

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
April 13, 2021  
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; Chris Griffin, Shirley Palmer-Witt, Chad Pike, Crystal Walter and Justin Shore were present.

The following staff members were present:

Ron Marsh, City Administrator, Courtney Zollinger, City Clerk, Cole Hollis, Justin Patrick, Kirk Ives, Jared Dinwiddie, Chadd Posch.

**3. Approval of the Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated item 5c needed to be moved to a discussion item City Park Shelter Project moved from 7e to 7d. Mayor Ussery called for a motion to approve the agenda as modified.

**Motion: *Shore*** moved, ***Walter*** seconded to accept the agenda as modified. Voted and passed unanimously.

**4. Public Forum**

None

**5. Approve 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: *Palmer-Witt*** moved, ***Pike*** seconded to approve the consent agenda as presented. Voted and passed unanimously.

**6. Staff Reports**

a. Clerks Office – Courtney Zollinger – Council had no other questions.

b. Fire Department –Jared Dinwiddie –Council had no questions.

c. Police Department – Kirk Ives –Council had no other questions.

d. Park – Chadd Posch – Council had no other questions.

e. Public Works – Cole Hollis – Council asked what the age of the generator was that is being worked on. Hollis says it has been in service since before he has been full time with the City. Council has no other questions.

## 7. Business

### **5c. Local Vaccination Location Agreement**

Sedgwick County Health Department (SCHD) approached the City to see if the Senior Center could be used as a Local Vaccination Location (LVL) to provide COVID-19 vaccination to the community and geographic area.

The agreement will be between 4/1/2021 and 12/31/2021 unless extended with mutual consent.

SCHD will be responsible for the staff, transport, scheduling, equipment, and cleanup of the vaccinations.

The Senior Center (LVL) is responsible for getting permission from City Council to authorize the activity, advertise, coordinate traffic control the day of, and open and close the building.

The insurance the City carries is within the requirements of SCHD and the County is self-insured and has the ability to cover any potential liabilities.

There is no financial cost to the City for the Senior Center to become a Local Vaccination Location.

**Motion:** *Shore* moved, *Walter* seconded to approve Local Vaccination Location Agreement. Voted and passed unanimously.

#### **a. Final Plat Approval – Plains Cotton Addition (Business Park)**

Marsh stated after purchasing approximately 104 acres of the Business Park, Plains Cotton Cooperative Association (PCCA) needs a new final plat of the property.

The replat was conducted by Garber Surveying and the Governing Body approved a new final plat at the June 9th, 2020 Council meeting. However, the County discovered a missing signature, and the plat was sent back to Garber for revision. This also allowed some additional revisions for easement and drainage in the southwest section of the plat. Dan Graber from Graber Surveying was present to answer any questions.

At the April 6, 2021 meeting, the Planning Commission voted unanimously recommending approval of the final plat.

PCCA has born the cost of the replat process.

Council inquired what the revision was. Marsh informed them that a signature block for MLJ Investments LLC and to identify an easement on the southwest corner of the property. He clarified that there were no technical changes.

**Motion:** *Walter* moved, *Pike* seconded to approve the final plat for Plains Cotton Cooperative. Voted and passed unanimously.

#### **b. City Engineer Agreement**

The City of Clearwater has not had an agreement for a City Engineer for several years. We use Certified Engineering Design (CED) exclusively for all our infrastructure engineering work and over the years have built a solid relationship with CED.

I would like to formalize an agreement with CED to be the City Engineer for the City of Clearwater. They have extensive experience working with municipalities and other governments.

Section S-10 (c) of the City's purchasing policy states:

(c) In either case, the Administrator is responsible for contacting a minimum of three firms to discuss the project unless there are no known competitors to provide services. The exception to this would be when a professional has already been selected to assist the City for a previous project and the City wishes to use the same professional for another project or study. In that case, the City Administrator may negotiate directly with the chosen professional firm.

CED is extremely familiar with Clearwater, our personnel, and capabilities. Their knowledge of our infrastructure makes them a valuable resource. Both myself and the Public Works Director have been very satisfied with the work CED has produced for the City. The relationship we have built with CED over the years is invaluable and this agreement will help ensure a mutually beneficial partnership for both parties.

Financial: The 2021 budget has \$8000.00 budgeted for City Engineer services. The enclosed agreement is for \$650.00 per month which comes to \$7800.00 annually.

Council discussed and asked staff to consult with the City Attorney and CED to clarify what precedence the city would have over a contractor who wanted to hire CED to do work in the City of Clearwater.

This discussion was tabled.

c. **Charter Ordinance Street Repair**

The City of Clearwater has applied for the Kansas Department of Transportation Cost Sharing Grant to fund street repairs. The grant is a matching grant meaning the City would have to agree to match a percentage of the amount awarded. We applied for \$2M grant at an 80/20 match, a \$400K contribution from the City. The \$400K would have to come from general obligation bonds.

K.S.A. 15-731 authorizes cities of the third class to issue G.O. bonds for streets repairs by election. Using our constitutional home rule authority, the Governing Body can pass a Charter Ordinance exempting the City from the provisions of K.S.A. 15-731.

Approval of the Charter Ordinance will allow the City to move forward seeking funds for street repairs and maintenance.

If the street project is funded the financial impact will be the G.O. bonds in the amount of \$400K plus Bond Council fees.

Gilmore & Bell, the City's Bond Council has prepared the Charter Ordinance as well as all other documents necessary.

Council discussed and needed clarification on if this ordinance was specific for the project the City has recently applied for a grant for or if this was for any street project that may need to be bonded.

Larry Kleeman with Ranson Financial clarified that this Charter Ordinance would be able to be used in any event the City would need to bond street improvements.

**Motion: *Palmer-Witt* moved, *Shore* seconded to adopt Charter Ordinance 21. Voted and passed 4-1 (Griffin, no).**

d. **City Park Shelter Project**

The Park Advisory Board has been working with Professional Engineering Consultants to design new park shelters for the City Park.

- Each shelter will have motion sensor lighting so anyone driving by will be able to notice if there are people in the shelters after dark.
- Each shelter will also include 4 receptacles located in each corner.
- There will be one pole light added. The engineer felt this was all that was necessary since there are already existing lighting at the park. The added light will be at the East end of the shelters, near the new electrical room.

The engineer's estimates are as follows.

High	\$374,604
Mid	\$340,549
Low	\$306,494

The City Council has set aside \$105,000 in equipment reserve by recommendation from the Park Advisory Board, for the Park Shelter project. When the project started, it was also recommended to use funds from the sale of the business park (\$253,000) to go towards the project. Those combined funds are the \$358,000 budget the Park Advisory Board was working with.

With other projects the Governing Body is reviewing, it is possible that bonding a portion of the project would be more sustainable. That way, the \$253,000 cash from the sale of the business park could be used for another project.

Recommendations/Actions: Staff would recommend using the \$105,000 in equipment reserve and taking out a General Obligation Temporary Note for up to 18 months to cover the remaining cost of the park shelter project. After 18 months the project would go to final financing and payment on the project would start at the end of 2023.

The design includes 3 new 20' x 40' Timber structures from Clydesdale Frames Co. located in Hutchinson, KS. The roofs will be constructed of synthetic shake shingles.

Council discussed the funding possibilities and wondered if taking a temporary note was the best choice since they city would have to pay interest on the note. Larry Kleeman, Ranson Financial, stated he recently went through a temp note process and the interest rate for that loan was 0.4%.

Council discussed and approved the design for the shelters but tabled the decision to move forward with the funding. They would like staff to come back with ideas on how the cash from before they decide on borrowing for a temporary note.

e. **Park Glen Estates Incentive Program**

Mayor Ussery presented guidelines for the Park Glen Estates Incentive Program. As currently written, this program would be exclusive to Park Glen Estates.

Over a 2 ½ year period, the financial impact would be:

- \$15,000 for Homebuyer Payout
- \$9750.00 for 50% abatement for water & sewer hookups
- \$27,000 (estimate) for 3-year 50% property tax rebate
- \$31,737.45 for water, sewer & drainage specials in Phase 1.

These number are based on 10 homes being built. The impact of waiver the water, sewer & drainage specials for Phase 2 would not occur until 2025.

Mayor Ussery stated by his calculation the return on investment would be approximately 4 ½ years.

Council reviewed the program and agreed this was a fair agreement.

**Motion: Palmer-Witt** moved, **Walter** seconded to adopt Resolution 3-2021. Voted and passed unanimously.

#### 8. **Administrators Report**

- Work continues on Yvonne Drive. Kansas Paving expects to be finishing in the next couple of weeks.
- Foster Design Associates presented proposed project schedule at the April 6th Planning Commission meeting. They allow a one-year timeframe to produce and adopt the Comprehensive Plan. Actual production of the plan can be completed in 8-9 months, but the schedule is extended to allow for public meeting, working around the holidays, required public hearing notice and to make sure the 2020 Census data is available.
- Clearwater's application for the KDOT Cost Share grant was submitted last Friday. The total requested amount was just over \$1M, with an 80/20 match.
- The baseball scoreboard is working. Chadd Posch did a great job working with the sign company and manufacturer to get it up and running.
- The bridge replacement on 103rd between 119th and Maize Rd. is still scheduled to start April 26th. Message boards notifying drivers of the upcoming closure should be out next week.
- We were notified today that the Kansas Department of Commerce will be issuing round 3 of Community Development Block Grants – Corona Virus (CDBG-CV). As you might recall we applied last summer for round 2 and were not successful. I have already been in contact with SCKEDD and the City will be submitting an application. Because of the need for a public hearing to apply for this grant and the notice requirement, there may be a need for a special meeting to conduct the public hearing.

#### 9. **Governing Body Comments**

Griffin asked if the County was planning on using the Johnson & Johnson vaccine since it was recalled. Marsh stated that the county will most likely be using other options since that one was recalled.

Palmer-Witt asked if the Skate Park could be considered for improvements.

Shore had nothing to report.

Walter had nothing to report.

Pike had nothing to report.

Ussery had nothing to report.

#### 10. **Executive Session: K.S.A. 75-4319(b) For the preliminary discussion of the acquisition of real property**

**MOTION: Shore** moved; **Pike** seconded to recess into executive session to discuss the acquisition of real estate to include the City Attorney and City Administrator. The open meeting will reconvene in the City Council Chamber at 8:30 p.m. Voted and passed unanimously.

Mayor Ussery called the meeting back to order at 8:30 p.m. and stated there was no action taken in executive session.

**MOTION:** *Shore* moved; *Walter* seconded to approve the amendment to the Memorandum of Understanding between the City and Cemetery on the property acquisition deal. Voted and passed unanimously.

**11. Adjournment**

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

**MOTION:** *Shore* moved; *Pike* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:33PM

**CERTIFICATE**

State of Kansas        }  
County of Sedgwick   }  
City of Clearwater    }

I, Courtney Zollinger, 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 April 13, 2021 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 27th day of April 2021.

\_\_\_\_\_  
Courtney Zollinger, City Clerk