3. That **failure to alleviate the condition or to request a hearing may result in prosecution** under K.S.A. 12-1617e and **/or abatement** of the condition by the city according to K.S.A. 12-1617e with the costs assessed against the property.

If you have questions regarding this order, please contact us. Thank you in advance for your compliance.

Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-251-4140



Sep 9, 2025 at 1:36:51 PM
37.501705° N 97.505315° W



Sep 9, 2025 at 1:50:35 PM
37.507221° N 97.498038° W

Professional Code Compliance

Date-

9-9-25

Dear Property Owner,

It has been brought to the City's attention that your property at 730 E Heller
Clearwater, KS 67026 violates the City's **HEALTH AND PUBLIC WELFARE**
Code, Article 3 Section 8-301 to 8-307 regarding Weeds (exceeding 8 inches in height).

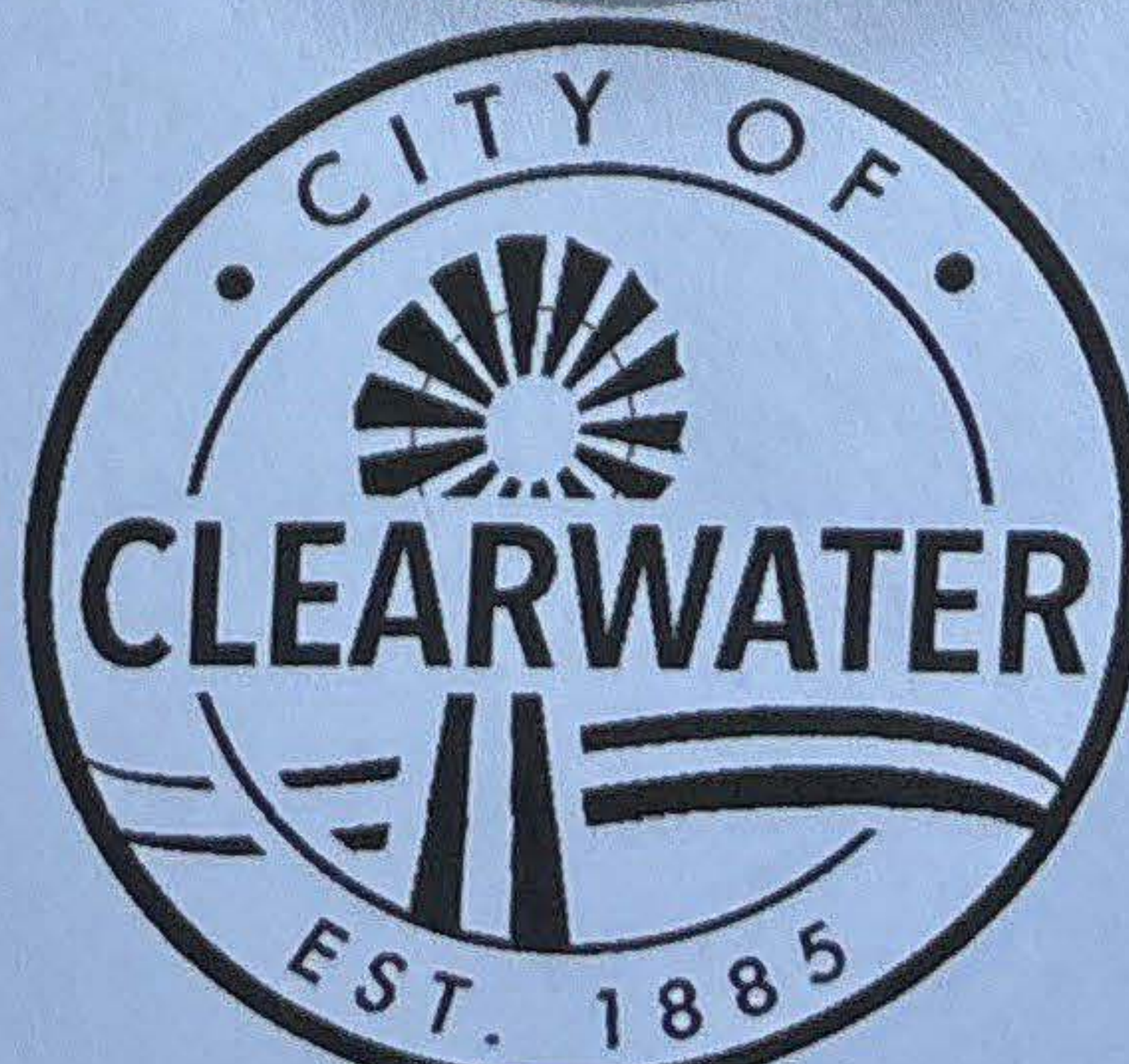
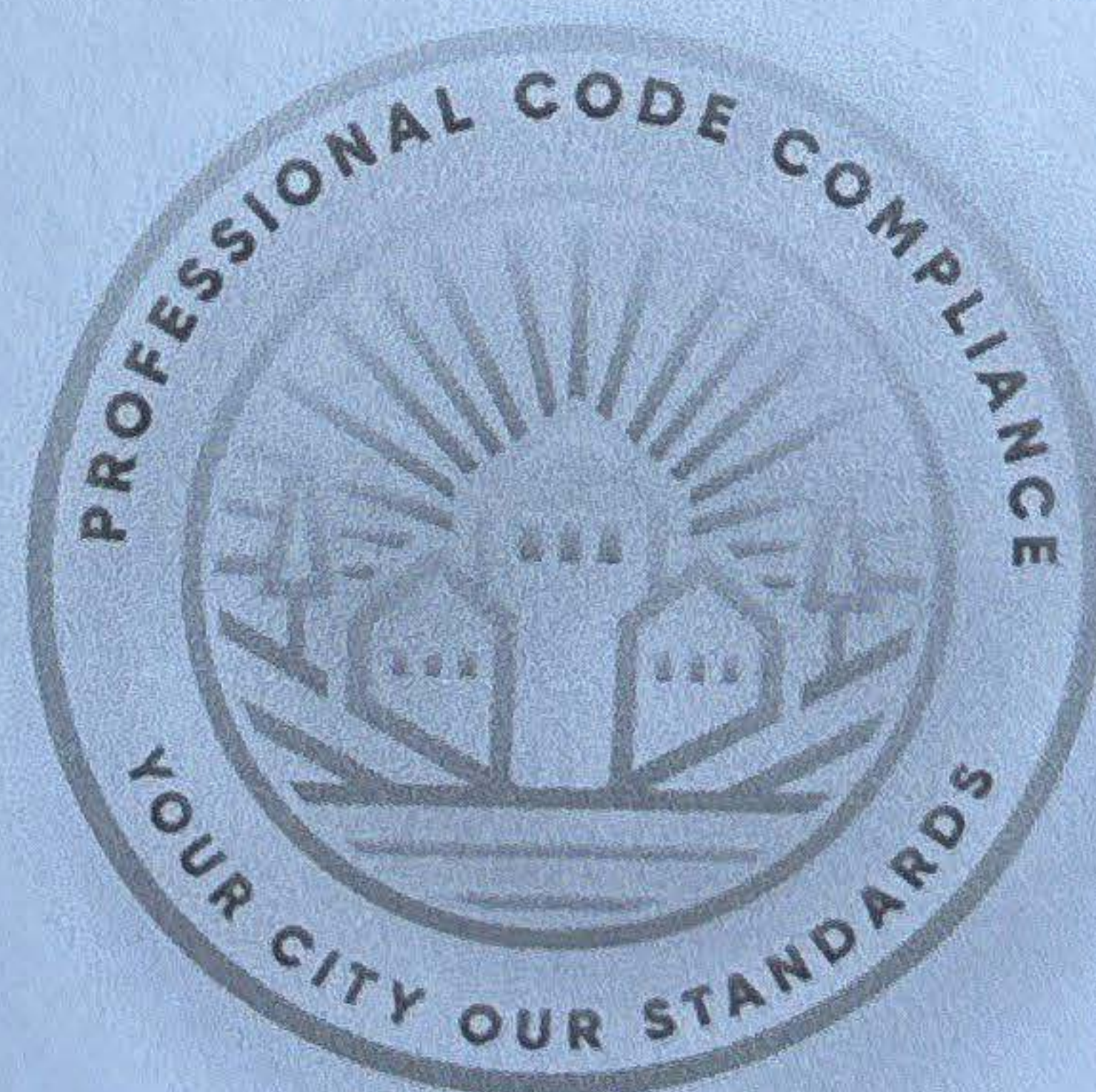
Notice

- b.) That the owner, occupant, or agent in charge of the property is **ordered to cut the weeds within 10 days of the receipt of notice.**
- c.) That the owner, occupant, or agent in charge of the property may request a hearing, per K.S.A. 12-1617e, within 10 days of the receipt of notice.
- d.) That if the owner, occupant, or agent in charge of the property does not cut the weeds, the City or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the owner, occupant, or agent in charge of the property.
- e.) That the owner, occupant, or agent in charge of the property will be allowed to pay the assessment, and, if it is not paid within 30 days of such notice, it will be added to the property tax as a special assessment.
- f.) That no further notice shall be given before the removal of weeds during the current calendar year.

If you have any questions regarding this order, please contact us. Thank You for in advance for your consideration.

Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-251-4140



Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-251-4140

Sep 9, 2025 at 1:36:46 PM
37.501715° N 97.505316° W



Oct 10, 2025 at 12:56:12 PM
37.507047° N 97.497852° W



Oct 10, 2025 at 12:54:21 PM
37.507496° N 97.498309° W



Oct 27, 2025 at 12:45:47 PM
37.507484° N 97.498296° W



Oct 27, 2025 at 12:46:51 PM
37.507044° N 97.497866° W



Oct 27, 2025 at 12:45:48 PM
37.507484° N 97.498341° W

Professional Code Compliance

July 14, 2025

Dear Sage,

It has come to our attention that your property located at 730 E Hellar St, Clearwater, KS 67026 violates the City's **HEALTH AND PUBLIC WELFARE code Chapter 16 sec 16-1.**

The violation on your property includes: Please address the fence that is falling down and the large pile of limbs and sticks in the side yard.

Please note:

1. You will have **10 days from the date of this notice to alleviate** the exterior conditions Yard Violation.
2. You also have **10 days from the date of the receiving of this note to request a hearing before the governing body** on the matter.
3. **Failure to alleviate the condition or to request a hearing may result in prosecution** under K.S.A. 12-1617e and /or **abatement** of the condition by the city according to K.S.A. 12-1617e with the costs assessed against the property.

If you have questions regarding this order, please contact us. Thank you in advance for your compliance.

Sincerely,

Professional Code Compliance
procodecompliance@icloud.com
316-213-6986



CERTIFIED MAIL

Professional Code Compliance
116 N Star
El Dorado, KS 67042



9589 0710 5270 2385 5517 30

Retail



67026

U.S. POSTAGE PAID
FCM LETTER
EL DORADO, KS 67042
JUL 14, 2025

\$10.48

S2324N503425-07

RDC 99

**RETURN RECEIPT
REQUESTED**

UNC
Sage Elder
730 Helix
Clean

**RETURN RECEIPT
REQUESTED**

NIXIE

672 DE 1

0000/01/25

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

BC: 67042190216

1060-00244-15-16

67026-09735302

CITY OF CLEARWATER, KANSAS

RESOLUTION NO. _____

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS AND ORDERING THE REMOVAL AND ABATEMENT OF SAID NUISANCE AT 730 E. HELLAR ST., CLEARWATER, KANSAS.

WHEREAS, the provisions of K.S.A. 12-1617e and Section 8-609 of the City of Clearwater's City Code empower the Governing Body of the City of Clearwater, Kansas to determine by resolution that a nuisance exists based upon an official written statement filed with the City Clerk identifying a nuisance and stating that such nuisance is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City; and

WHEREAS, the provisions of K.S.A. 12-1617e and Section 8-609 of the City of Clearwater's City Code further empower the Governing Body of the City of Clearwater, Kansas to thereupon order the owner or agent of the owner of property to remove and abate any and all nuisances from any lot or parcel of ground within the City of Clearwater, Kansas, and if the owner or agent fails to comply with the requirements of the order, to proceed to have the things described in the order removed and abated from the lot or parcel of ground; and

WHEREAS, on August 21, 2025, a letter was sent to the owner of 730 Hellar, Clearwater, Kansas, recommending trimming and debris removal from the property.

WHEREAS, on September 9, 2025, notices of violation were delivered to the property owners detailing the violations present at 730 E. Hellar St. and giving the property owners ten days to remove the violation and said violation was not removed.

WHEREAS, on October 10, 2025, continued non-compliance was documented.

WHEREAS, on October 28, 2025, an official written statement was provided to the City detailing the violations present and notices provided to the property owners of 730 E. Hellar St.;

WHEREAS, said official written statement stated that such identified nuisance is a menace and dangerous to the health, safety, or general welfare of the inhabitants of the City, or of any neighborhood, family or resident of the City.

WHEREAS, the violations identified in the official written statement remain unabated.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS:

Section 1. After reviewing the official written statement filed with the City Clerk identifying the nuisances described as follows:

8-101. Nuisances unlawful; defined. *It shall be unlawful for any person to maintain or permit any nuisance within the city defined, without limitation, as follows:*

(a) Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal or any other offensive or disagreeable thing or substance thrown or left or deposited upon any street, avenue, alley, sidewalk, park, public or private enclosure or lot whether vacant or occupied;

(f) All articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood.

(h) Combustible materials accumulation outside of and adjacent to any building or in any alley, sidewalk, street, or premises within 30 feet of any building.

8-301. Weeds to be removed. *It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds as hereinafter defined are declared a nuisance and are subject to abatement as hereinafter provided.*

8-608. Unlawful acts. *It shall be unlawful for any person to allow to exist on any residential, commercial or industrial premises, conditions which are injurious to the health, safety or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city. For the purpose of fair and efficient enforcement and administration, such unlawful conditions shall be classified as follows:*

(a) Exterior conditions (yard) shall include, but not be limited to, the scattering over or the parking, leaving, depositing or accumulation on the yard of any of the following:

(1) lumber, wire, metal, tires, concrete, masonry products, plastic products, supplies, equipment, machinery, auto parts, junk or refuse;

(b) Exterior conditions (structure) shall include, but not be limited to, deteriorated, dilapidated, or unsightly:

(3) fences, walls, or retaining walls.

The Governing Body of the City of Clearwater, Kansas determines that such nuisances do exist and are a menace and dangerous to the health, safety, and general welfare of the inhabitants of the City of Clearwater, Kansas, and/or of a neighborhood, family or resident of the City of Clearwater, Kansas.

Section 2. The Governing Body of the City of Clearwater, Kansas further orders the owner and/or agent of the owner of the property located at *730 E. Hallar St., Clearwater, Kansas 67026* to remove and abate from said property, on or before the *21st day of November 2025*, the nuisance described as follows:

Removal of all debris, branch and waste piles; trimming of all overgrown vegetation; and repairing the dilapidated fence.

Section 4. Before the expiration of the above-stated ten (10) day-time period or any extension thereof, the recipient thereof may request a hearing before the City Administrator of the City of Clearwater, Kansas. The governing body of the City of Clearwater, Kansas hereby authorizes the City Administrator to grant written extensions of the above-stated ten-day time if the owner and/or agent of the owner of the property demonstrates that due diligence is being exercised in abating the nuisance.

Section 5. If, at the expiration of the above-stated ten (10) daytime period or final extension thereof, the above-described nuisance is not successfully removed and abated by the owner or agent of the owner, the City of Clearwater, Kansas may lead to charges against you in the Clearwater Municipal Court that may be punished by a fine of not less than fifty (\$50) and not more than one hundred dollars (\$100) plus court costs for each violation of Section 8-608 and up to five hundred dollars (\$500) plus court costs for each violation of Sections 8-101. Each day of noncompliance constitutes a separate offense.

Section 6. In addition, or as an alternative to filing charges against you in municipal court as provided in Section 5, above, if the nuisance remains unabated at the expiration of 10 days from the date of passage of this Resolution, the City may seek to remedy the above stated violations. All costs incurred by the City to effectuate abatement shall be charged against the lot or parcel of ground on which the nuisance is located pursuant to K.S.A. 12-1617e and Section 8-611 and 8-614 of the Clearwater Municipal Code.

Section 7. In accordance with K.S.A. 12-1617e, this Resolution shall be served on the owner or agent of the owner of the property by mailing it via certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, this Resolution shall be served by mailing it via certified mail, return receipt requested, to the last known address of the owner.

Adopted by the City Council this ____ day of _____, 20__.

Approved by the Mayor this ____ day of _____, 20__.

MAYOR, BURT USSERY

ATTEST:

CITY CLERK, JAYE POE

NOTICE OF SERVICE

I certify that on this ____ day of _____, 20__, a copy of the foregoing Resolution was served on _____, as the owner or agent of the owner of the property, and whose address is _____, by:

____ mailing it via certified mail, return receipt requested, to the above address, or

____ personal service.
