

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
May 9, 2023  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**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; Crystal Walter, Justin Shore, Chad Pike, Tex Titterington, and Tim Robben.

The following staff members were present:

Courtney Zollinger, City Administrator, Jaye Poe, City Clerk, Amber Ives, Kirk Ives, Jared Dinwiddie and the City Attorney's. Jeremy Whitney was also present.

**3. Approval of Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Zollinger stated Item 8l, approve hire FT Cooper Ross for PD needed to be added to the business.

**Motion:** *Shore* moved; *Pike* 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.

Minutes

Claims and Warrants

Approve Seasonal Hires

Mayoral Appointments

Wholesale Fireworks Stand Permit

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

**6. Staff Reports:**

- Administration Office – Courtney Zollinger – The water main break was from a company boring. It was a 12" pipe that Public Works was able to get repaired and left certain residents without water for a maximum amount of 5 hours. There were 4 samples of water taken for an emergency sample to be sent to KDHE. The samples came back and KDHE cleared the water boil advisory that the City had put into place. The 1% sales tax election date may change due to a bill the legislature passed recently. Instead of being at the end of August, it may end up needing to be held the week of September 18<sup>th</sup>. Our bond council will keep us informed of this information. Council discussed having procedures in place for any kind of repairs in the event of an emergency. The Mayor and City Administrator can make a decision in this instance and report back to the governing body if this were to happen in the future. CED is working with the City on invoicing the company who hit the line. The City Administrator has been in contact with the owners of the home where the main break was repaired. These claims will be submitted through the company's insurance. The communication through the City Website, Facebook page and Civic Ready was well received and channel 12 had also picked it up. The Fall protection was completed at City Park today, the only portion left is where the Mikesell hometree will be placed.
- Fire Department – Jared Dinwiddie – Jared has scheduled a visit for June 21<sup>st</sup>-23<sup>rd</sup> for the new engine. If there were to be a house fire in the event of a water main break, the fire department has their 2 tenders as well as assistance from the County and Viola. If more assistance was needed, they could call in for that.
- Police Department – Kirk Ives – Council discussed the break in at the cemetery. Multiple items were taken such as the trailer, 2 mowers and hand tools. The Police department has not noticed there being many thefts of mowers in Clearwater.

- Park – Courtney Zollinger – Nothing.
- Public Works – Courtney Zollinger – Council expressed their appreciation for all of Public Works hard work in repairing the water main break.
- Senior Center – Amber Ives – Ives added that she received 75 boxes of fruit and vegetables and over 240 dozen eggs. These items are donated from the Kansas Food Bank. Amber burnt her palms at the taco luncheon, but seems like it went over really well.

**7. Proclamation – Municipal Police Week May 15 – 21, 2023**

The Mayor read the Proclamation: National Police Week May 15-21, 2023

WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers’ Memorial Day, and the week in which May 15th falls as National Police Week; and

WHEREAS, the members of the law enforcement agency of the City of Clearwater, Kansas play an essential role in safeguarding the rights and freedoms of City of Clearwater, Kansas; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the law enforcement agency of City of Clearwater, Kansas, unceasingly provide a vital public service;

NOW, THEREFORE, I, Burt Ussery, Mayor of the City of Clearwater, Kansas, call upon all citizens of the City of Clearwater, Kansas, and upon all patriotic, civic and educational organizations to observe the week of May 15–21, 2023, as Police Week with appropriate ceremonies and observances in which all of the people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and securities of all citizens.

I further call upon all citizens of the City of Clearwater, Kansas to observe Wednesday, May 15, 2023, as Peace Officers’ Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Clearwater, Kansas to be affixed.

**8. Business**

**a. Turf Solutions for Sports Complex Ball Diamonds**

At the April 25th council meeting the Governing Body approved an improvement plan for Fields 1, 2, & 3 at the Sports Complex. Field #1 infield will have an overhaul as soon as the high school has completed their season. Field #2 outfield will be completely changed to Fescue for a season followed by Bermuda/ Rye transition in 2024, and Field #3 will be overseeded. Total Cost of the 3 projects will not exceed \$28,300. With the investment in the projects to create safe and playable surface at the sports complex, it will be important to ensure the new playing surface has proper irrigation, chemical applications, and a mowing schedule. Without this the new surfaces will not sustain themselves. The grass fields will require a stringent schedule and dedication to help them excel and provide the safe playing surface we are trying to create. While Clearwater Public Works may have the skills to complete this task, they do not have the staffing nor the time to dedicate to this extensive of a project with all the other priorities that happen on any given day in the department. The seasonal mowers, while excellent at keeping up on their daily tasks, do not have the expertise needed to maintain or monitor the turf we are trying to create. Whitney Landscaping has submitted a proposal for ongoing maintenance of the Sports Complex diamonds, common areas (areas around the diamonds) and the soccer fields. The maintenance does not include dragging or marking of the fields. All these fields are used by sports programs (USD 264, Clearwater Rec, and AYSO). Whitney would keep the landscape manicured, monitor, and implement the watering schedule for all fields, notify appropriate parties when there are issues with the wells and sprinklers. Whitney comes with 40 years’ experience in the turf grass and athletic field industry, he also maintains many other grounds in Clearwater including Park Glen Homeowners Association properties.

FIELD	MONTHLY MOWING AND MAINTENANCE COST	ANNUAL COST (March 1– November)
Baseball/ Softball Fields	\$1,350	\$10,800
Commons Area	\$950	\$7,600
Soccer Fields	\$1,400	\$11,200
<b>TOTAL</b>	<b>\$3,700</b>	<b>\$29,600</b>

The ongoing maintenance for the fields would start as soon as the school has completed their season. Currently the school maintains the diamonds inside the fence line and Whitney Landscaping maintains the common areas. Ongoing maintenance for the fields would begin around June 1 and carry through November 15<sup>th</sup>. Based on the monthly costs, to enter into an agreement with Whitney for 2023 for the field’s maintenance would be \$22,200. While this is not a budgeted item for the 2023 work plan, I do feel this is a necessary investment to ensure the city’s fields are maintained. We will be able to reorganize the Public Works structure to accommodate this change and prepare more appropriately in the 2024 budget. Baseball has completed their season and Zollinger has reached out to the school to notify the City when they will end their maintenance of the insides of the fields so that the City can take it back over. Jeremy Whitney was present to answer questions. He has been in touch with the school staff regarding the fields. They are all in agreement with the proposed maintenance plan. The fields are still playable. Jeremy stated that his plan was to start sodding the baseball infield when the high school team was done with their season, it was confirmed today that they were done. With the ongoing maintenance contract proposed, Jeremy will also be in contact with any issues pertaining to the maintenance of the fields such as the sprinkler system. There will need to be grading done on the fields. It was suggested to put a lock on the sprinkler system box and to lock gates as well as put up signs once the maintenance starts. There will need to be restricted access to the fields while the fields are being worked on. Jeremy will send pictures to Zollinger so updates can be sent out.

**Motion:** *Pike* moved; *Walter* seconded to approve the ballfield maintenance plan to be completed by Whitney Landscaping for 2023 at \$22,200. Voted and passed unanimously.

**Motion:** *Pike* moved; *Shore* seconded to approve the ballfield ongoing maintenance plan to be completed by Whitney Landscaping for 2024 at \$29,600. Voted and passed unanimously.

**b. Sports Complex Baseball Outfield and Soccer Field**

Jeremy Whitney was made aware of some possible safety concerns in the outfield of Field #1 after the last council meeting. Upon review of the outfield, he noticed there were some areas that are of concern and recommends filling in some low spots with Bermuda seed when the infield is done as well as seeding with Rye this fall to ensure there is an even playing surface next spring. Most of the soccer fields in the sports complex are fescue turf except for one field. One soccer field has a strip of Bermuda grass growing down the middle of the field. This was because there was some turf damage several years ago and instead of replanting Fescue the city went in with Bermuda grass. To create a more uniform playing surface on the soccer fields it is recommended to seed the Bermuda strip with Fescue this Fall. Jeremy stated that he will be in communication with AYSO so his plan will not interfere with their season. It will be more beneficial to have a mixture of both Bermuda and fescue on the soccer fields.

FIELD	NOT TO EXCEED
Field #1 Outfield	\$2,350
Soccer Field	\$2,500
<b>TOTAL</b>	<b>\$4,850</b>

**Motion:** *Robben* moved; *Pike* seconded to approve the seeding of field #1 outfield and soccer field not to exceed \$4850. Voted and passed unanimously.

**c. Hearing on Unsafe Structure – 818 E. Ross Ave, Clearwater, KS**

Started at 7:15 pm

On February 18, 2023 Clearwater Fire responded to a fire at 818 E Ross. An accessory structure was on fire behind the house but the fire department was able to extinguish it without further damage to the property. Upon further inspection of the property Chief Dinwiddie determined the main dwelling structure unsafe. Under Chapter 8, Article II Unsafe Buildings it states if there exist, within the corporate limits of the city, structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the city council to require or cause the repair, closing or demolition or removal of such structures as provided in this article. The property has a compromised roof structure. Foundation on the structure has deteriorated and is falling from the structure, leaving approximately an 18" opening the length of the structure on the east side of structure. The structure in its current state is a safety hazard for fire personnel and has a high risk of collapsing if such property were to catch fire. The city council adopted Resolution 13-2023 setting the hearing date for the unsafe structure. The notice was mailed to the property owners, and it was published in the newspaper twice. Since the owner received the notification, they have purchased a demolition permit on March 20, 2023, and have hired a company to remove the structure. The governing body must set a date that the repair or removal of the structure shall commence by. Council discussed the wording of the resolution and came to a consensus that August 1<sup>st</sup>, 2023 is when the process should start. The Mayor and City Administrator have been in contact with the homeowner and think that December 31<sup>st</sup> is a good amount of time to allow before the City takes action on removing the unsafe building. If there is no progress being made, it will be brought back to the governing body.

Hearing ended at 7:31 pm

**Motion:** *Shore* moved; *Walter* seconded to adopt resolution 15-2023 setting a date that the repair or removal of the structure at August 1<sup>st</sup>, 2023. Voted and passed unanimously.

**d. Water Tower Logo**

At the last council meeting the governing body discussed the re-painting of the water tower and how many city logos to put on it and why the cost was doubled. Staff reached out to Utility Services, and they explained that the water tower is under contract and if there are no changes, color included, then the water tower will be painted as is at no additional cost. When the city talked to them about changing the logo it was not clear that they only quoted a one-sided water tower at \$8,166. When it was time to schedule the painting project it was brought to our attention that the quote was only for one logo and if we wanted a 2nd one on the tower the price would double (\$16,331). The reason for doubling the price is due to labor. It takes time to paint the logo by hand and to go over it several times so the background paint doesn't bleed through. After further inspection the tower has 3 logos on it and not just two, but the new logo is wider than the old logo and is two toned and 2 should be good for coverage. There is \$21,000 left in discretionary admin equipment reserve that could be used for this purpose. A majority of the reserves is due to the building repairs that we have put into reserves and have not needed to use and have nothing scheduled. The water tower is on a painting schedule every 3 or 4 years. The placement of the logo will need to be verified with the company who is painting it.

**Motion:** *Walter* moved; *Shore* seconded to approve the proposal from Utility Service Co. Inc. for \$16331. Voted and passed 4-1 (Titterington).

**e. Field #1 Grass Solutions**

The brush dump needs to be cleared out. Due to the dry weather and winds, Public Works has not been able to burn it, which is the preferred method. We called several tree service companies and received two quotes for consideration. There is \$9,000 in equipment reserve public works for the purpose of chipping the brush in the Brush Dump. It would be preferred to have the large material hauled off from the brush dump since we have not gone through the first load we had chipped 5 years ago. We have chipped one time. The fee's we charge for the brush dump, accommodate for these costs.

Alfred's Tree Service – Haul Off	\$6,000
Conquer Tree Service – Chip Onsite	\$5,000

**Motion:** *Robben* moved; *Walter* seconded to approve the proposal from Alfreds Superior Tree Service not to exceed \$6,000 to remove large brush piles from the Brush Dump and utilize Equipment reserve to pay for it. Voted and passed unanimously.

**f. Jail Cost Fee Resolution**

It was brought to the Municipal Courts attention that the city has an ordinance in place to establish all court costs and fees to be charged to people prosecuted by the Municipal Judge. The Clearwater Municipal Court has never charged jail fees to people who have been incarcerated on behalf of the Clearwater Municipal Court. After checking with other court clerks it was determined that the jail cost fees should be passed along to the people who have been incarcerated as part of the court costs and fees. Sedgwick County charges the City \$2.65 per hour to have someone incarcerated on behalf of Clearwater. It is typical to pass that fee along without an upcharge to the person(s) it is directly related to. Year to Date 2023 the city paid \$2,701.20 in prisoner housing that we are unable to pass along because a fee has not been established. In 2022 the charge was \$5,554.75 for the entire year. By establishing a fee this will not be an expense to the city but a pass-through charge. The Fee being presented is \$2.65 per hour which is the fee the city is charged by Sedgwick County. The City uses CBK for their collection services and see a really good turn around. The fee's are passed on to the people, not the city.

**Motion:** *Titterington* moved; *Pike* seconded to adopt Resolution 16-2023 establishing a Jail Cost Fee for the Clearwater Municipal Court. Voted and passed unanimously.

**g. American Tower Extension Proposal**

On April 18, 2023, American Tower, through their vendor, MD7, approached the City of Clearwater and proposed two options to extend the length of their agreement to maintain and operate American Tower Site No. 273344, located at 10740 South 151st West, Clearwater, Kansas (the "Property"). The below outlines the current plan, the proposed options, potential revenue estimations, and considerations for each proposal. The figures presented below are ballpark estimations and could vary up or down from actual payments made in the past or future.

Current Plan:

**Original Lease**

The original lease was entered into on March 19, 2009. The lease began with an initial 5-year term and the option that the tenant may renew up to four (4) additional 5-year terms. This agreement, inclusive of each 5-year renewal term, was set to expire after March 18, 2034. Under the terms of the original lease, rent was set at \$600/month (\$7,200/yr), with an escalation rate of 7.5% at the start of each new term.

**Amendment**

The City and American Tower entered into the First Amendment to Lease Agreement (the "Amendment"), effective on February 27, 2017. At this time, the option for four (4) additional 5-year terms was added, extending the potential length of the agreement to March 18, 2054. Beginning in March of 2017, the monthly payment increased to \$775/mo (\$9,300/yr) with an annual rent escalation of 3%. Between March 19, 2017, and March 18, 2054, the City could expect to earn an estimated \$615,420.27 over the life of the agreement if all remaining 5-year term renewal options are exercised. As such, since the Amendment went into effect, the City has received an estimated \$60,156.21 from American Tower through March of 2023. Therefore, should American Tower exercise their remaining term renewal options, the City could anticipate an estimated additional \$555,264.06 in revenue from this agreement by 2054.

**American Tower Proposal:**

American Tower, through their vendor, MD7, have proposed two options to extend their time period to utilize the Property.

1. Option 1: Lease Extension
  - a) American Tower would pay a one-time signing bonus of \$5,000.
  - b) Rent would be reset to \$775 per month commencing upon the Amendment completion.
  - c) A 10% term escalation will commence upon the Amendment completion.
  - d) This option would provide four (4) additional terms of 5 years each; the final expiration date will be March 18, 2074.

This option would amount in an estimated \$220,806 in revenue between March 19, 2054, and March 18, 2074, from the rent and signing bonus, if all 5-year term renewal options are exercised.

2. Option 2: Perpetual Easement
  - a) ATC would make a one-time payment of \$170,000 in exchange for a perpetual real estate interest.
  - b) This payment can be structured in monthly or yearly installments with interest. The proposal is silent as to what interest rate American Tower would be willing to pay.

When examining the potential revenues under each proposal, Option 1 clearly presents the highest potential for the City. Between the current Amendment and the extension proposed under Option 1, the City could anticipate an estimated \$776,070.06 in revenue from this agreement between 2023 and 2074, should American Tower exercise each of their 5-year term renewal options over the course of that period. However, the choice to grant an easement in lieu of continuing a lease arrangement is not without some merit. In 2018, Park City approved a lease buyout of \$190,000 to grant a cell tower a 55-year term easement. They had previously been earning around \$13,000/year (approximately \$1,083/month) on a lease agreement. This decision was reached based upon concerns with ongoing advancements in technology. There is some speculation that with the advancement of 5G services and the advent of Star Link type technologies, there could be increased decommissioning of cell towers in the coming years. As such, maintaining a lease, with the inherent potential for termination or waiver of an option renew, does carry some risk. American Tower acknowledges this risk in their 2022 Annual Report, stating: “. . . extensive sharing of site infrastructure, roaming or resale arrangements among wireless service providers, including due to increases in advanced network technology such as 5G . . . may cause new lease activity to slow if carriers utilize shared equipment rather than deploy new equipment, or may result in the decommissioning of equipment on certain existing sites because portions of the customers’ networks may become redundant.” However, under the current Amendment terms, the City can expect to recoup more than \$170,000 between 2023 and 2036 alone. Even if payments for a perpetual easement are spread out over a period while collecting interest, Option 2 still likely falls well short of the potential revenues that Option 1 could generate in conjunction with the ongoing terms of the current Amendment. Given that American Tower is the party proposing this extension to 2074, the risk that they will elect not to continue their lease in the foreseeable future appears to be limited. With these considerations in mind, electing to proceed with Option 1 likely makes the most sense for the City at this time. This is so even with the potential risks of an early termination by American Tower. This analysis could change if American Tower becomes willing to pay a substantial amount more for a perpetual easement under Option 2. The City could also consider negotiating a restructure of the agreement to either lengthen the term periods, for example from 5 years to 8 years, or contemplate other measures to mitigate their risk should American Tower elect to terminate the agreement or not renew the lease at the end of a term. Ongoing changes in technology should continue to be monitored should the technological landscape make granting an easement a more appealing option in the future. The consensus from council was to have the City attorney’s send a counter offer to American Tower.

**h. Outsourced IT & Managed Services**

The city changed the managed IT company in January 2020 to Gilmore Solutions out of Sterling, KS. Gilmore Solutions sold to another company named Imagine IT out of Minnesota. Since the change the city has experienced hardships with communication and implementation of equipment. Our current contract expires 12/31/2023. The City of Clearwater sent out an RFP for Outsourced IT & Managed Services to review other options for IT services. The RFP was sent to 4 vendors with 3 responding:

<b>VENDOR</b>	<b>Monthly (Recurring) Costs</b>	<b>One Time Costs &amp; On-Boarding Fee</b>
One Source Technology	\$3,200	\$2,500
TK Fast	\$3,600	\$5,000
Reach	\$4,005	None

All companies’ headquarters are located in Kansas and all companies currently work with municipalities in Kansas. One Source Technology and TK Fast are Wichita companies and Reach is out of McPherson. All have similar support tiers on how they respond to incidents. Staff would like to consider One Source Technology. One Source assigns an account IT engineer that will make weekly on-site visits to answer questions and assist us as needed. They would manage the cyber security in house as well. The current cost per month for managed IT is \$2,750. The New price will be \$3,200. They would need to replace the wireless access points for the city, this would cover all departments and all computers.

**Motion:** *Shore* moved; *Pike* seconded to Approve One Source Technology as the Outsourced IT and Managed Services vendor for the City at \$3,200 recurring and one time cost of \$2,500 for 2024. Voted and passed unanimously.

**i. Consider Awarding 2023 Street Maintenance**

In 2022 the Governing Body was presented with a sectioning of Clearwater roads for improvement. 2022 was to mark the 1st year for Section 1 followed by 2023 for Section 2. Section 1 project did not get underway and was pushed to 2023. A proposal for large crack, small crack, and a sealer application was requested from two vendors, Circle C Paving and South Central Sealing. Both companies have worked in the City before. Only one has submitted a proposal. The difference between the two companies are in the sealer applications they use. Circle C Paving uses the Chip Seal and South Central Sealing uses a Slurry Seal. The main difference between the two products is the Chip Seal lays a layer of oil down then drops an aggregate over the top. The Slurry Seal lays the oils and aggregates at the same time. The aggregate in the Slurry Seal is smaller than the Chip Seal. I spoke to a representative from Crafcoc, a road maintenance distributor, and asked why Clearwater would choose one application over the other. I was told they are both good sealer products and get similar results as far as extending the life of the road. However, if you have high crowns in your road, tend to veer away from Chip Seal because it starts to roll off into the gutters. This isn't always the case, but customers should be aware. The Slurry Seal looks nice and black when it is first laid down but fades after a few months to a grey. Clearwater has used both applications and the most recent one was Chip Seal. South Central Sealing & Paving submitted a proposal for wide crack (Mastic), small crack, and slurry seal for the roads in Sections 1 and 2 that were not flagged for major reconstruction. The reason for that is, the roads marked for major reconstruction are at the end of their life cycle and putting patching materials on them would be wasting resources. The price submitted for the project for Section 1 is \$74,878.40 and Section 2 is \$199,123.98. Total price \$270,975.74. Section 1 as more of its roads identified for major reconstruction and Section 2 contains more square yards of roads than any other section therefore it will always be more expensive. The proposal submitted for Mastic Seal and Crack Seal are best estimate they could provide until they start the project. The Mastic Seal is bid with 7 pallets of material. If the pallets don't complete the designated area, they will submit a change order. The Crack Seal is bid the same way. They will keep the city updated daily on the amount of linear feet they are filling. Unlike Mastic Seal, if the crews reach the supplied bid amount, the city crews will be able to make up the difference prior to the Slurry Seal application. The total proposal submitted by South Central Sealing for Mastic Seal, Slurry Seal, and Crack Seal for 2023 is \$270,975.74. The city has \$116,900 in equipment reserve, set aside back in 2021, for the road project and budgeted \$175,000 between General Fund and Special Highway, for a total of \$291,900 available for the Road Project we had planned to accomplish this year. We are awaiting budget prices for Sections 3 and 4 for the budget process. When Janet was done, it was a fog seal application.

**Motion:** *Walter* moved; *Pike* seconded to approve the proposal from South Central Sealing for Mastic Seal, Crack Seal and Slurry Seal at \$270,975.74. Voted and passed unanimously.

j. **Ordinance Open Burn**

Chief Dinwiddie has reviewed the current open burning ordinance 730 and is requesting an update to the ordinance to include a more defined ordinance. The proposed ordinance includes expanding on the responsibilities of open burning ordinance, setting more defined boundaries for times allowed to burn, locations where open burning can occur and materials the burn pits should be constructed of, prohibited burning and illegal materials. This came about this year due to the drought we had this winter and early spring. There were many fires within town that the chief had to address but there was not a clearly defined boundary to give direction within our city ordinances. If the ordinance is violated there may be a fine not less than \$250.00 and not more than \$2,500, currently there are no penalties for this. Council discussed the time allowed and the limitations of the fire. With this ordinance, smoke nuisances will have to be addressed by the chief if reported. Shake shingles roofs are not common in Clearwater as far as Chief knows, there aren't any in town, but will verify.

**Motion:** *Shore* moved; *Pike* seconded to adopt Ordinance 1096 amending ordinance 730 for Open Burn. Voted and passed unanimously.

k. **Discussion: Library Memorandum of Understanding**

July 2018 City of Clearwater Governing Body adopted ordinance 1046 setting the Public Library maximum Mill Levy to 6 mills per year. This was an increase from 4 mills that was set in 1986, council can increase or decrease the MIL by adopting an ordinance. The last two years the library has not requested the maximum mills allowable. For 2023 there was still 1.703 mills = \$39,976 not requested which was absorbed into the general fund. In 2018 the City and Library created a memorandum of understanding to outline the responsibilities of each party. The library is its own entity, it has its own tax identification, and its own board of directors that have complete oversight on how their budget and business is managed. The Clearwater Governing Body levy's a tax pursuant to K.S.A. 12-1220 and Ordinance 1046. The MOU outlined, with the taxes levied, was to be put towards the support and operations of

the Clearwater Public Library. The city would give administrative services to process payments for invoices, payroll, and include the library in the annual audit. The City of Clearwater owns the building where the library is located but the business and contents are the responsibility of the Clearwater Public Library. Currently the city continues to pay for the energy bills, Evergy and Kansas Gas Service, for the Clearwater Public Library. The combined cost in 2022 was roughly \$6,500. The administrative duties set forth in the MOU are very similar to the task the clerk's office maintains for the Clearwater Cemetery District but does not receive payment from the library for similar services. The city of Clearwater currently receives \$1000 per month from the Cemetery District for their administrative purposes. The City Clerk contacted cities in Kansas to ask them how their public libraries handle utilities and administrative duties. She found that most libraries are responsible for their entire operation including financial. Some of them are housed within city hall's so utilities aren't a factor while the others do pay for their own insurance and all their utilities with the mill levy they get from the city. It was a split on whether city clerk's run payroll's for the libraries but most of them had their own bank accounts and the treasurer from the library board reimbursed the city for all expenses. The taxes are levied for the library for the support and operations of the library. It should be considered to include the energy bills, insurance on the contents, any type of remodeling or interior fixes of the library and administrative services as "support and operations". (\$19,100) Making this change would not adversely affect the operations of the library or the services they currently offer. This would drive them to levy the full amount offered to them for the operations of the library. Zollinger has already spoken to the Library Director, Jessica Warren, to inform her of the discussions the council will be having regarding the budgeting process. She has been provided with a "mock budget" to share with the board so to show a change like this would have on their budget. Council would like for the library board to come to a council meeting to go over these changes and budget. If a resolution is unable to be reached, and if either party involved wants to get out of the agreement, a 6-month notice must be given under the current terms.

**I. ADDED – Hire Full-Time Police Officer**

Chief Ives request approval to hire Cooper Ross as a full-time police officer. This will fill the full-time position that opened when Josh Lebeda left. This will bring the department to 7 full-time officers including the chief. Copper Ross will be new to Law enforcement. He is currently helping to coach wrestling at the school and has moved to Clearwater. This was a mutual discussion between the chief and Ross. He will attend KLETC in the next few months. The department will still be shorthanded for a couple of months while he is attending the academy. Ross will have FTO training with the other officers to learn the area and policies of the Clearwater Police Department before going to the academy. This will mean there will be longer shifts and more hours for part-time officers to help fill in the gaps. The police department will be at full staff with this approval.

**Motion:** *Pike* moved; *Titterington* seconded to approve Hire Cooper Ross for the full-time police officer position contingent on Physiological testing and POET testing at \$18.50/hr with a \$1 increase after graduating. Voted and passed unanimously.

**9. Governing Body**

Walter – None.

Shore – REAP is offering an opportunity to sponsor a flight to the D.C. area.

Pike – None.

Titterington – Stated that camera's should be put out at the cemetery after the theft, Zollinger stated that the cemetery district is it's own entity and the board will have to make that decision. Asked about an update on the electronic sign at the four-way, Zollinger will look into this.

Robben – With the raising temperatures, will be ready for the pool to open.

Ussery – The budget workshop is on May 30<sup>th</sup>. Zollinger will get information out when she has met with all departments. The Police Department did a great job with the break in at the Cemetery. They found a biscuit and gravy trash, which led to the arrest of 2 people. The food container had a time stamp and they were able to trace it back to the 2 individuals and find the stolen items on the flock camera's. Public Works fixed the water main leak in less than 6 hours. Ussery is very appreciative and proud of Clearwater and the staff. The governing body agreed to raise an additional \$5,000 for the fireworks show in July since the City budgeted \$5,000 that is received from the Wholesale fireworks tent. The show that was approved was for \$10,000.

**10. Executive Session**

None.



**11. Adjournment**

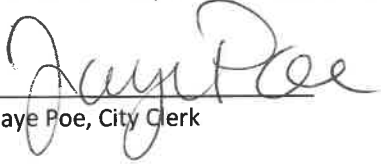
**Motion:** *Walter* moved; *Robben* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:49 PM

**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 May 9<sup>th</sup>, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 23<sup>rd</sup> day of May 2023.

  
\_\_\_\_\_  
Jaye Poe, City Clerk

