

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
July 25, 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; Justin Shore, Crystal Walter, and Shirley Palmer-Witt. Tim Robben and Chad Pike were absent.

The following staff members were present:

Courtney Zollinger, City Administrator, Jaye Poe, City Clerk, Amber Ives, Cole Hollis, Kirk Ives, Tricia Nichols and the City Attorney. Jared Dinwiddie was present via GoTo Meetings.

The following residents who spoke:

Ben Fisher, Vivian Casteel, Jo Chastain, and Jessica Warren

**3. Approval of Agenda**

Mayor Ussery asked if there were any modifications to the agenda, Zollinger stated Item 9, executive session needed to be removed.

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

**4. Public Forum**

Joann Chastain voiced her support for the Senior Center. This is a place for the whole community and all generations take part in the activities offered there. Vivian Casteel spoke about the Senior Center and how it has been a second home. Men and women both enjoy the activities put on by the Senior Center.

**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

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

**6. Staff Reports:**

- Administration Office – Courtney Zollinger – Council discussed annexing Diagonal Road and other city owned properties. Diagonal road will be released by the County, it will continue to be maintained by the county until 2027. The City attorney is working an MOU for between the City and County on the road maintenance for Diagonal Road.
- Fire Department – Jared Dinwiddie – None.
- Police Department – Kirk Ives – None.

- Public Works/Parks– Cole Hollis – The accident from July 11<sup>th</sup> with the City owned one ton and trailer are still being estimated for repairs. The trailer was totaled but there was no equipment on it at the time of incident, and the one ton is needing estimate for repairs, the appointment is on Friday for the one ton. The Hammer’s Prairie Park and Nature Center is on a schedule for mowing, this has been a suggestion to the Mayor from Max Tjaden.
- Senior Center –Amber Ives – Council praised Amber for the 200 participants at the Senior Center. There are 16 individuals currently taking part in the Senior Swim at the pool. There were 5 participants in the safety driver course which took place indoors.

**7. Business**

**a. Booster Club Temporary Permit**

Clearwater Booster will be hosting their annual BBQ at the City Park shelter house on Saturday August 19 from 5:00 PM to 10:00 PM. They are requesting Council to consider the temporary alcohol permit for A Better Bar Service to cater the event. A Better Bar Service is licensed with ABC. Their privileges allow the licensee to sell and serve full alcoholic liquor for consumption on unlicensed premises and other activities as authorized by K.S.A. 41-2643. The Clearwater City Code 4-1 (b) states council can grant a temporary permit to allow alcoholic liquor on city property as long as an alcoholic liquor license has been obtained from the state.

**Motion:** *Shore* moved; *Palmer-Witt* seconded to approve the temporary permit for the Clearwater Booster Club. Voted and passed unanimously.

**b. Library Project Cost Share**

The Clearwater Public Library Board has mentioned the carpet in the library needs to be updated, new shelving units, and electrical work. The Library Board has received the following quotes for the different items they have picked out. The governing body is asked to consider a cost share for any of the improvements the Library Board is trying to accomplish. The Shelving is \$45,226.74, Seating is \$16,489.20, Installation is \$10,049.51, for a total of \$71,765.45. For the carpet Country Carpet estimated to Carpet Tile and Installation-\$18,200, Walk-off Carpet Tile at front entry-\$520, 4” Rubber Base-\$1,185, for a total of \$19,905. Raceway Electric estimated for the desk Relocation a total of \$442.66. Council asked Jessica if they had the improvements approved and a date to start. The library board has approved the improvements and is scheduled to start in September. There were multiple bids, the library chose to go with the lowest bids for these improvements. The City has no more money in the reserves for the library building repairs due to the repairs from the water damage that cost around \$10,000. If the City approved the cost share with the library for these improvements, the funds would have to come from the reserves. The reserves has \$800,000 and would have to be budgeted to be replenished. This reserve is recommended by the auditors to keep for emergencies such as a natural disaster. Jessica stated that the library does have the funds for these improvements for 2023 and they have a 1-3-5 plan for the library building. Their goal for 2024 is to renovate the women’s bathroom and repair or replace one of the water fountains that does not currently work. The consensus of the governing body was to have the library come back with plans in 2024 so there is time to budget for these kinds of projects.

**c. American Tower Amendment**

On April 18, 2023, American Tower approached the City of Clearwater and proposed options to extend their agreement to maintain and operate their tower located at 10740 South 151st West, Clearwater, Kansas, extending the lease and modifying the rate through March 18, 2074. On May 23, 2023, American Tower sent over a New Option for the second amendment to the Lease Agreement. On June 13, 2023, the City voted to move forward with the New Option for the Second Amendment to the Lease Agreement. The Second Amendment to Lease Agreement has been drafted, along with

all corresponding documents, for the City’s approval and execution. The New Option would provide for a one-time payment of \$5,000 if the agreement is executed prior to August 7, 2023. The rent would be set to \$900 through March 18, 2024, at which time there would be a 3% escalation to \$927/month. Beginning March 19, 2029, rent would escalate by 7.5% for every 5-year term, through the final term set to expire on March 18, 2074. The Second Amendment to Lease Agreement, Memorandum of Lease, and Resolution and Consent Affidavit must be executed to finalize the amendment. Zollinger stated this is the third time ATC has approached the city for this kind of renewal and more than likely will be approaching the City with another one in the future.

**Motion:** *Palmer-Witt* moved; *Walter* seconded to Authorize the mayor to execute the Second Amendment to Lease Agreement and to execute all corresponding documents. Voted and passed unanimously.

**d. Sewer Cleanout**

Since 2006, Mayer Specialty Services (MSS) has performed sewer line cleaning services and televised inspection for Clearwater. As with the last two contracts, the contract up for approval is a 3-year contract for 2024, 2025, 2026. This contract sees a \$.02 increase each successive year, an approximate 1.6% increase annually. The contract includes televised inspection of 10% of the cleaned sewer line. This video will be uploaded to the GIS mapping system for access in the field and will notify of any relining needed. Public Works has been very happy with the work and convenience of Mayer over the last 17 years and would like to continue doing business with them.

Year	Linear Feet Televised	Linear Feet Cleaned	Cost	Extended Cost
2024	2,856	28,564	\$0.75	\$21,423.00
2025	3,327	33,272	\$0.77	\$25,619.44
2026	1,954	19,454	\$0.79	\$15,368.66

Mayer’s prices have increased by \$0.12 per linear feet for cleaning over 2023. The City Attorney has reviewed the agreement and asked for the removal of the mandatory arbitration. Mediation is acceptable but not arbitration, one is binding, and one is not. Mayer was asked to modify the proposal. Mayer divides the town up into 3 sections or main branches and completes one section every year. The plan is updated as new sewer lines are added. This does not help with any of the water lines, only sewer.

**Motion:** *Shore* moved; *Palmer-Witt* seconded to Approve the 3-year agreement with Mayer Specialty Services for sewer line cleaning and televised inspection. Voted and passed unanimously.

**e. Senior Center New Addition – Design**

The Senior Center attendance and needs are growing. As part of a capital improvement plan, the Center will need an addition to accommodate the growing attendance in events and commodities.

YEAR	EVENTS HELD	PARTICIPANTS @ THE CENTER	PEOPLE SERVICED WITH COMMODITIES
2020	39	89	24
2021	77	97	35
2022	98	192	39
2023 YTD	90	201	42

With the increase activity and commodities at The Center more space for events and storage is necessary. Professional Engineering Consultants (PEC) met with Amber Ives and Courtney Zollinger to review the property and discuss possible options of expansion. The Center lot is located in the Senior Addition of Clearwater and only has room to expand to the south on the lot. With measurements it appears that a 700 square foot addition can be accommodated on the property. PEC will survey the property for a new addition. The new addition shall be of wood construction with composition

shingles, partial masonry to match current building as well as siding. The project from PEC would be a design-to-build. This would not be awarding the project. This would be creating a plan to understand the costs and plan for the future. PEC projects the project to take 2 ½ months and include:

1. Provide Civil3D (dwg) deliverable files including:
  - Surface model
  - Annotated underground utilities.
  - Annotated above-ground features and utilities.
  - Boundary information (including foreign easements) drafted from data provided in publicly available GIS information. Linework is for reference only and does not constitute a Boundary Survey.
  - Sanitary/Storm Sewer manhole information
  - Horizontal Control Point and Benchmark description and reference ties.
  - Survey points with position and survey code information from data collected in the field.
2. Architectural services will be provided in accordance with the AIA Standard Form of Agreement Between Owner and Architect (AIA Document B101, 2017 Edition) and will include the schematic design, design development, construction documents, leasing plans, pricing negotiation and construction administration.
  - Schematic Design Narrative, Plans and Opinion of Probable Cost.
  - Design Development Plans and Opinion of Probable Cost.
  - Construction Document Plans and Book and Plan Specifications

PEC's fee for scope of services is \$39,550. The Governing Body elected to set aside \$162,150 in the 2023 budget for a new building in the General Fund Special Projects. Council discussed more options to expand the building. An expansion is not possible to the North of the building due to easements, setbacks, and drainage. Zollinger will get with PEC on getting an updated packet to include different options of expansion.

**f. 2024 Budget Update - Hearing Date**

The City Council has had three different workshops to discuss the 2024 budget. The County notified the city that there is a reduction in assessed valuation due to the Industrial Revenue Bond for PCCA. The assessed valuation for Clearwater will decrease from \$23,483,560 to \$22,362,450 in 2024. This means 1 Mill will be equal to \$22,362. To stay Revenue Neutral, the City of Clearwater can levy up to \$1,503,088.74 or 67.215 mills in 2024. The 2023 Mill Levy rate is 64.006. Through the budget process, the council reviewed challenges that the City and City Departments will face in the coming years. While the challenges were reviewed, it was decided that some of them would not be necessary to move forward in the 2024 budget and were not added. There were also reductions made for overhead costs that were no longer needed. There are very few additions to the general fund budget proposal from 2023 to 2024. They include adding a payment processor online for reservations, adding 2 more FLOCK cameras to the area, buying a Vacuum Excavator for the Water Department, hosting a 4th of July Firework Show, continuing the annual maintenance for Section 3 of the road plan, and investing in the new Hammers Prairie Park & Nature Center. The Governing Body has chosen to continue the Reserve Fund transfers to offset large purchases and/or projects in each department. In addition to the ongoing reserve transfers, they chose to increase the reserve transfer for sidewalks to plan for future installations or repairs. Throughout the budget discussions, the Governing Body decided the City of Clearwater will not exceed the Revenue Neutral Rate and levy equal to or less taxes for 2024 Clearwater residents. With current projects, transfers, and operations added into the 2024 budget the Mill Levy is sitting at 62.266. City staff recommend adding a Reserve Transfer for future road projects, expansion, and/or library building repairs of \$40,000. This would adjust the Mill Levy to 64.131, which is equivalent to \$1,434,154 in property taxes. This would be a reduction in property taxes for Clearwater residents while still planning for the future.

**Motion:** *Walter* moved; *Palmer-Witt* seconded to set the budget hearing for August 22<sup>nd</sup> at 6:30 pm to set the Mil Levy at 64.131. Voted and passed unanimously.

**3. Governing Body**

Walter – None.

Shore – None.

Palmer-Witt – A picnic table at the city park shelter looks warped, it is the ADA table. Public Works will check this out.

Ussery – Is there any update on the bridge opening? Zollinger stated there were no new updates, but it is scheduled to be completed before school starts. The water tower painting will be done after the pool closes and we need to get on the schedule as soon as possible. This will be for two logos. The 1% sales tax community information meetings will be held on August 3<sup>rd</sup> and 17<sup>th</sup> at the Senior Center at 6:30 pm and the governing body will be able to answer questions since it is a published public meeting. Council discussed the placement of political signs, Zollinger will get the city code for this and send it out for everyone’s information.

**Executive Session**

Removed.

**4. Adjournment**

**Motion:** *Shore* moved; *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:23 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 July 25<sup>th</sup>, 2023, City Council meeting. Given under my hand and official seal of the City of Clearwater, Kansas, this 8<sup>th</sup> day of August 2023.

  
Jaye Poe, City Clerk

