

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
July 26, 2022
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; Tim Robben, Chad Pike, Crystal Walter and Justin Shore were present. Tex Titterington was present via Go-To Meetings.

The following staff members were present:

Courtney Zollinger, City Administrator, Jaye Poe, City Clerk, Cole Hollis, Kirk Ives, and Jared Dinwiddie. Ben and Tamara Fisher, Jill McMillan, Megan Harper, Megan Bottenberg, Cody Corbet and Lonnie Roberts were also present.

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda. Zollinger added Item 7 e, Appoint Planning Commission Members.

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

4. Public Forum

Lonnie Roberts residing at 628 Elaine had concerns about his yard needing fixed after the recent water leak on the City side was fixed on Monday. Mayor Ussery assured him the yard would be fixed, the City does not have a timeline of that yet. Public Works will go over the following day to assess the situation and give an estimation on when it can be completed.

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; *Robben* seconded to approve the consent agenda. Voted and passed unanimously.

6. Staff Reports:

- Administration Office – Courtney Zollinger – The pool will be open on Tuesdays and Thursdays from 11:00 to 11:45 for Senior Citizen swim. Advena is closed temporarily. The City will have their financial audit starting tomorrow and a safety audit on August 2nd. The City has had 1 safety audit done in the past 5 years, they check the safety manuals, outlets, etc. at all City buildings.
- Fire Department –Jared Dinwiddie – There were no questions.
- Police Department – Kirk Ives – There are 3 decent candidates for the positions open and hope to bring them to the next council meeting to get approved. Officer Jacks is prepared to start SRO again

for the school year. Sergeant Harp is retiring in September and having his retirement party on September 25th at City Hall.

- Park – Cole Hollis – Chadd Posch was not present. If there are reports of nests, Public Works will take care of it. Parks had to spray for bagworms this year because there were many on the trees. With the heat, employees are taking precaution. The seasonal parks employee’s have been coming in earlier. There was an air conditioning unit installed in the electrical room at the park shelter’s since it was suggested to do so by SKT and Decker Electric. They are trying to get the basketball court done this week, they did have a concern of the tree dropping the sap on the court.
- Public Works – Cole Hollis – Public Works has been doing the fire hydrant testing, meter reads and mowing. With supply issues, remote readers are about 10 months to a year to order.
- Senior Center – Amber Ives was not present. The council had no questions.

7. Business

a. Cox Communications State Franchise Approval

COX Communications will be expanding to Clearwater. As required by the Kansas Legislature’s passage of the Kansas Video Act, Cox Communications applied and received approval for an amendment to our state issued franchise on May 24, 2022. K.S.A 2006 Supp 12-2024 allows the City of Clearwater to request a franchise fee up to 5%. The franchise fee is passed onto the customers. Currently Clearwater has a franchise agreement with following agencies

SKT	\$1.00 per service line
Kansas Gas Service	5%
Evergy	5%

Megan Bottenburg and Cody Corbet gave a presentation. Council discussed the franchise fee. It was decided to table the action for a later day. Council would like to compare the franchise fee with that of SKT to be fair to all parties involved.

b. Clearwater Booster Club Temporary Permit

Clearwater Booster will be hosting their annual BBQ at the City Park shelter house on Saturday August 27 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 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. Ben Fisher was present to request this temporary permit. Mayor Ussery asked that they have someone at the entrance to card and keep people from leaving with alcoholic beverages.

Motion: Robben moved; **Pike** seconded to approve the temporary permit for the Clearwater Booster Club on August 27 from 5p-10p. Voted and passed unanimously.

c. RNR and Budget Hearing Notice Approval

On July 13, 2022, the City of Clearwater notified the County Clerk of the intent to exceed the Revenue Neutral Rate. The budget has been reviewed and council has agreed to move forward with the proposed budget. According to the State Statute the city must notify the public in the

official newspaper of the proposed RNR and Budget Hearing at least 10 days prior to the hearing. The hearing dates are set for August 23, 2022, at 6:30pm at City Hall.

State of Kansas
City

2023

NOTICE OF HEARING TO EXCEED REVENUE NEUTRAL RATE AND BUDGET HEARING

The governing body of
City of Clearwater
will meet on August 23, 2022 at 6:30 PM at City Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed use of all funds, the amount of ad valorem tax and the Revenue Neutral Rate. Detailed budget information is available at City Hall and will be available at this hearing.

BUDGET SUMMARY

Proposed Budget 2023 Expenditures and Amount of Current Year Estimate for 2022 Ad Valorem Tax establish the maximum limits of the 2023 budget. Estimated Tax Rate is subject to change depending on the final assessed valuation.

FUND	Prior Year Actual for 2021		Current Year Estimate for 2022		Proposed Budget for 2023		
	Expenditures	Actual Tax Rate*	Expenditures	Actual Tax Rate*	Budget Authority for Expenditures	Amount of 2022 Ad Valorem Tax	Proposed Estimated Tax Rate*
General	2,452,590	51.071	2,634,336	52.997	4,035,441	1,293,694	55.103
Debt Service	640,826	6.981	596,111	5.999	721,699	108,523	4.622
Library	118,555	5.970	111,345	5.026	113,709	100,886	4.297
Lib Emp Ben (202)	61		1,101		200		
Emp Ben (203)	50		111		200		
Spec Build (217)	1,960		1,960		568		
Spec Liab (205)	49		1,191		200		
Special Highway (206)	152,108		16,000		138,000		
Special Parks (209)	50,000		50,000		195,000		
Dept on Aging (207)	18,024		18,001		18,293		
Ambulance (215)	2,512		2,566				
Water (501)	390,977		452,472		488,713		
Sewer (550)	610,466		783,551		576,483		
Non-Budgeted Funds	771,687						
Totals	5,209,865	64.022	4,668,744	64.022	6,288,498	1,503,103	64.022
						<i>Revenue Neutral Rate**</i>	<i>51.676</i>
Less: Transfers	1,402,038		1,025,289		1,099,216		
Net Expenditure	3,807,828		3,643,455		5,189,282		
Total Tax Levied	1,111,526		1,213,238				
Assessed Valuation	17,361,551		18,950,278		23,477,698		
Outstanding Indebtedness, January 1,	2020	2021	2022				
G.O. Bonds	3,461,000	2,935,000	2,340,000				
Revenue Bonds	0	0	0				
Other	0	0	0				
Lease Purchase Principal	162,299	55,617	892,119				
Total	3,623,299	2,990,617	3,232,119				

*Tax rates are expressed in mills
** Revenue Neutral Rate as defined by KSA 79-2985

Courtney Zollinger
City Official Title: City Treasurer

Motion: Walter moved; **Shore** seconded to approve the newspaper publication setting the RNR budget hearing for August 23, 2022 at 6:30pm with the proposed budget. Voted and passed unanimously.

d. Professional Services Agreement - Garver

On June 14, 2022, the city council accepted the petitions and adopted resolutions for Indian Ridge development. Bryan Lagaly Homes, Indian Ridge Developer, has been working with Garver for the development of Indian Ridge and the City of Clearwater has been utilizing Certified Engineering Design to review the plans. This agreement states that Garver will providing the engineering services for Indian Ridge development. The city will be using temporary general obligation bonds to pay for the services which will be wrapped into the special assessments in the end. The city will utilize Certified Engineering Design to review the plans on the city's behalf to ensure they are designed with the city's interest as well.

Motion: Shore moved; **Pike** seconded to authorize the mayor to sign the agreement with Garver, LLC. Voted and passed unanimously.

e. **Appoint Planning Commission Members**

Ryan Karrick – Will be finishing out John Graham’s term (2020 – 2023) for Planning Commission
J.J. Riggins – Term 2022 – 2025 Planning Commission and Board of Zoning Appeals

Motion: Pike moved; **Robben** seconded to appoint the board members as presented. Voted and passed unanimously.

8. **Governing Body**

Walter – None.

Shore – CDC raised transmission level to high for Covid.

Pike – None.

Titterington- None.

Robben- On vacation last week.

Ussery – Conference is in October and will be attending on Saturday and Sunday.

9. **Executive Session**

Motion: Shore moved; **Walter** seconded to recess into executive session to discuss the acquisition of real estate to include the governing body, counsel and City Administrator. The open meeting will reconvene in the City Council Chamber at 7:45 p.m.

There will be executive session for 20 minutes to discuss prior to acquisition of real estate.

Council came out of executive session with no action taken.

Mayor Ussery asked for a motion to sign the memorandum of understanding between Hammers LLC and City of Clearwater, Kansas for gift of park.

Motion: Shore moved; **Pike** seconded to authorize the mayor to sign the memorandum of understanding between Hammers LLC and City of Clearwater, Kansas. Voted and passed unanimously.

10. **Adjournment**

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

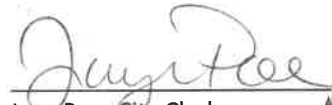
Motion: Walter moved; **Robben** seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:47 PM

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 26, 2022, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9th day of August 2022.


Jaye Poe, City Clerk

