

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
August 11, 2026
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 6:00 p.m. followed the invocation and flag salute.

2. Roll Call

The City Clerk called the roll to confirm the presence of a quorum. The following members were present: Mayor Burt Ussery, Councilmembers; Jason Gordon, Justin Shore, Samantha Warkins, Shirley Palmer-Witt and Dalton Chambers.

The following staff members were present:

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

Others present who spoke:

Scot Palmer, Don Heard and Richard Grizzle.

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda, Zollinger stated that item 7i, Amendment to Ninnescah Township Fire Protection and Emergency Service Agreement, needed to be added to the business section.

Motion: *Shore* moved; *Palmer-Witt* seconded to approve the agenda as modified. 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

CMB License

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Council inquired about the irrigation leak at the Senior Center, Zollinger stated that Public Works was able to repair it.
- Fire Department – Courtney Zollinger – Council inquired about the number of attendees at the trainings and the number of volunteers on standby for the rodeo. Zollinger did not have the attendance information for the trainings but believed there were two volunteers on standby for the rodeo. Council also asked about the two missed calls. Zollinger clarified that the two missed calls were for the entire year and believed they were EMS calls that occurred when volunteers were unavailable. Council asked whether it was possible to determine if the missed calls occurred during the daytime or evening hours. Zollinger stated that she would need to look into the information.
- Police Department – Kirk Ives – Council asked if the SPV registrations were up from last year, Ives said they were and more will come get registered around Fall Festival. Council inquired about the motorized bicycles that children had been riding around town and whether they were legal. Ives stated that there are currently no laws prohibiting them from being ridden. Council asked whether exhaust brakes were allowed within city limits. Ives stated that they are not. Shore noted that he had been hearing exhaust brakes more frequently and asked if

the Police Department could keep an eye out for them. Ives stated that they would. Hollis noted that there is a sign on Diagonal Road regarding exhaust brakes that is clearly visible.

- Public Works/Parks – Cole Hollis – Council inquired about the exploratory dig on the 200 block of North Byers. Hollis stated that the purpose of the dig was to determine whether the issue was a leak on the City's side. After completing the exploratory dig, it was determined that the leak was on the resident's side. Council thanked them for their work at the Senior Center moving things around.
- Senior Center – Courtney Zollinger – Council had no questions. Don Heard stated that construction is coming along great and is looking nice at the Senior Center.

7. Business

a. GO Bond Series 2026

On June 23, 2026, the Council adopted Resolution 09-2026 authorizing the sale of General Obligation bonds and ordinance 1130 levying special assessments for Park Glen Estates 2nd improvement district. Property owners were notified by mail with options to pay in whole or part to the City by July 22, 2026, their portion of the improvements on their property. The City Clerk did not receive any payments. The bond payment will be reimbursed through special assessments to the city annually. There were 4 bids received with Robert W. Baird & Company, inc. coming in with the Average Net Interest of 4.2552%. Council asked if these assessments would be included in the December tax payments, Zollinger stated they would. She informed them that this was for the Stoney Creek loop. They asked if the interest rate was decent, Zollinger stated it was about 1% higher than a couple of years ago.

Motion: *Warkins* moved; *Palmer-Witt* seconded to award the General Obligation bid to Robert W Baird & Co., Inc. with an Average Net Interest of 4.2552%. Voted and passed unanimously.

Motion: *Shore* moved; *Chambers* seconded to adopt Ordinance 1134 Authorizing And Providing For The Issuance Of General Obligation Bonds, Series 2026, Of The City Of Clearwater, Kansas; Providing For The Levy And Collection Of An Annual Tax For The Purpose Of Paying The Principal Of And Interest On Said Bonds As They Become Due; Authorizing Certain Other Documents And Actions In Connection Therewith; And Making Certain Covenants With Respect Thereto. Voted and passed unanimously.

Motion: *Warkins* moved; *Gordon* seconded to adopt Resolution 10-2026 Prescribing The Form And Details Of And Authorizing And Directing The Sale And Delivery Of General Obligation Bonds, Series 2026, Of The City Of Clearwater, Kansas, Previously Authorized By Ordinance No. 1134 Of The Issuer; Making Certain Covenants And Agreements To Provide For The Payment And Security Thereof; And Authorizing Certain Other Documents And Actions Connected Therewith. Voted and passed unanimously.

Motion: *Gordon* moved; *Shore* seconded to authorize the Mayor and Clerk to execute the closing documents. Voted and passed unanimously

b. City Park Ball Field Agreement

At the last City Council meeting, the Council discussed the proposed division of responsibilities for the City Park Ball Field and agreed with the general terms presented. Staff have prepared a formal agreement for the Council's review and approval before presenting it to the Chisholm Trail Recreation Commission. The agreement applies only to the City Park Ball Field. The Recreation Commission would control scheduling and use of the field and retain rental fees and other income generated through its use. The Recreation Commission would be fully responsible for the dirt and playing surface, grass and turf areas, irrigation system, temporary fencing, electric costs, and fence-line maintenance. The City would remain responsible for maintaining and repairing the permanent chain-link fence and stadium lights. Any improvement or update requiring City funding, labor, equipment, materials, or future responsibility would require prior approval by the City Council. The agreement would remain in effect until terminated by either party with 60 days' written notice. The Recreation Commission would be responsible for the operating and maintenance costs assigned to it under the agreement, including all electric costs. The City would remain responsible for maintenance and necessary repairs to the permanent chain-link fence and stadium lights. No other City-funded improvement or update may be completed without prior City Council approval. Rental fees and other income generated through Recreation Commission use of the field would be retained by the Recreation Commission. Zollinger reiterated that, with the Recreation Commission controlling the use of the field, the Fall Festival would need to move the carnival to another location. Council discussed other options for the Fall Festival Committee, including using the streets, CIMS, or the Sports Complex. Council also discussed that the area would remain a public park and that, when the field is not reserved or in use, the

public would still be able to utilize it. Reservations would continue to be scheduled through the platform currently in use but would be managed by the Recreation Commission. Zollinger noted that the fields at the Sports Complex are closed during the fall for repairs and reseeding, which may also be necessary for the City Park ball field once the upgrades are completed. Council asked about the cost for utilities, Zollinger did not have that information, they then asked how the lights are managed, Hollis stated they are locked and the recreation commission has a key to access them. Zollinger stated that the recreation commission will be making the upgrades and then maintaining it with their funds which would include the management of what could go on in that field, they probably wouldn't allow inflatables or heavy equipment. It was noted that the grass area outside of the ball field outfield would still be maintained by the City. They discussed the temporary fence being taken down each year and that the recreation commission just upgraded the fencing and will put in permanent holes for ease of installation each year. Council did not want to stipulate an exact location for the parade or carnival for future Fall Festivals. Council preferred that the Fall Festival Committee determine the locations and bring their recommendations to Council for approval. Zollinger stated that staff could also assist the committee in determining suitable locations. Mayor Ussery sees this as a good step for the future to collaborate with both entities that utilize the public space. Council asked if the approval of funding a portion of the sod for the upgrade needed to be addressed in the agreement, Zollinger stated the \$17,500 was approved at the last meeting and did not need to be included in this agreement. She stated this is moving forward with maintenance and management of the field. This agreement will be sent to the Recreation Commission for their approval and then the Mayor can sign if approved.

Motion: *Warkins* moved; *Palmer-Witt* seconded to approve the proposed City Park Ball Field Agreement for presentation to the Chisholm Trail Recreation Commission and authorize the Mayor to sign the agreement upon approval by the Recreation Commission. Voted and passed unanimously.

c. Temporary Alcohol Permit – Reflection Mobile Bar

Clearwater Fall Festival will host their annual Fall Festival at City Park. They will be having a beer garden on Friday October 16th from 5pm-10pm and October 17th from 11:00 AM to 11:00 PM. They are requesting the Council to consider the temporary alcohol permit for Reflection Mobile Bar Service to cater for the event at the Aquatic Center Parking lot. It is close to the stage where live bands will be performing. The festival would put up a double-layer snow fence around the proposed area which is extended a little since the previous year. They will provide parents of youth sports organizations to check ID's and help keep the drinks restricted to inside the beer garden area. Reflection Mobile Bar Service is licensed with ABC. Their privileges allow the licensee to sell and serve alcoholic liquor for consumption on unlicensed premises and other activities as authorized by K.S.A. 41-2643. The Clearwater City Code 3-104 states council can grant a temporary permit to allow alcoholic liquor on city property if an alcoholic liquor license has been obtained from the state. Council asked if Chief Ives had any concerns, and he stated that they have not had any problems in the past. Mayor Ussery questioned why the entire parking lot, including the stage area, could not be fenced off rather than only a portion, since there are no age restrictions for entering the area. Warkins stated that maintaining a double-layer fence with multiple events and people needing to enter and exit for setup would be difficult, as would the amount of fencing required. Scot Palmer noted that the area has been packed in the past and stated that, if he had the materials and time to fence the entire lot, he would. Zollinger noted that maintaining double fence can be difficult, especially during windy conditions. She also stated that state law does not require a double fence; the additional fencing was requested by Council due to issues experienced in the past and trying to deter drink passing through the double layer. Mr. Palmer noted that a significant portion of the revenue from the event is donated to youth wrestling and other organizations. He stated that there are typically not many coolers or outside drinks, as most attendees go into the beer garden. Mr. Palmer and Warkins asked if it would be possible to have a single layer fence this year, Council discussed it and the consensus was to allow the single layer fence. If there are issues after the first night, Mr. Palmer can put up the second layer. Mr. Palmer also asked if he could move his truck 10 feet to the east to allow for additional storage space. He proposed barricading the area behind the truck so that no one could access the space, Council agreed to that.

Motion: *Warkins* moved; *Gordon* seconded to approve the Temporary Permit as modified with a single layer fence for Reflection Mobile Bar Service during the Clearwater Fall Festival. Voted and passed unanimously.

d. Engineering Service Contract - Sidewalk Improvement

Certified Engineering Design, P.A., CED, is City of Clearwater engineer. They have been asked to create design and plans

for a sidewalk along Ross ave from 4th to Chisholm Ridge ponds, around Chisholm Ridge ponds, and a sidewalk on Janet from 4th to Indian Lakes Dr. CED and Staff realized that we have not formalized the work with the standard contract for services. Initial cost for design and survey is \$65,732 and if the project is approved through the bid process there will be staking, administration, and inspection fees not to exceed \$69,732. Zollinger noted that this is in addition to the Yvonne and Janet extension project and is accounting for 6' sidewalks. Council asked about the storm sewer estimate included in the estimate provided, Zollinger answered it was for the drainage at the West Chisholm Ridge pond due to the huge dip in that sidewalk which added a significant amount to the cost. Council asked if CED would be initiating the procurement of the easements, Zollinger said they would and Council said they may have difficulty getting 2 of the residents to agree. If the easements aren't granted, then there would be substantial costs added to the project to accommodate those changes. There has been discussion with the commercial properties about the easements, and they seem to be agreeable for the most part. Council asked if they should wait until the process of getting easements is complete, Zollinger stated CED has already started working on it and there would at least be plans ready for this project when funding becomes available. Council discussed adding a crosswalk near Jumpstart since kids cross there a lot and mentioned the one kid who was hit a couple of years ago due to the sun. Chief Ives confirmed that a lot of the kids cross the street at that location. Zollinger mentioned there would probably need to be 2 more culverts added for this and it will increase the design work cost for the project. Council mentioned checking into grants, it hasn't been successful in the past, but Zollinger stated they can certainly try Ives added that it may slow the project down. Consensus was to add a crosswalk in front of JumpStart or wherever CED suggests to the project with an additional \$8,000 authorized to the project after lengthy discussion.

Motion: *Warkins* moved; *Shore* seconded to authorize the mayor to execute the engineering services contract between City of Clearwater and Certified Engineering Design, P.A with the modifications of adding a crosswalk up to an additional \$8,000 to the quoted not to exceed fees of \$69,732. Voted and passed unanimously.

e. Illinois Township Fire Protection Agreement

The City of Clearwater has been offering fire protection services to the norther half of Illinois Township in Sumner County for many years. The agreements have been for a term of 5 years and the last one adopted was from 2009 which technically expired in 2013. The city has continued to offer fire and medical aid, and the township has continued to pay for those services. The prior agreement was for 6 mills of their valuation. Zollinger spoke with many departments in Sumner County trying to figure out what the valuation was for the northern half of the Township, but they were unable to provide a breakout of just a portion of a township. Illinois Township has a contract with Conway Springs, and they charge a flat fee for fire protection services. It is staff proposal to set a flat fee equivalent to what we have been receiving instead of asking for a mill levy since the county is unable to calculate it. If approved this agreement will be sent to the Township board. Set the flat fee for one year at \$3,700. Term will be for one year and will renew for successive one-year terms unless either party provides written notice. Council asked what the City currently receives from Illinois Township, Zollinger answered \$3,732 and that the calls are far fewer in Sumner County than in Ninnescah Township. Council asked if \$3,700 was an appropriate fee for the number of staff responding to the calls, Zollinger said it was. Council asked if it was necessary to review the agreement every year, Zollinger believes it is a good idea for keeping track and for turnover, Mayor Ussery added it would be good in the event either party needed to express issues or request changes. Zollinger added that there is an average of 15 calls annually for Sumner County. Council then asked if the bulk medical supplies received from Sumner County could be used on these calls, Zollinger stated that they could be used but that trade-off program hasn't been working as smoothly and Justin Patrick is working on that.

Motion: *Palmer-Witt* moved; *Gordon* seconded to authorize the Mayor to execute the proposed Fire Protection and Emergency Response Services Agreement with Illinois Township, providing for an annual payment of \$3,700. Voted and passed unanimously.

f. London Township Emergency Response Agreement

The City of Clearwater used to have an agreement with London Township in Sumner County to provide fire and emergency response. The Township contracted to pay 4 mills to the City for those services. In 2008 London Township terminated the agreement because they decided to use another group for fire protection. The City of Clearwater was asked to continue with medical services but no longer has an agreement for boundaries or compensation. It is the recommendation of staff to set a flat fee for \$1,000 per year instead of a mill levy. Clearwater responds 2 to 3 times a year for medical calls in London Township. If approved the agreement will be sent to the London Township board. The term will be for one year and will renew for successive one-year terms unless either party provides written notice.

Council discussed the Township being straight South and East, Zollinger added out of the average 15 medical calls per year, 2 to 3 of them are for London Township. Mayor Ussery stated it is important that the agreements are in place as they move forward as a fire district and believes the cost is acceptable. Council asked where the revenue would be taken to for these agreements, Zollinger stated it would be put into the General fund under the rural fire contract line to help offset costs.

Motion: *Chambers* moved; *Palmer-Witt* seconded to authorize the Mayor to execute the proposed Emergency Response Services Agreement with London Township, providing for an annual payment of \$1,000. Voted and passed unanimously.

g. Planning Commission and Board of Zoning Appeals By-Laws

On August 4, 2026, the Planning Commission and Board of Zoning Appeals met and approved a modification to their By-Laws. The Planning Commission and Board of Zoning Appeals amended their by-laws to change the time of the meetings, which is now set at 6:00pm on the 1st Tuesday instead of 6:30pm. The City Council must approve the changes before they take effect. If approved the change would be effective for September 1st meeting.

Motion: *Warkins* moved; *Shore* seconded to adopt the Planning Commission and Board of Zoning Appeals By-laws that were approved on August 4th, 2026,. Voted and passed unanimously.

h. Fire Fundraising Committee Request

The fire department would like to raffle off a firearm again for the third year to raise money for the department radios. The rules for raffles in Kansas have been reviewed, and a license will be required if the gross receipts for raffles exceed \$25,000 in a fiscal year. The Fire Department does not anticipate exceeding that mark, therefore will not require a special permit. Last year they raised \$8,923. The fundraising committee stated the raffle winners would have to go through a background check at the FFL to pick up the firearms through the dealer, KG Gunworks. They will be offering a Mossberg 590s value of \$560, Henry Golden Boy 22 Rifle valued at \$520 and a Glock 43x9mm valued at \$430 from last year. The winner of the Glock from 2025 didn't pass the background check so the Fire Department will not need to purchase another one for 2026. If the winner doesn't want the firearm that is raffled the winner would then get a gift card for the same value as the firearm. The winners will be drawn at the Fall Festival. If the receipts for the tickets exceed the cost of the firearms there will be no financial impact. If the receipts fall short of the cost of the firearm the Fire Department Donation fund will cover the remaining cost. The Fire Department Donation account balance is \$23,677. The suggested firearms retail price will be up to \$1,080. Council asked if the cost for the background was paid by the Fire Department or the individual, Richard Grizzle stated that the FFL takes care of that.

Motion: *Warkins* moved; *Gordon* seconded to approve the fire department fundraising request. Voted and passed unanimously.

i. Approve Amendment to Ninnescah Township Fire Protection and Emergency Service Agreement

Ninnescah Township board reviewed the proposed contract and asked that #3 be modified so the response from Clearwater's Fire Department is defined better and not just at the discretion of the Fire Chief or person in charge of the Clearwater Volunteer Fire Department being final in such matters. An amendment has been prepared for the City Attorney and City Council to review. Zollinger noted that Ninnescah has never had a problem with Clearwater Fire Chief deciding whether to make a call or not, they wanted to ensure that they make the call. With the help of counsel, re-wording of section three no states *The Clearwater Volunteer Fire Department shall make a reasonable effort to respond to all emergency calls within Ninnescah Township when dispatched or otherwise properly notified of an emergency. The City shall provide emergency response services within the Township in substantially the same manner as emergency calls within the City of Clearwater, subject to the availability of personnel and apparatus and any emergency conditions existing at the time of the call as determined by the fire chief or person in charge of the fire department. Nothing in this Agreement shall require the Clearwater Volunteer Fire Department to respond when road, weather, or other conditions make a response unsafe or physically impracticable, or when available personnel or apparatus are already committed to another emergency. In such circumstances, the Fire Department shall make reasonable efforts to obtain assistance through available mutual*

aid or automatic aid resources. Zollinger stated that this agreement will have to go back to the board to be approved. Council asked what the 6 mills would be, Zollinger sated it would be around \$95,000 annually but would paid quarterly which is about \$15,000 higher than they have been paying.

Motion: *Shore* moved; *Warkins* seconded to approve amendment to Ninnescah Township Fire Protection and Emergency Service Agreement and authorize the Mayor to sign. Voted and passed unanimously.

8. Executive Session

None

9. Governing Body

Gordon – None.

Shore – Wanted to clarify that the opposition to solar was not opposition to solar energy as a whole, but specifically to the Branch Line Solar project that was proposed on the border of Clearwater. Shore stated that there had been some confusion regarding the position and wanted the clarification stated for the record.

Warkins – She stated that the next Fall Festival meeting will be Monday and that she hopes to have the events and times confirmed so they can begin assembling the booklets for distribution. She is also hoping to obtain a better address list this year. Another meeting will be held in September. She informed the committee that this will be her last year serving on the committee, although she may remain as the treasurer. She asked that this information be passed along in case someone else is interested in taking over her position.

Palmer-Witt – None.

Chambers – Chambers inquired about the Sedgwick County meeting regarding the mutual aid agreements, Mayor Ussery clarified that it would be held tomorrow around 9. The proposed action is to extend the current auto and mutual aid agreements through September 27th. After their meeting last Friday, Mayor Ussery believes there to be 2 challenges. One being how to include Ninnescah Township in the agreement process. The other being Clearwater Fire Department not receiving 911 calls for places such as Charles Engineering being so close, which could create a 12–15-minute delay. He mentioned that by State Statute Townships can elect who they want to handle their fire protection and Zollinger added that an individual resident within a Township that is not incorporated into any city can petition their property into a fire district.

Ussery – Mayor Ussery read a thank you note from the pool manager, Chuck Reitberger. It read *“On behalf the Clearwater Aquatic Center I wish to thank you for the great dinner we enjoyed as the season was closing. With the city's generosity I was able to provide a delicious meal to the many grateful lifeguards and basket room staff. This 2026 pool season has been one of success and we can all be very proud of our young people that have represented our community in the highest standards. Personally, I thank all for this year and many past years to serve Clearwater as pool manager.”*

Don Heard asked if the Senior Swim program would be offered again next year because he enjoyed it, Mayor Ussery stated it probably would.

10. Adjournment

Motion: *Warkins* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:22 PM.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I, Jaye Poe, City Clerk of the City of Clearwater, Sedgwick County, Kansas, hereby certify that the foregoing is a true and correct copy of the approved minutes of the August 11th, 2026, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 25th day of August 2026.


Jaye Poe, City Clerk

