

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
October 10, 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, Crstal Walter, Chad Pike, Shirley Palmer-Witt and Tim Robben.

The following staff members were present:

City Administrator Zollinger, City Clerk Poe, Amber Ives, Kirk Ives, Cole Hollis, Jared Dinwiddie and the City Attorney.

**3. Approval of Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Zollinger stated item 7e – designate safety zone for Downtown Trick or Treat be added to the business.

**Motion:** *Walter* moved; *Palmer-Witt* 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

Special Meeting Minutes

Claims and Warrants

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

**6. Staff Reports:**

- Administration Office – Courtney Zollinger – Zollinger added that the School Superintendent responded regarding the cost share of the sign at the four-way stop. The school is not interested in cost sharing with the City at this time.
- Fire Department – Jared Dinwiddie – Council discussed the fire department vehicles in the fall festival parade and are excited to see the new truck in next year’s parade. This week is fire prevention week, and the fire department was giving rides to the kindergarteners today and Pre-K on Friday.
- Police Department – Kirk Ives – Council discussed trading in the 2013 Tahoe when PD gets the new 2023 Ford Explorer. Ives stated they usually take the vehicles to auction rather than trading them in. There is money in Equipment reserve for this purchase and no resolution is needed.

- Public Works/Parks –Cole Hollis – Council discussed the frost-free repair at the park. It is the spicket hydrant by the horseshoe pit. The transfer switch at Park Glen wet well failed which caused some back ups in a reported 5 houses. Public works has the well working now and has ordered a new pump that should be in within a week. The other pump may have wiring issues, this will be looked at and repaired. There is a back up generator for these kinds of issues, however the electrical issue caused the back up generator to not work. The trash company was in communication with the City regarding the services during the slurry seal being put down.
- Senior Center –Amber Ives – Vivian Castelle passed out snacks that the Senior Center prepared for their craft booth at the Fall Festival. There are around 30 people receiving commodities and these will be ready for pick up on the 18<sup>th</sup>. The Senior Center float won the Mayors award for the most spirited float of the parade.

## 7. Business

### a. Lead and Copper Rule Revision (LCRR)

The Environmental Protection Agency (EPA) announced changes to drinking water regulations requiring water suppliers to identify all materials used in the construction of the water system. The City of Clearwater must identify all construction materials used on both the supplier's and the customer's side of the water meter. The Kansas Department of Health and Environment (KDHE) has mandated that water suppliers submit the Lead Service Line Inventory before October 16, 2024. This is an extensive spreadsheet and must be completed for all service addresses. There is a survey for customers to fill out on the City website as well as a paper copy at City Hall that has been attached. Other cities have offered a \$10-\$25 credit to be applied to their utility bill for completing and submitting a similar survey. Staff has discussed different options for completed surveys:

1. Any resident that pays a city water utility bill can submit a completed survey and receive a credit on the utility bill for the residence which the form was filled out for. All surveys must be signed by the property owner. This would allow renters to fill out the surveys.
2. OR Only property owners can submit a completed survey to receive a credit for the residence which the form was filled out for. The person who pays the utility bill gets the credit.
3. Only one credit per address
4. No credit will be issued for incomplete surveys.

Council discussed incomplete survey's and if the City would be penalized for incorrect information submitted. The City must document how the information was collected into the spreadsheet provided by KDHE, this may include the customer survey, customer denied providing information, among many other responses. As long as it is documented and proof of how the information was collected, the city will not be penalized. There was a potholer budgeted for purchase to help in digging and fining the material of the service lines There will be funding opportunities available for the City water lines if they need to be replaced, but on the residents' side it is still unknown how that will be handled. Council discussed who should fill out the survey: the renter or owner. The City needs to collect as much data as possible and would like to start collecting it as soon as possible. The samples that will be needed can not be from houses with water softeners. Council discussed electronic submissions of the survey, owners should sign the survey if filled out by the renter. Staff will bring an updated survey to the next Council meeting. The credit was not budgeted for and will decrease the revenue from the water department.

**Motion:** *Robben* moved; *Pike* seconded to authorize offering a \$10 credit towards the utility bill as surveys are completed in full. Voted and passed unanimously.

### b. Certificate of Deposit – Future Sewer Improvement

The city has been setting aside funds in equipment reserve for future sanitary sewer improvements. The future improvements for sanitary sewer will be to eventually move to a non-discharge system. Currently there is \$345,000 in equipment reserve. The current certificate of deposit rates for a 12-month term are

4.98% with 5.10% APY. Staff has considered other equipment reserve options for certificate of deposits but currently we do not recommend placing any other funds in CDs for a whole year in case they are needed. The future sewer improvements are the only funds we are comfortable to set aside for that period. The 4.98% and 5.10% APY on \$345,000. The interest received would be around \$17,500. Council discussed the certificate of deposit being kept at the bank in the safety deposit box. This CD will be in the name of the City of Clearwater. We moved about \$390k from the park shelters into a CD in February of 2023.

**Motion:** *Shore* moved; *Pike* seconded to Authorize the City Clerk to transfer \$345,000 into a Certificate of Deposit with Emprise Bank for a term of 12 months. Voted and passed unanimously.

**c. Inflatables in City Parks**

It was brought to our attention that there was an inflatable at city park this past weekend. The question that was asked was "is there a liability for the city to allow inflatables in the park?" The City attorney said there could be a potential liability to the City. She presented some options on implementing a policy or said the city could be more formal and adopt an ordinance. An ordinance is not necessary. Council discussed the potential liabilities and adding signs at the parks stating "no inflatable structures allowed" it was mentioned to include all City property, not just limited to the City Park. Council mentioned permits for inflatables on City property, but nothing was decided. Staff will update the website and reservation forms. The Fall Festival is able to bring the inflatables into the Park since they require the company of the inflatables to issue a certificate of insurance listing them as an additional insured.

**Motion:** *Walter* moved; *Palmer-Witt* seconded to develop the formal policy excluding the use of inflatable structures on any City property. Voted and passed unanimously.

**d. MOU – Diagonal Road**

In April of this year the City of Clearwater annexed the new Hammers Prairie Park and Nature Center. By doing this the city now has almost all of the north and south side of Diagonal Road as part of the city limits. Because of this, Sedgwick County would like the City to annex in Diagonal Road and assume full control and responsibility. This would include maintenance and policing. Sedgwick County recognizes that adding a road to our maintenance schedule would cause a financial impact this could have in short notice. The MOU presented would give the City full police powers, access control, and roadside maintenance responsibilities. The County will continue maintenance on the road until the final treatment which is scheduled around 2026. This will give the city adequate time to establish a maintenance plan for Diagonal Road. The city will need to establish a maintenance plan, like the other roads in the city, by 2026. On our sectioning map Diagonal Road will be in either Section 1 or Section 3. Diagonal Road is about ¾ mile long. Council discussed the annexation was not an option, but Sedgwick County is making the City annex it in. 4<sup>th</sup> Street is annexed in, but it is considered a connecting link with the county. The road is the only thing the City is annexing in, there is one house (Fahnestal) on the north side of Diagonal that has not been annexed in. The City does not have an estimate on any maintenance for this road as the rates change. Public Works does have a special mower for the steep ditches.

**Motion:** *Palmer-Witt* moved; *Shore* seconded to Authorize the mayor to enter into an agreement with Sedgwick County on Diagonal Road. Voted and passed unanimously.

**e. Designate a safety zone – Downtown Trick or Treat**

Downtown Trick or Treat will be held October 31, 2023 from 6 to 7:30. Because there will be many pedestrians in the downtown area and Chief Ives would like to designate Ross Ave between Tracy and Gorin as a Safety Zone (K.S.A 8-1460). The roads will be blocked between 5:30 and 7:30PM on October 31st for pedestrian traffic. The city clerk will mail out notices to the businesses on these 2 blocks that will be affected by the road closure on Thursday.

**Motion:** *Shore* moved; *Palmer-Witt* seconded to approve the Ross Ave safety zone from Tracy to Gorin for the Downtown Trick or Treat. Voted and passed unanimously.

**8. Governing Body**

Shore – the LKM conference was good, it covered cybersecurity, water, sewer municipal electricity and will have handouts for everyone.

Walter – Thanked the Mayor and Zollinger for the flowers for her mother’s passing. Walter asked if BowerComm would be presenting their progress with the marketing plan. Mayor stated that it is active and has been posted as well as sent out to all council members. BowerComm will be invited to give an update on the campaign.

Pike – Asked about the sign on K42. Zollinger has no development yet. She needs to contact the property owner. The sign was originally handled by the Chamber of Commerce. The Chamber bought the sign with the City sharing part of the cost. The property owner at the time that the sign was in place did not want to renew the lease, and the sign cannot be in any right of way. Walter said the Clearwater sign west of town is looking bad as well.

Palmer-Witt – When will the sign for Chisholm Ridge be taken down? Zollinger has it on her list to get done. The Welcome to Clearwater sign is maintained by the City and needs to be power washed and is overgrown. The Boy Scouts and Laura Papish used to maintain the sign. The Chisholm Ridge lots are not on the MLS yet, the Mayor just signed the paperwork for the real estate agreement this evening.

Robben – None.

Ussery – There will be a meeting at City Hall on Thursday from 1p-3p for the future of the Sports Complex. The School, Rec, AYSO, Mayor, City Administrator and Chad Pike will be there. This will be a working session for what the future use will look like and what they would like to see built and how these ideas will be funded. The public was not invited but are welcome. If more than 2 council members attend, then the meeting will need to be published. The Citizen year award candidate suggestions are needed. Mayor would like to have this presented at the 1<sup>st</sup> or 2<sup>nd</sup> meeting in November. Zollinger has documents as examples for the Citizen of the Year.

**9. Executive Session**

None.

**10. Adjournment**

**Motion:** *Shore* moved; *Robben* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:32 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 October 10<sup>th</sup>, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 24<sup>th</sup> day of October 2023.

  
Jaye Poe, City Clerk

