

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
February 28, 2023
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; Justin Shore, Crystal Walter, Chad Pike, Tex Titterington, and Tim Robben.

The following staff members were present:

Courtney Zollinger, City Administrator, Jaye Poe, City Clerk, Cole Hollis, Amber Ives, Kirk Ives and the City Attorney.

The following people were present:

Logan Mills, Beth Warren, and 4 High School Students.

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda. Mayor requested item c on the Consent Agenda be moved to the business section, Zollinger requested Item F on the Business be removed.

Motion: *Robben* moved; ***Titterington*** 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. Mayoral Appointment was pulled off and put on the Business section.

Minutes

Claims and Warrants

Mayoral Appointment

RSVP Agreement

Art Walk ABC Resolution 05-2023

Motion: *Shore* moved; ***Walter*** seconded to approve the consent agenda as modified. Voted and passed unanimously.

6. Staff Reports:

- Administration Office – Courtney Zollinger – City Wide Clean up will be April 15th. The Shred event will be from 9am-12pm in Mize’s parking lot and residents will need to have their bulk items on the curb before 7 a.m. on Saturday the 15th, the trash company will not come back to pick up any items not on the curb at that time. Volunteers are needed. Council discussed getting marketing material from HomeServe for the City to put on the website. There were only 4 people who attended the Fall Festival meeting on Monday the 27th. Council discussed the current state of the ball fields and the action being taken by the School and City to help the process.

- Fire Department –Courtney Zollinger – Jared Dinwiddie was on GoTo Meetings, the application was not working for anyone to sign on for this meeting. Zollinger stated the Severe Weather Safety Program will be on March 7th. Council discussed 2 fire hydrants with orange tape on them, Cole Hollis stated the Fire Department had been checking the fire hydrants in town but unsure of what the orange tape meant.
- Police Department – Kirk Ives – Council discussed the Goddard assist. The flock camera is suggested to be moved due to the bridge being out and will cost \$250-\$500. The bridge is scheduled to start July 5th now and will take a couple of months to complete.
- Park – Cole Hollis – None.
- Public Works – Cole Hollis – Council asked about pothole repairs in town. Public Works repairs them as they see them and as they receive complaints. The ponds are stocked by the State each month during the summer. So far the water samples have passed the tests.
- Senior Center – Amber Ives – Added 2 volunteers to teach a class in March on Tai Chi, these will be on-line. Amber stated she has worked hard at building relationships and getting input from the Center attendee's. Council questioned how the Center reservations looked, Ives stated it is hit and miss, the charge is \$125 for the day to rent the building.

7. Business

a. Insert Mayoral Appointment

Derek Greenlee - Volunteer Fire Cadet

Justin Shore as a REAP delegate for 2023

Mayor removed Courtney Zollinger as the WAMPO Transportation Policy Body Alternate as he believes it needs to be an elected official.

Motion: *Walter* moved; *Pike* seconded to approve the requests for appointments. Voted and passed unanimously.

b. Indian Ridge Petitions and Resolution

In June 2022 the Governing Body accepted the petitions for improvements for Indian Ridge. After the bids were received on February 2nd the engineers' estimates on the original petitions were lower than the bid amounts. This required Lagaly Properties to resubmit a petition stating how the expenses will be covered. The original petition for Drainage was \$380,000, 100% paid by improvement district. The new petition is stated for \$480,000, 100% paid by improvement district. The current petition for Water included the water loop (\$20,000) was \$220,000, \$10,000 paid by city-at-large and remainder by the improvement district. Through the bid process the cost for the water loop came in at \$38,900. Lagaly Homes has presented two different petitions for the city to consider. The first petition is \$275,000, \$10,000 paid city-at-large for the water loop and remainder by the improvement district (same split as the original amended water petition). The second is \$275,000, \$19,450 (1/2 of the cost) paid by city-at-large and the remainder by the Improvement District. The different petitions for water are based on whether the city accepts the original agreement to pay \$10,000 was the required water loop or split the cost 50/50. The council will need to determine which petition to accept. The city portion of the water loop will be paid out of equipment reserve. If council decides to stay with only paying \$10,000 that portion will come out of the Water Equipment Reserve. If the council decides to split the cost 50/50 and commit to \$19,450 then \$10,000 will come out of Water Equipment Reserve and the remainder out of Administration Equipment Reserve. Apex Excavating started the installation of the sanitary sewer earlier this month. Property owner Ron Fleming asked if he could connect to the new line that was going in and understood his property would then become part of the improvement district for sanitary sewer. This is an updated petition adding the new property, commonly known as 820 E Ross, will be added to the improvement district splitting the

cost 25 ways instead of 24. Council discussed the rise in cost due to the demand of work and the bids from the 3 companies. The engineers estimates were given in November of 2022.

Motion: *Titterington* moved; *Robben* seconded to Accept the Drainage Petition for improvements to Indian Ridge as submitted. Voted and passed unanimously.

Motion: *Walter* moved; *Shore* seconded to Accept the Water Petition for improvements to Indian Ridge for City to pay at large \$19,450. Voted and passed unanimously.

Motion: *Shore* moved; *Robben* seconded to Accept the Sewer Petition for improvements to Indian Ridge as submitted. Voted and passed unanimously.

Motion: *Shore* moved; *Walter* seconded to Adopt Resolution 06-2023 Authorizing and Proving for the making of the Drainage improvements. Voted and passed unanimously.

Motion: *Robben* moved; *Pike* seconded to Adopt Resolution 07-2023 Authorizing and Proving for the making of the Water improvements. Voted and passed unanimously.

Motion: *Walter* moved; *Shore* seconded to Adopt Resolution 08-2023 Authorizing and Proving for the making of the Sewer improvements. Voted and passed unanimously.

c. **Notice of Award for Water/Drainage/Paving and water relocate – Indian Ridge**

Water, Drainage, and Paving bids were opened Thursday, February 2, 2023, at 1:30 pm. three responses were received with Dondlinger Construction being the lowest bid at \$868,505.00 for the base bid. Included in the bid were 3 alternatives.

Add Alternative #1 – Water Cross Connection “Water Loop” – Added Total \$38,900

Add Alternate #2 – Sedwick County Bridge Project – Water Relocate – Added Total \$74,914 (Another Business Topic)

Add Alternate #3 – Casey’s Sidewalk - Added Total - \$18,644

Total Dondlinger Bid Price with Add Alternates - \$1,000,963.00

All items were bid together to help decrease costs.

Add Alt #1

At the last council meeting a petition was accepted from Lagaly Homes to cost share the water cross connection. The petition stated the City-at-Large would pay \$10,000 and the remaining balance assessed against the Improvement District. The original engineers estimate for this alternative was \$15,380 + \$4,560 for engineering costs for a total of \$19,940. The bid came in at \$38,900 + \$4,560 for engineering costs for a new total price of \$43,460. Based on the petition the city-at-Large is still only responsible for \$10,000.

Add Alt #2

Sedgwick County will be working on the bridge just east of the high school in June 2023. The city is required to relocate the water line that is in the road. When going out to bid for the project we added in the water relocate to the Indian Ridge bids to help with pricing. The cost for relocation is \$74,914 plus \$6,170 design fee for a total of \$81,084. This amount will be paid for with cash from equipment reserve and water operating.

Add Alt #3

During the planning phase of Indian Ridge the city requested that a sidewalk easement to be added into the development between Lots 8 and 9. This would allow an opportunity for Casey’s to install a sidewalk that would run along the south side of their property and connect with the existing sidewalk that is at the southwest corner of their property. During the discussions, at no time did council discuss paying for the sidewalk installation. Casey’s has been approached about the opportunity to add the sidewalk in and increase the foot traffic to their store but will not review the project unless they are paid a \$1,000 review fee. Currently, staff does not recommend moving forward with adding the sidewalk.

Base bid and add alt #1 will be paid by the Improvement District (special assessments) except \$10,000 of additional Alt #1 which will be paid for by the City At Large.

Add Alt #2 was estimated during the budget process at \$40,000. \$20,000 will be paid out of the operating fund and \$20,000 was earmarked out of the equipment reserve water line improvements. The actual cost came in double that. With the Year End Transfer from

Administration and Water the city will be able to cover the project with cash.

Motion: *Shore* moved; *Pike* seconded to Approve the Notice of Award to Dondlinger Construction for the Water, Drainage, Paving, Add Alt #1 and Add Alt #2 in the amount of \$1,000,963.00. Authorize the mayor to sign the construction documents contingent upon receiving the letters of credit. Voted and passed unanimously.

d. Resolution – Temporary Note Indian Ridge & 2023 Street Design and Engineering Cost

A. Indian Ridge

Indian Ridge has completed the bid process for the infrastructure for Indian Ridge. All but the paving petition has exceeded the engineers estimates (\$925,598) and in turn exceeded the amount we have in a temporary note for the project. The current price for all infrastructure is now \$1,317,550 plus 10% contingency. To complete the installation of the infrastructure the city must call for another sale of temporary notes for \$412,000. If there is any portion of the temporary note unspent then it goes back to pay any balance we have for the temporary note.

B. Street Project

Through the 2020 road study, several roads were identified as poor, fair, or good. CED was asked by staff to review the roads that were in “fair” and “poor” condition and identify the needs of that road to make it in “good” standing. Logan Mills with CED went back through the city roads to identify the needs as they are today. The city is in the process of applying for a KDOT grant. In order to help our application, it is suggested the city have a design in place or at least in the process of completing the design work. The total project that CED was asked to complete has an engineer’s estimate of \$5,000,000. The design fee is \$352,000 and survey work is \$106,000. Regardless of how council decides to proceed with the implementation road project this work must be done prior to it. This will allow the city to have a “shovel ready” plan for when we decide to move forward with the road project. To fund this portion of the project the city must call for the sale of temporary notes for the survey and design work for the street project. The temp note will be estimated to cover the interest on the temporary notes until the temp notes mature, and they are rolled into permanent financing. Temporary notes used for Indian Ridge will go through the special assessment process be part of the improvement district. The temporary notes used for the street survey and design would be a cost for the city-at-large. This will be paid either by cash when the time comes to call the Note or roll it into a General Obligation bond to pay with ad valorem taxes. Council discussed the use of the design work being able to be broken into different projects if the grant does not get approved and or the bids are higher than the grant may cover due to rise in cost.

Motion: *Shore* moved; *Pike* seconded to adopt resolution 09-2023 authorizing street improvements in the City and providing for the payment of the cost thereof. Voted and passed unanimously.

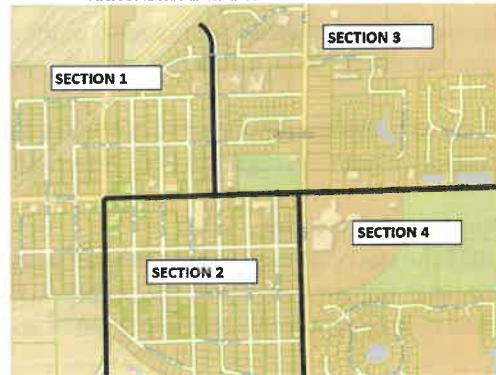
Motion: *Walter* moved; *Robben* seconded to adopt resolution 10-2023 authorizing the offering for sale of General Obligation Temporary Notes, Series 2023A. Voted and passed unanimously.

e. Special Question Election for a 1% Sales Tax

Through the 2020 road study, several roads were identified as poor, fair, or good. CED was asked by staff to review the roads that were in “fair” and “poor” condition and identify the needs of that road to make it in “good” standing. Any road that is currently “good” standing can be managed with the annual road maintenance program established in 2022. Sections 1 and 2 are being considered for repairs this year. These two sections will be considered together to get caught up on the schedule. Section 3 will be 2024 and Section 4 will be 2025. Each section will be on a rotating schedule every four years. The annual project can cost anywhere from \$175,000 to \$250,000 or more depending on the needs of the roads each year. This is in our current budget

as part of the existing mill levy. The annual road project will cover small and large crack fill and any sealant needed for the road to prolong their life.

ANNUAL ROAD MAINTENANCE SECTION MAP



The roads identified as “fair” or “poor” would not benefit from this due to the age of the road. These will require more work to repair them. Certified Engineering Design, P.A. was asked to review city roads that were classified and “fair” and “poor” and to identify the needs as they are today and give the city an estimate to repair these roads. The roads that require a mill and overlay or full reconstruction will cost around \$5,000,000, according to the engineer’s estimates. (Map included) This would be around an additional \$300,000 annually for 20 years to pay the balance.



The city is currently applying for a KDOT grant to help with the larger road project. Grants are not guaranteed but we will continue to apply as they are available. Grants, however, will not cover 100% of the cost, therefore the city must pay for them in other ways.

There are a couple of ways the city can fund the road project.

1. Raise the Mill Levy to make a \$300,000 annual payment for a 20-year period.
 - a. Without grants this would raise the mill levy around 13mills (about \$300 annually on a \$200,000 home).
 - b. When the city adjusts the mill levy it only affects property owners within the city limits. This does not include people who live in the county yet have a Clearwater address.
2. Consider a city sales tax to help offset costs and payments associated with road maintenance.
 - a. The Kansas Department of Revenue reviewed sales made in Clearwater or delivered to Clearwater and estimated a one cent per dollar (1%) sales tax for Clearwater would generate \$220,000.
 - b. The sales tax would be generated from anyone who does business within Clearwater whether they are a resident or not. A sales tax does not adjust property values.

A sales tax must be voted on and passed by the citizens of Clearwater. If the city council would like to put to a vote, adding a city sales tax to use for “Streets and Other Infrastructure”, they must adopt a resolution stating the reason and date of the vote. Council discussed hiring BowerComm to do marketing for educational purposes of the 1% sales tax. The residents that live within the boundaries of Clearwater will be voting, not everyone with a Clearwater address will be in those boundaries. The sales tax is suggested as a general use tax, which would be infrastructure, not only limited to road maintenance. The main goal of this tax is to help offset the cost of the road maintenance plan so it does not effect the mill levy a great deal. BowerComm suggested an 8-week timeline of marketing for this particular item. There were questions about the resolution being brought to need a specified date of when the election may be held, whether it be in November for the general elections, or a date worked out with the

election office. It was asked if council would like a resolution brought to the next council meeting and the question about when the vote may happen will be determined by then.

Motion: *Walter* moved; *Titterington* seconded to authorize staff to bring forward a Resolution for considering a 1% sales tax vote. Voted and passed unanimously.

Motion: *Shore* moved; *Robben* seconded to authorize the Mayor to engage with BowerComm for a sales tax campaign not to exceed \$10,000. Voted and passed unanimously.

f. **Resolution – Nuisance 249 N Grant**

In December 2022 the city received a complaint from a resident on North Grant complaining about a neighbor that multiple vehicles on the property that were inoperable. Upon investigation it was determined that this property was in violation of ordinance 1077 with the following nuisances.

(1) Unsheltered open storage of personalty, for a period of 30 days or more

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

(3) 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.

In accordance with the nuisance procedure approved by city council the property owner was sent a letter on December 27, 2022, notifying them of the nuisance and giving 45 days to comply before it was brought before council. The deadline to comply was February 28, 2022.

The property owner reached out In January 2023 stating that the nuisance had been taken care of. They were informed a follow up would be made and they would be updated on their status.

Upon review of the property on February 13, 2023, the violation was not removed, and the owners of the property were sent an updated letter stating such and their deadline to comply before a formal order was issued was sill February 28, 2023 unless progress was made. Since then, no action has been taken, the next step in the process is to formally order the removal of the nuisance by adopting a resolution. The resolution will be mailed certified with return receipt requested or by person service and will go to the last known address of owner and/or agent of the property describing the nuisance and giving them not more than 10 days to abate the nuisance. (K.S.A. 12-1617e) The governing body or its designated agent of the city shall grant extensions of such ten-day time period if the owner or agent of the property demonstrates that due diligence is being exercised in abating the nuisance. The order shall state that before the expiration of the waiting period or any extension thereof. Council discussed the different options such as removal by the City or sending this Nuisance to the Municipal Court for the Judge to charge. It was determined in the resolution that it would be taken to Municipal Court.

Motion: *Robben* moved; *Pike* seconded to adopt Resolution 11-2023 determining that a nuisance exists with the corporate limits of the City of Clearwater, Kansas and ordering the removal and abatement of said Nuisance at 249 N. Grant. Voted and passed unanimously.

8. **Governing Body**

Walter – Asked when the next Fall Festival meeting would be, Zollinger stated every third Monday of the Month at the Unity Lodge at 6 pm.

Shore –None.

Pike – No comment from Pike, Mayor Ussery asked if he would report back to Council with any issues regarding the ball fields are mentioned to Pike.

Titterington – None

Robben - None

Ussery – The Press Release for Hammers Prairie Park and Nature Center has been released to the public. The City has paid \$5,000 for the monument going up at the park and the Foundation is paying the

remainder of around \$15,000. The fence for the park has been approved and awaiting placement.

9. Adjournment

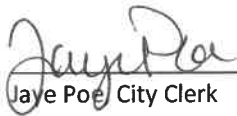
Motion: *Shore* moved; *Robben* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:02 PM

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 February 28th, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 14th day of March 2023.


Jaye Poe, City Clerk

