

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
February 23, 2021  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

**1. Call to Order/ Invocation and Flag Salute**

Mayor Burt Ussery called the meeting to order at 6:30 p.m. followed the invocation and flag salute.

**2. Roll Call**

The City Clerk called the roll to confirm the presence of a quorum. The following members were present: Mayor Burt Ussery, Councilmembers; Shirley Palmer-Witt, Chad Pike, Crystal Walter and Justin Shore were present.

The following staff members were present:

Ron Marsh, City Administrator, Courtney Zollinger, City Clerk, Cole Hollis, Chadd Posch, Kirk Ives, Jared Dinwiddie, Amber Ives.

**3. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated no. Mayor Ussery called for a motion to approve the agenda as submitted.

Chris Griffin entered the meeting at 6:31pm

**Motion: *Walter*** moved, ***Shore*** seconded to accept the agenda as presented. Voted and passed unanimously.

**4. Public Forum**

None

**5. Approve Consent Agenda**

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve.

02/09/21 Minutes  
Claims and Warrants

**Motion: *Palmer-Witt*** moved, ***Pike*** seconded to approve the consent agenda as presented. Voted and passed unanimously.

**6. Staff Reports**

**a.** Clerks Office – Courtney Zollinger – Zollinger added to the staff report by informing that city council candidate filing for the upcoming election is June 1, 2021 12:00 pm. There are 3 open position coming up. Also, Zollinger sits on the Chamber of Commerce board of Directors and informed Council that the Chamber has been in discussion about future plans for the Chamber and the City will be providing a section on the city website to provide a place for businesses in and around Clearwater to get their name out there. Pike asked how the food truck permits were going. Zollinger answered that 3 companies have pulled permits. Shore asked if the business listing on the website would allow home based businesses and Zollinger answered yes. Council had no other questions.

**b.** Fire Department –Jared Dinwiddie –Council had no questions.

- c. Police Department – Kirk Ives – Council had no questions.
- d. Park – Chadd Posch – Pike asked when the batting cage nets were going to get up. Posch stated weather permitting the nets will go up this week. They would typically be up by now but the weather hadn't permitted it. Council had no other questions.
- e. Public Works – Cole Hollis – Council had no questions.

**7. Business**

**a. Notice of Award for Waterline Relocation**

The City received notice late last fall that Sedgwick County would be replacing bridge 492 this spring. The bridge is east of Clearwater on 103<sup>rd</sup> St. between 119<sup>th</sup> St. and 103<sup>rd</sup> St. The City water line from the wells runs through the County right-of-way for the bridge. Because the line is in County ROW, the City bears of the cost of moving the line.

Public Works Director Cole Hollis looked at the line and working with Certified Engineering Design determined it would be best to have a contractor move the line. This is the main water line bringing water from the wells to citizens. The existing line will be left operational while the new line is installed and the connection to the new line will occur last and is scheduled for one day.

Utilizing the competitive bid process, we received seven responses to the RFB sent out. McCullough Excavation was low bid at \$44,010.00.

McCullough Excavation	\$44,010
Apex Excavating, LLC	\$46,761
Dondlinger & Sons Const. Co., Inc	\$69,880
Duling Construction	\$76,400
Mies Construction	\$50,250
Nowak Construction	\$56,939

The County is planning to start the project in March and the line needs to be moved by March 15<sup>th</sup>.

The cost for the project is \$44,010.00 plus \$6700.00 for engineering design for a total of \$50,710. The funds will come from Equipment Reserve, Special Projects.

Staff recommends approving the Notice of Award to McCullough Excavation and authorized the Mayor to sign construction documents (contract agreement, maintenance bond, performance bond, statutory bond).

**Motion:** *Shore* moved, *Pike* seconded to award the bid to McCullough for \$44,010 and the engineer cost of \$6,700 and authorize the mayor to sign the notice of award. Voted and passed unanimously.

**b. 2020 Equipment Reserve Transfer**

Through the 2018 audit process the Auditor suggested the Governing Body consider transferring funds that finished the year under budgeted expenditures to the equipment reserve to help offset future purchases that otherwise may have an impact on future mil levies.

After wrapping up the 2020 budget year some departments were under their budgeted expenditures, and staff is suggesting the following transfer schedule to the Equipment Reserve Fund:

Department	Left in 2020 Budgeted Exp.	Suggested Reserve Use	Reason under Budget
Admin	\$105,000	Utility Reader Upgrade/ Capital Imp/ IT re-cabling/ Discretionary	Building Permits/ Cty Sales Tax/ Incentives/ Discretionary
Sr. Center	18,000	Building Upgrade/ New Sign	Cancelled Cleaning Svc/ COVID shut down
PD	\$86,000	Future Vehicle Purchase/ IT re-cabling/ Radios/ Discretionary	Personnel (salaries & ins)
PW	\$34,000	Equipment/ Street supplies	Personnel/ Gas/ Supplies
Fire	\$46,000	Fire Truck/ Radios/ Uniforms	Uniforms/ medical supplies/ gas/ Classes cancelled/ PPE Paid for
Park	\$19,000	Vehicle Replacement	Personnel (Ins)
Pool	\$16,000	Pool Repair	Slide repair was paid out of Admin Eq Res./ Eq Repairs
Museum	\$1,000	Building Maintenance	Gas/ Electric
Library	\$2,000	Building Maintenance	Gas/ Electric
Cap Imp	\$20,000	Comprehensive Plan	Cost more than budget/ combine with 2021 budget
Sale of Business Park	253,531	Capital purchase/ Park Imp	
Special Park	\$19,651	Park Improvement	Working on Shelter Project
Water	\$56,987	Utility Reader Upgrade/ Waterline Imp	Personnel/ Postage/ Gas/ Tommy lift and trash pumps not purchased
Sewer	\$57,070	Utility Reader Upgrade/ Sewer Imp	Personnel/ Postage/ Gas/ Manholes reline not needed

All the funds would be transferred into the respective equipment reserve fund for future use. This has no impact on the mil levy.

**Motion: Palmer-Witt** moved, **Walter** seconded to award the bid to McCullough for \$44,010 and the engineer cost of \$6,700 and authorize the mayor to sign the notice of award. Voted and passed unanimously.

#### 8. **Administrators Report**

- I wanted to inform Council about SB 87 currently being debated in the Kansas Legislature. This bill would fundamentally alter the formula for the distribution of the general-purpose countywide sales tax and shift the dollars that are collected for cities and the county and deliver those funds only to the county. Supposedly the county would then send the city their share. Clearwater stands to lose \$452,000 if this bill passes. Please call Senator Kerschen and ask him to not support this bill.

Mayor Ussery asked if Marsh would type up talking points as a reference for people who would like to reach out to Senator Kerschen.

- When the Parks and Facilities Department was split from Public Works in spring of 2020, initially the department was set up to report to the City Administrator. Once the department was up and running, we would have it move it under Public Works, reporting to the PW Director. This is to let Council know that move and new reporting structure we be effective March 1,2021. I have talked with both Cole and Chadd, individually and jointly, and they are both fully on board and ready to go.
- Reminder that the joint meeting of the Council, BOE and Rec Commission will be Monday, March 8<sup>th</sup> at 6:00pm at the Clearwater Intermediate Middle School.
- Tuesday, March 30<sup>th</sup> will be the first Council workshop for 2021. We will review the status of the sewer ponds and potential plans and will discuss implanting a compensation plan for all City employees. Marsh stated the meeting will start at 6:30 with a hard stop of 8:30.

**9. Governing Body Comments**

Griffin had nothing to report.

Palmer-Witt had nothing to report.

Shore had nothing to report.

Walter had nothing to report.

Pike had nothing to report.

Ussery had nothing to report.

**10. Executive Session: K.S.A. 75-4319(b) For the preliminary discussion of the acquisition of real property**

**MOTION:** *Palmer-Witt* moved; *Shore* seconded to recess into executive session to discuss the acquisition of real estate to include the City Attorney and City Administrator. The open meeting will reconvene in the City Council Chamber at 7:55 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 7:55 and stated there was no action taken in executive session and asked council to recess back into executive session to continue the discussion.

Mayor Ussery stated that the City is going to pursue purchase of property for the purpose to enter into agreement with the Cemetery District to relocate the Cemetery from North of Chisholm Ridge to West of the current cemetery on Tracy.

**MOTION:** *Shore* moved; *Palmer-Witt* seconded to authorize the Mayor to sign the Memorandum of Understanding between the City of Clearwater and the Clearwater Cemetery District that states if new property is acquired the Cemetery and the City will conduct a like exchange of property. Voted and passed unanimously.

**MOTION:** *Palmer-Witt* moved; *Pike* seconded to authorize the Mayor to sign an agreement with Adam Jones Law Firm appointing them the representative of the City for real-estate transactions. Voted and passed unanimously.

**MOTION:** *Walter* moved; *Shore* seconded to authorize staff to engage in competitive financing for the purchase of property. Voted and passed unanimously.

**MOTION:** *Shore* moved; *Pike* seconded to authorize the Mayor and Adam Jones Law Firm to

begin negotiations for the purchase property. Voted and passed unanimously.

Mayor Ussery stated that he has been working with the City Clerk to create an update for the Council and residents of Clearwater to explain what the City was been able to accomplish the last 6 years with the budget and to explain the positive impact the building and buyer incentives have had on the City. Mayor Ussery asked for Marsh to allow time for a 20-minute presentation on the March workshop for him to go over the talking points and research he has put together for a presentation to Council. He would then like to have a Town Hall meeting to cover the topics as well. He feels it will be very important to keep the tax payers informed of the improvements the City has been able to make and the 10-15 year plan for the City

**11. Adjournment**

With no further discussion Mayor Ussery called for a motion to adjourn.

**MOTION:** *Shore* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:03 PM

**CERTIFICATE**

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

I, Courtney Zollinger, 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 February 9, 2021 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 23rd day of February 2021

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Courtney Zollinger, City Clerk