

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
November 8, 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; Justin Shore, Tex Titterington, Tim Robben and Crystal Walter. Chad Pike was absent.

The following staff members were present:

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

The following residents were present:

Shaun Weaver, Logan Mills, Steve McMillen, Terry Mcmillen, Brody May, Lindy May and Karl May. Bill Lampe with SCKEKK was also present.

3. Approval of Agenda

Mayor Ussery asked if there were any modifications to the agenda. Zollinger stated that Item 7d, Ordinance 1086, needed to be removed and Item 7f, Backstop Padding USD 264, needed to be added.

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

4. Public Forum

Karl May spoke on his concerns with the sign ordinance needing to be reviewed by council as well as the downtown trick or treat. He does not believe that the flyers are a form of communication for the businesses. May stated that Downtown trick or treat started because of May Chiropractic, the city staff informed them that the big inflatables they used to do could not be used anymore as it impeded public traffic. Brody May yielded his 5 minutes to speak to Karl May, Mayor allowed it. When Kent Brown was working for the City he allowed for May Chiropractic to put up a banner at 4th and Ross, since then the ordinance has changed to not allow for this. May handed letters to the council. The Mayor stated it needed to be part of public record as it was given during an open public meeting.

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

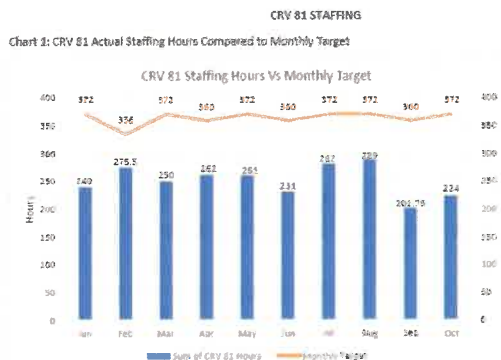
Approve Hire – Police Department, Josh Lebeda

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

6. Staff Reports:

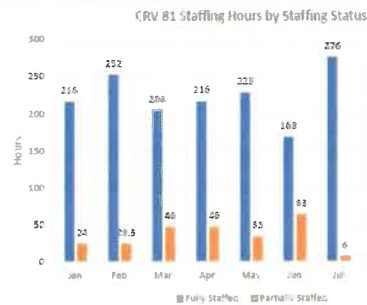
- Administration Office – Courtney Zollinger – The Council workshop will be held on November 29th from 6:30pm-8:30pm. Council discussed the CERT sign up being full, Zollinger stated that it is not full yet. The City does not track that however.
- Fire Department – Jared Dinwiddie – Council discussed there being an injured kid at one of the youth football games. It was shared that it took longer than 30 minutes for response. Mayor asked Chief Dinwiddie to look into this call to see exactly what happened. Fire is usually on standby for Varsity football games, but not any other kind. The mayor received information from Sedgwick County: Depending on how you look at it – tax per parcel for EMS averages out to \$23.78 – per person, it's \$10.24. This is based on 2021 tax year/2022 budget year data.

Total parcels in SGCO	225,585	Budgeted tax support for EMS	\$5,364,017
Parcel count	% of total	Tax / parcel	\$23.78
Ninnescah, incl. Clearwater	1965 0.871%	Ninnescah total	\$46,724
Clearwater	1325 0.587%	Clearwater total	\$31,506
Total SGCO population	523,828	Budgeted tax support for EMS	\$5,364,017
Population	% of total	Tax / Population	\$10.24
Ninnescah, incl. Clearwater	3320 0.634%	Ninnescah total	\$33,997
Clearwater	2552 0.487%	Clearwater total	\$26,133



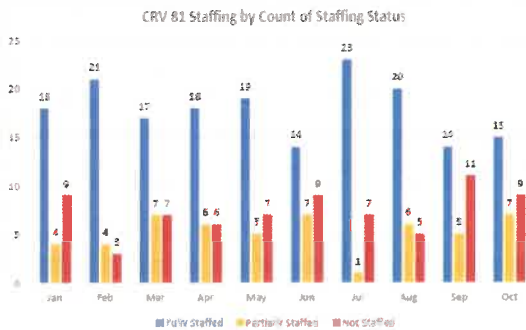
Explanation: In Aug 2022, SCEMS staffed CRV 81 for 289 hours which is slightly less than the target of 372 hours for that month.

Chart 2: CRV 81 Actual Hours Fully OR Partially Staffed



Explanation: In Aug 2022, CRV 81 was fully staffed (12 hrs a day) for 240 hours and partially staffed for 49 hours.

Chart 3: Number of Times CRV 81 Was Fully, Partially OR Not Staffed



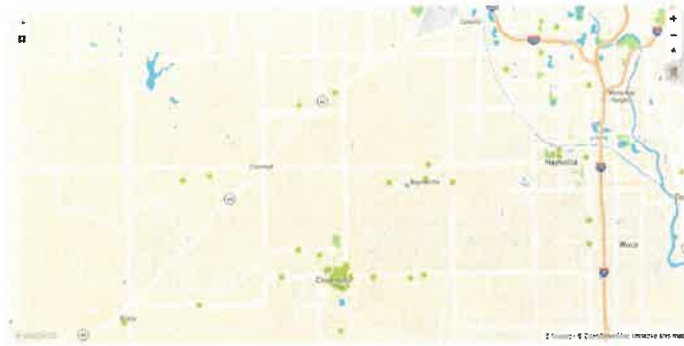
Explanation: CRV 81 was fully staffed (12 hrs a day) 20 times, partially staffed 6 times and not staffed 5 times in Aug 2022.

: 2022 Calls Taken by CRV 81

calls	CLEARWATER	DERRY	GODDARD	HAYSVILLE	SC. Unincorp	Viola	WICHITA	Grand Total
	4	4	2		5	1	2	18
	8						2	10
	1	7					1	9
	8				1			9
	1	8		1		2	1	14
	1	3				2		6
	1	18			3		1	25
		10			2		1	14
		5				1		10
Total	8	77	2	2	11	4	5	117

, 66% of the calls taken by CRV 81 were in Clearwater.

Map: Geographical Depiction of CRV 81 Calls in 2022



The green spot represents calls that were performed by CRV 81.

- Police Department – Kirk Ives – The new full-time hire is already certified. Thanks to the CRV, Fire and Police who assisted in an overdose of a minor. There is a problem with the flock camera out North, but it is scheduled to be fixed.
- Park – Cole Hollis – None.
- Public Works – Cole Hollis – Council thanked Public Works for taking care of the pothole by the railroad tracks.
- Senior Center – Amber Ives – A driver for the train for Christmas Celebration has been found. The Center has reached the goal of 125 new members. As of today there was 133. The front door at the Center is fixed. The silver tree will be happening again this year. This will be for anyone in the community over the age of 55.

7. **Business**

a. **Report – REAH Housing Survey Review**

The City of Clearwater engaged SCKEDD to assist in the identification of areas within the city limits that may be ideal for housing grants. Inspectors from SCKEDD’s internal team have created a housing survey; a great tool for targeting pockets within a city. The City of Clearwater is not low-to-moderate income. The findings of this survey may allow for a target area to be established and funding for home improvements, and potentially demolition of dilapidated homes to be possible.

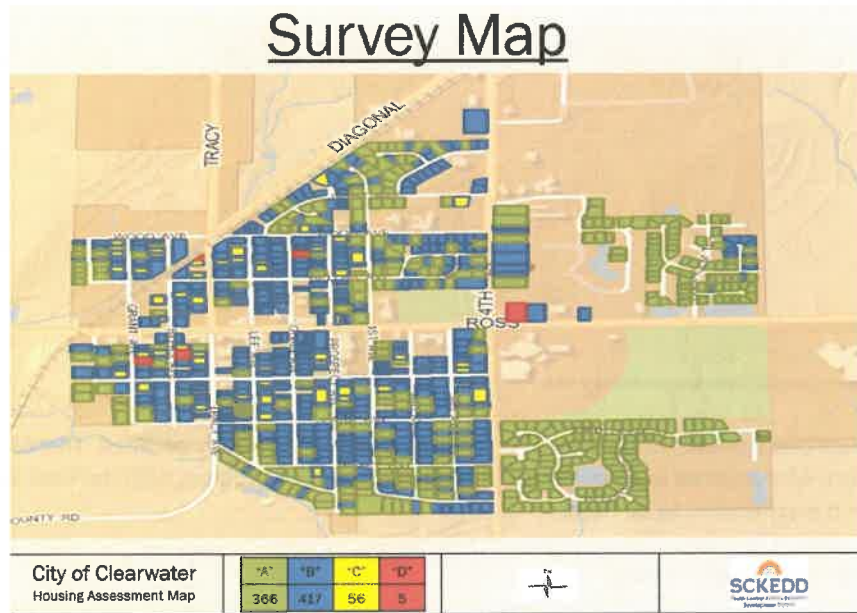
A color-coded map that will rank the housing stock in your community into one of four categories.

“A” Minor Rehabilitation Recommended- Under this recommendation in the eyes of the surveyor the property would require little or no work to bring the structure up to a minimum housing quality standard.

“B” Moderate Rehabilitation Recommended- Under this recommendation in the eyes of the surveyor the property would require a moderate amount of work done such as minor repairs to bring the property up to code and additional work to ensure the property meets a minimum housing quality standard.

“C” Substantial Rehabilitation Recommended- Under this recommendation in the eyes of the surveyor the property would require a substantial amount of work done to bring the property up to code and additional work, possibly structural, to ensure the property meets a minimum housing quality standard.

“D” Suggested Possible Demolition or Reconstruction- Under this recommendation in the eyes of the surveyor the property appears to require more work than the federal programs can provide and might not be able to reasonably be able to meet a minimum housing quality standard.



b. Approve Final Plat – Park Glen Estates 2nd

On October 4, 2022, meeting the Clearwater Planning Commission reviewed and approved the Final Plat for Park Glen Estates. Clearwater will require a letter of credit for 50% of estimated principal cost of the project. When at least 50% of the lots or parcels within the benefit district are owned by parties who are all unrelated to each other, the Developer may make written request for a 50% reduction of the face amount of any letter of credit or surety bond issued to secure payment of special assessments levied against such property. At 75% owned by unrelated parties the Developer may make written request for a 100% reduction of the face amount of any letter of credit or surety bond issued to secure payment of special assessments levied against such property. Proposed zoning changed from PUD to R-1 – There is no recorded Planned Unit Development design standards on file for this area. This land was identified as PUD during the re-zoning with ordinance 836. Prior to that it was labeled as undeveloped land. All setback requirements are met for Residential. All minimum design standards are met. The Planning Commission inquired about sidewalks in the addition and if Weaver intended on adding them. It was stated that neither Park Glen nor Park Glen Estates currently have sidewalks through the neighborhood. Park Glen has a walking path around their retention pond and Weaver intends to do the same in Park Glen Estates but there is no intension of putting sidewalks in through the 2nd addition since they don't exist elsewhere. The Planning Commission approved the plat as presented and had no recommendations. Currently the land is zoned PUD (Planned Unit Development). Upon research staff couldn't find the building requirements for the Planned Unit Development. After speaking with Shaun Weaver he didn't have them either so the city proposed changing the zoning classification to R-1 (single family residential). This will ensure when enforcing the zoning ordinance, we have the correct information for design specifications. Weaver agreed and the Planning Commission held a hearing on November 1, 2022, to change the zoning. It was recommended by them to move forward with the change. There must be at least a 14-day waiting period before the zone change can come before council for approval. The development will start with the West side first being built. There will be an HOA governed by a separate one then Park Glen. Sidewalks discussed but decided it is not necessary as the original development does not have them. Shaun Weaver asked to remove the required letter of credit as they did not have one for the 1st addition, the ordinance was put into place after the 1st addition was approved.

Motion: *Walter* moved; *Robben* seconded to approve the final plat for Park Gen Estates 2nd waiving the required letter of credit. Voted and passed unanimously.

c. Approve Final Plat – Wood Street Addition

On October 4, 2022, meeting the Clearwater Planning Commission reviewed and approved the Final Plat with the following recommended conditions suggested by the City Engineer:

<u>SITE SIZE:</u>	1.42 Acres
<u>NUMBER OF LOTS</u>	Residential: 3
<u>CURRENT ZONING:</u>	R-2 Two and Three Family Dwelling Districts
<u>PROPOSED ZONING:</u>	Planned Unit Development

Prior to the plat approval the Board of Zoning Appeals heard from Shaun Weaver request for variances for this property he wanted to plat. The Board of Zoning Appeals approved the following variances:

1. Reduction in rear setbacks for lots from 25' to 12.5'
2. Reduction in front setback from 25' to 20'
3. Reduction in minimum lot area from 5,000sqft to 4,000sqft.
4. Reduction in lot depth from 100' to 82.5'

This plat was too small to be considered for a Planned Unit Development so the variances needed to be approved prior to the plat approval. During the Plat discussion there were property owners to the east of this lot that spoke in opposition of the "Reserve A" portion of the plat because their private sewer is connected to the private sewer line of the apartments. Reserve A will be as a utility maintenance and a private drive for the lot. The concerned property owner conveyed that his personal sewer line will, if the driveway is constructed, be under concrete or asphalt and there will be a lot more traffic that will travel over it. He reported the line is buried 4' in the ground and Logan Mills, city engineer, stated the minimum lot depth is 30" so at 4' that is more than enough to keep a sewer line safe. Weaver assured Mr. Bird that if the line was damaged during construction, he would take full responsibility and repair the damage at no cost to Mr. Bird. Bird is still concerned who will pay for the repair if 20 years down the road the line needs to be dug up and now there is a drive over it. Will he be responsible for paying to replace the pavement? Mills stated that the discussion of who is responsible for the repairs is something the property owners need to discuss amongst themselves as the city has no ownership on service lines. City of Clearwater is only responsible for maintenance of main lines. We do not handle or maintain any service lines. This situation occurred in 1975 when the original property owner built the apartments, they paid to have them connected to the main sewer line. Then in 1976 he built the house at the corner of 1st and Wood and instead of paying for a new main sewer line connection, he piggy backed his service line to the apartments. The current owner was made aware of this when they bought the property. There haven't been any issues with this since the area his line is under has been an open lawn. The Planning Commission recommended to approve the final plat contingent upon an agreement between the homeowners on the private sewer line. The City Council can review the situation and determine if the City should approve the plat contingent upon a private agreement between the property owners or determine if the plat meets all the design standards for the City and approve the plat as submitted. Council discussed the agreement with the owners would be a civil matter and not anything the City would be involved with. Weaver has prepared a letter/contract for the current owner to have right of access for the sewer line.

Motion: *Shore* moved; *Titterington* seconded to approve the final plat for Wood Street Addition with no action taken upon an agreement between the homeowners on the private sewer line. Voted and passed unanimously.

d. Annexation Ordinance 1086

Item removed.

e. Award Bid for AFG Grant Purchases

Chief Dinwiddie applied for the Assistance to Firefighters Grant Program for loose equipment, tools, and hose that will go on the new engine that is on order. The grant award was for \$41,726.51 where Clearwater FD would pay for 5% or greater (minimum \$2,086.33) of the total cost of the project/equipment. Per the Clearwater Purchasing policy purchases over \$10,000 need to go through the formal bid process. Chief Dinwiddie sent the bid packet for loose equipment/ tools only out to two companies that offer the equipment needed to outfit the engine, Casco Industries and Conrad Fire. He will send out another packet for hoses at a later date.

Casco Industries	\$35,787.40
Conrad Fire Equipment	\$35,618.69

Both companies replied in the allotted bid time frame however Conrad did not send the complete documentation for the bid. Chief Dinwiddie would like to use Casco Industries for the loose equipment and tools. He has had complications with communication when dealing with Conrad Fire for other small projects. He will also be using Casco for hoses since Casco hoses have been tested and approved by the department. The remainder of the grant money will go towards hoses. Clearwater will be responsible for a minimum \$2,086.33 that will come out of equipment reserve. Chief Dinwiddie continues to apply for grants to help equip the fire department with needed equipment.

Motion: *Titterington* moved; *Walter* seconded to award the bid to Casco Industries for loose equipment and tools. Voted and passed unanimously.

8. Governing Body

Walter – None.

Shore – None.

Titterington – The incident at the football game was held on October, 29th around 5 pm.

Robben – Thanked the Mayor for getting the information on the CRV.

Ussery – Hammers Prairie Park and Nature Center Foundation needs one more board member. The farmer has released the land and will be seeding it for the park.

9. Executive Session

Motion: *Shore* moved; *Robben* seconded to recess into executive session for consultation with an attorney on matters that would be deemed privileged in attorney-client relationship, to include governing body, Counsel, and the City Administrator. We will reconvene the open meeting in the City Council Chamber at 8:32p.m.

No action taken.

The Mayor expressed his undoubted respect for support and duties that the City Administrator and the Chief of Police show and do on a day to day basis.

10. Adjournment

Motion: *Walter* moved; *Shore* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:35 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 November 8th, 2022, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 22nd day of November 2022.



Jaye Poe, City Clerk

