

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
September 12, 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, Chad Pike, Shirley Palmer-Witt, and Tim Robben. Crystal Walter was absent.

The following staff members were present:

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

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda. There were none.

Motion: *Shore* moved; *Pike* seconded to approve the agenda as submitted. 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

AYSO Field Usage Agreement

Council discussed the continuance of the City maintaining the soccer fields at this point.

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Cox has hit six of the City water lines, all of which were minor except one. Cox will reimburse the City for the major repair. Council discussed the Fall Festival committee still needing volunteers. 249 N Grant has been turned in for litigation by the City for the nuisance. The property at Tracy and Kansas is zoned commercial and will stay commercial. The house has been torn down and an office will go in its place.
- Fire Department – Jared Dinwiddie – There will be one more trip for the new apparatus when it gets closer to completion. Production is expected to start in December and completed by late February or early March. The truck will be delivered per the warranty. Mayor has reached out to Sedgwick County regarding the Ambulance being used as the CRV, this is being looked into and will be brought to council when answers are available.

- Police Department – Kirk Ives – Council questioned the mobility assisted devices being rode on the street when there is no sidewalk available, Chief stated the disability act covers these incidents and currently there are no regulations except at night.
- Public Works/Parks –Cole Hollis – Council discussed well six still being down, this is not the well by the pool. The shades at the pool will be taken down. Public Works wanted to point out that two of the water lines hit by Cox were their liability, the other four lines were abandoned or not accounted for when located so Cox was not liable. The timer for the lights on Ross need to be looked at as they are not coming on at the correct times. Council discussed Commercial Drive needing to be bladed beyond the black top, this will be looked at to see who is liable for maintaining it. Public Works will be sandblasting the pool and painting it as well as replacing the two toys in the kiddie pool. There were no other major damages at the pool that need repaired at this time. Council mentioned the asphalt around the Senior Center needing to be looked at if it is the City responsibility.
- Senior Center –Amber Ives – Since July first there have been eleven new members for a total of two hundred and seventeen. There were around forty-six attendees for the lunch and learn today, the meat was provided by Justin Shore. The City Attorney will be reviewing the proposal for the Senior Center master plan and should be ready to present to Council by September 26th.

7. Business

a. Ordinance 1100- Amend Ordinance 1097 14000 Prairie Grass Amendment

At the last council meeting the governing body adopted ordinance 1097 annexing 14000 W Prairie Grass Circle.

Ordinance 1097 had the incorrect Block listed in the legal description. The County Clerk advised the City to adopt a new Ordinance amending the one with the typo and correct the legal description. The original Resolution and Ordinance had listed Block 1, when it should have been Block 2. The Governing Body needs to adopt the amended Ordinance 1100 with the correct legal description.

Motion: *Robben* moved; *Palmer-Witt* seconded to adopt Ordinance 1100 amending Ordinance 1097 annexing 14000 W Prairie Grass Circle into Clearwater city limits. Voted and passed unanimously.

b. Ordinance 1101 to Implement 1% City Wide Sales Tax

At the March 14th council meeting the governing body adopted resolution 12-2023 authorizing a special question election for the purpose of submitting to the qualified electors of the city the question of imposing a 1% city wide sales tax for general purpose; and providing of the notice of said special question election. The special question election was August 29, 2023, where residents voted on the following question. *Shall the City of Clearwater, Kansas, be authorized to impose a one percent (1.0%) City-wide general purpose retailers' sales tax, the revenue from which will be applied to improvements to City streets, alleys or other infrastructure, with collection of such sales tax to commence on January 1, 2024, all pursuant to the provisions of K.S.A. 12-187 et seq., as amended?* Out of 1,689 registered voters, 262 votes were cast. 195 voted yes and 66 voted no and 1 undervote, to impose a 1% general purpose tax. The Governing Body must now adopt an ordinance to impose the tax. The ordinance stated the 1% will be for the improvements to city streets, alleys or other infrastructure in the city. Once adopted Gilmore and Bell, P.C. will file the appropriate paperwork with the Kansas Department of Revenue. KDOR will take one quarter to implement the new sales tax that will take affect January 1, 2024. The sales tax will start as of January 1, 2024 and the city will receive the first payment in April 2024. The Ordinance and supporting documents will be crafted by Bond Counsel Kevin Cowan.

Motion: *Palmer-Witt* moved; *Pike* seconded to Adopt Ordinance 1101 imposing a 1% city-wide general-purpose sales tax to be applied to improvements to city streets, alleys, or other infrastructure in the city. Voted and passed unanimously.

8. Governing Body

Shore – Election Commissioner Laura Rainwater would like to come to Clearwater and speak about the elections. The annual LKM meeting is in Wichita from October 7th to October 9th.

Pike – None.

Palmer-Witt – None.

Robben – None.

Ussery – The logo that was painted on the water tower looks good and can be seen from all sides of town as anyone enters Clearwater. Zollinger stated that the logo was hand painted, not stenciled on the tower. There will be no executive session.

9. Executive Session

None.

10. Adjournment

Motion: *Walter* moved; *Robben* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 6:48 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 September 12th, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 26th day of September 2023.


Jaye Poe, City Clerk

