

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
August 9, 2022  
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, Cole Hollis, Amber Ives, and Jared Dinwiddie. Kirk Ives was present via Go-To Meetings.

**3. Approval of Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Zollinger removed Item 9, Executive Session.

**Motion: *Titterington* 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  
Aging Project Agreement  
Approve Hire – FT Police Officer

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

**6. Staff Reports:**

- Administration Office – Courtney Zollinger – Zollinger added that Cody Hanna was asking about doing fireworks for the Booster Club event on August 27<sup>th</sup>, Zollinger let him know he would need approval by the City Clerk and the Fire Chief if it was done on private property, but would need council approval if done on public property. Total ARPA funding for Clearwater is \$389,458. As approved by council the funding, so far has been designated to the Fire Department Air Scrubber (\$51,525), PPE For the Fire Department (\$20,229 for 8 sets of bunker gear), front enclosure at city hall (\$12,943), and Advanced Metering Infrastructure for the water department. The Fire Department Air Scrubber was delivered on August 1<sup>st</sup> and will be installed this month. The total cost of the project is \$61,525. \$51,525 is paid with ARPA Funding and \$10,000 from equipment reserve. We have scheduled for Southeast Dr and Park Glen to have their streets swept to clean up more of the chat that was from the 2020 street project. The cost to have these areas done is \$2,640 that will

come out of the Special Highway fund. This will be done the week of August 15<sup>th</sup>. The City will notify the people who live on those streets with door hangers next week. The City has not received the list of corrections from the safety audit done on August 2<sup>nd</sup>.

- Fire Department – Jared Dinwiddie – There were no questions. Mayor Ussery added that Sedgwick County has gone 9 days without missing a shift.
- Police Department – Kirk Ives – Arrests are up due to warrants.
- Park – Cole Hollis – Chadd Posch was not present. Zollinger updated Council that the basketball court will be started to be painted on Wednesday, August 10 and will require 48 hour to dry.
- Public Works – Cole Hollis – Public works will observe the street sweeping scheduled for the week of August 15<sup>th</sup>.
- Senior Center – Amber Ives – The lunch and learn was the biggest turn out with 30 residents attending today, besides when City staff joined.

## 7. Business

### a. Cox Communications State Franchise Approval

At the last council meeting, Cox Communication stated they are planning to come to Clearwater and according to K.S.A. 2006 Supp. 12-2024 the City of Clearwater is allowed to request a franchise fee up to 5%. Council discussed and wanted to make sure whatever Franchise Fee that was established for Cox Communications did not undercut the Franchise Agreement the City has established for SKT. In February 2022 the governing body adopted an ordinance 1080 establishing a franchise fee for SKT in the amount of \$1.00 per local exchange access line (telephone) per month. According to K.S.A 12-2001 the city can collect a maximum of \$3.50 or 5% in franchise fees for telephone. The ordinance term is for 5 years from the effective date of this Franchise Agreement, unless either party provides the other party 180 days' notice in writing of its intent to terminate or renegotiate this Franchise Agreement. The city has had an agreement with SKT since 1981. The original franchise agreement was for 3% until 2007 when it was switched to \$1.00 and has been since then. Upon review of a current SKT phone rates this appears to equate to approximately 2.7% for business and 3.9% for residential. The city is allowed to collect from Cox Communications a franchise fee no greater than 5% for Video services (cable) in accordance with K.S.A 12-2024. All franchise fees are utilized as a revenue to operate the general fund and offset ad valorem taxes.

**Motion:** *Shore* moved; *Walter* seconded to request the Cox Communications State Franchise Fee for 5%. Voted and passed unanimously.

### b. Ordinance 1083-2022 Edition Uniform Public Offense Code

**Motion:** *Walter* moved; *Pike* seconded to adopt Ordinance 1083-2022 Edition Uniform Public Offense Code. Voted and passed unanimously.

### c. Ordinance 1084-2022 Edition Standard Traffic Ordinance

Council discussed the double yellow lines on 4<sup>th</sup> street. It is illegal to back across a double yellow line. Chief will get more information on when and why they were put on 4<sup>th</sup> street. He suggests it may have been so nobody can legally pass on such a busy street.

**Motion:** *Shore* moved; *Pike* seconded to adopt Ordinance 1084-2022 Edition Standard Traffic Ordinance. Voted and passed unanimously.

**d. Advanced Metering Infrastructure – FCC Agreement**

AMI is an integrated system of smart meters, data management systems and communication networks that enable two-way communication between the utilities and the customers. Cole Hollis, Public Works Director, was researching two potential companies with AMI systems, Sensus and Badger. The city already uses both companies currently for meters. While both companies had similar startup costs, Sensus has a lower annual hosting and provided a handheld device for diagnostics. The other difference is the communication infrastructure. Badger uses cellular data while Sensus uses FlexNet. Both applications would be suitable for the city’s needs however, FlexNet uses dedicated secure network to transmit data while Cellular shares the network with other devices. Staff feels with the lower annual cost and the data infrastructure Sensus was the best choice.

	<b>Sensus</b>	<b>Badger</b>
Meters	\$ 116,284.00	\$ 133,157.00
Installed System	\$ 231,829.00	\$ 227,891.00
Billing Integration	\$ 19,000.00	\$ 13,930.00
Monthly Charge	\$ 849.00	\$ 925.00
Annual Hosting	\$ 10,183.00	\$ 11,097.00
<b>1st Year Cost</b>	<b>\$ 378,145.00</b>	<b>\$ 387,000.00</b>
Communication Infrastructure	FlexNet	Cellular

With Sensus the city must apply for a management lease to the FCC. The document under review is a notification to allow Sensus Spectrum (Sensus) to apply for that lease on behalf of the city. The 2<sup>nd</sup> part of the agreement is the Spectrum Lease agreement stating the city will buy the equipment from Sensus and FlexNet technology will be used. The project won’t start for 10 to 12 months due to backorders. This will increase customer service for our residents, they will have to replace about 400 old meters and around 1,000 modules.

**Motion: Shore** moved; **Pike** seconded to authorize the mayor to sign the agreement for Advanced Metering Infrastructure - FCC . Voted and passed unanimously.

**e. Approve Planning Commission By-Laws**

on August 2, 2022, the Planning Commission and Board of Zoning Appeals met and approved their By-Laws. The Planning Commission amended their by-laws to change the time of the meetings, which is now set at 6:30pm on the 1<sup>st</sup> Tuesday. The other area of change was to remove the section that called out a “quorum”. According to K.S.A. 12-745 the commission as a sub committee for the governing body does not operate under a quorum but by the members present. The 2007 by-laws had a section calling out a quorum and also quoted the state statute that said the majority vote shall be taken by the members present. These were conflicting paragraphs, so the quorum definition was removed to follow state statute. The Board of Zoning appeals had never established by-laws. According to Ordinance 835 the board was to establish a set of by-laws and they were to be approved by the governing body. The by-laws for the Planning Commission and Board of Zoning Appeals are similar. The duties of each board are different and called out in their by-laws.

**Motion: Titterington** moved; **Robben** seconded to adopt the Planning Commission August 2, 2022 By-Laws. Voted and passed unanimously.

**f. Approve Board of Zoning Appeals By-Laws**

**Motion: Shore** moved; **Walter** seconded to adopt the Board of Zoning Appeals August 2, 2022 By-Laws. Voted and passed unanimously.

**8. Governing Body**

Walter – None.

Shore – The County is down to 49% capacity for employment. Commended Chief for keeping our officer's employed in Clearwater

Pike – None.

Titterington- None.

Robben- None.

Ussery – Had a meeting with Hammer's the MOU is ready for review and will come back for approval if all parties agree.

**9. Adjournment**

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

**Motion:** *Titterington* moved; *Pike* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:06 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 August 9<sup>th</sup>, 2022, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 23<sup>rd</sup> day of August 2022.

  
Jaye Poe, City Clerk

