

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
February 14, 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, Crystal Walter, 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, Chadd Posch  
Jared Dinwiddie, Kirk Ives and the City Attorney.

The following residents were present:

Lindy May, Karl May, Logan Mills

**3. Approval of Agenda**

Mayor Ussery asked if there were any modifications to the agenda. Mayor Ussery asked to pull from the consent agenda Item E, KDWP Maintenance Assurance Statement off and put on the business with Item 7j.

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

**4. Public Forum**

Lindy May spoke regarding City code for sign placements as well as invoices sent to the City. Dr. Karl May presented a letter of resolution to the City attorney.

**5. Consent Agenda**

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve. KDWP Maintenance Assurance Statement was pulled off and put on the Business section.

Minutes

Claims and Warrants

Approve Hire – Police Officer, Scott Hollingsworth and Lee Harp

Mayoral Appointment – Volunteer Fire, Richard Grizzle

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

**6. Staff Reports:**

- Administration Office – Courtney Zollinger – Zollinger added they had a meeting with Emergency Management for the improvements of the sirens. The old sirens will be replaced with 2 new sirens that will have a lower tone and span wider. They have offered to come to the Fall Festival to educate the residents of the new sirens and the Civic Ready plan. Council asked if the Railroad notified the City of what was being transported through the town, Zollinger stated they did not and would try and reach out to Sedgwick county to get an answer.

- Fire Department –Jared Dinwiddie – Sedgwick County EMS will be working on getting a locksmith out for the keypad so they can have access to the Emergency Services building. This will not have an affect on the Clearwater volunteer staff getting in and out of the building.
- Police Department – Kirk Ives – The Police Department is now at full staff with the Hire of the new officer and Lee Harp coming on as part time.
- Park – Chadd Posch – Chadd is waiting on the quote for the concrete on diamond #3, they went to bid last week. The ponds seem to collect more trash when it is windy, trash days and when baseball is in session.
- Public Works – Cole Hollis – This is the second relocation for 103<sup>rd</sup> this year. The locks for the brush dump were changed due to not having the same keys for multiple locks.
- Senior Center – Amber Ives – The Super Bowl party turned out fantastic. Council acknowledged the rise in attendees, Ives stated there is a warm and happy environment that people want to be a part of. People are inviting their friends to attend events at The Center.

## 7. Business

### a. Update: BowerComm Marketing Plan

April 2022 council approved to hire BowerComm to develop a marketing plan “Journey to Yes” for the City of Clearwater. The Council opted to go with the consulting version where the BowerComm’s team would do the bulk of the work. This included creative concepts and basic materials such as a relocation guide graphics templates, 3 videos, and 3 months of digital/social media advertising. The approved budget for this was \$30,000 – \$35,000. Jo Hoffman and Lori Bower with BowerComm were present for the update. Getting people to move to Clearwater is to make the community irresistible for people considering moving from Wichita and a message the residents can rally behind. After interviewing multiple residents, the main takeaway was that Clearwater is a “21<sup>st</sup> Century Mayberry”. The schools, neighbors and safe environment helps to promote Clearwater. The catch phrase for Clearwater will be Build Your Dream Life. This spring/summer, we want to generate 250 qualified leads (stretch goal) of people who are interested in moving to Clearwater. In order to reach this goal, we need: 200,000 digital ad impressions (minimum) and 10,000 landing page views. Council discussed reaching out to residents to see if they would be interested in submitting pictures and or testimonials.

### b. Update: Bridge B500 Water Relocation

Clearwater was notified in 2022 that Sedgwick County will be working on the bridge just east of the High School in June 2023. The city currently has a water line that will need to be relocated in for them to complete their project. We did this same project further east on 103<sup>rd</sup> in 2022 and the project cost was around \$40,000. During the bid process for Indian Ridge the City added in an Add Alternate for the Water Relocation for the Sedgwick County Bridge Project B500. The bid came in at \$74,914 and there are engineering fees that are \$6,170 for a project cost of \$81,084. The project will move the water line further south to go around the bridge. This is not an optional project as the water line that runs along 103<sup>rd</sup> is our main line that comes from the wells. The increase in cost is due to inflation and the workload being heavy with not enough employees.

### c. Indian Ridge Petitions

Item removed.

### d. Notice of Award for Water/Drainage/Paving and water relocate – Indian Ridge

Item removed.

### e. Park Shelter Bond Repayment

The city received a temporary general obligation bond in the amount of \$390,000 to build the new park shelters. The temporary note will become due 10/1/2024 for the full amount. There are two options to pay the bond.

1. The city can take out a General Obligation Bond and pay the debt with property taxes (mill levy) over a set amount of year with interest.
2. When the temporary note comes due, pay cash.

Currently interest rates are running from 3.75% to 4%. On a 10-year General Obligation Bond with 4% annual interest the city will pay approximately \$160,000 in interest on the loan, making the total debt paid \$550,000.

Cash payment options are to as follows with current funds:

\$390,000.00	Beginning Bond Balance	
(\$15,359.84)	Equipment Reserve Special Parks	Designated for "Park Improvement" and interest gained in Fund
(\$102,821.21)	Equipment Reserve Admin	Remaining money from sale of business park and interest gained in Fund
(\$229.71)	Equipment Reserve Park	Interest gained in Fund
(\$7,000.00)	Remaining in the Bond	
(\$50,000.00)	YE 2022 Admin Transfer	Under 2022 Budget
(\$30,000.00)	YE 2022 Parks Transfer	Under 2022 Budget
(184,589.24)	YE 2022 Carryover Transfer	Under 2022 Budget
<b>\$0.00</b>	<b>Remaining Balance</b>	

**Motion:** *Shore* moved; *Pike* seconded to Designate the money in the different equipment reserve funds for the park shelter bond repayment. YE Transfer will be designated on another agenda item. Voted and passed unanimously.

f. **2022 Year End Budget Transfer**

City Auditor suggested the Governing Body consider transferring funds that finished the year under budgeted expenditures to the equipment reserve to help offset future purchases that otherwise may have an impact on future mil levies. After wrapping up the 2022 budget year some departments were under their budgeted expenditures, and staff is suggesting the following transfer schedule to the Equipment Reserve Fund:

Department	Left in 2022 Budgeted Exp.	Suggested Reserve Use	Reason under Budget
Admin	\$58,000	Discretionary (\$8,000)/ Park Shelter	Personnel/ Economic Development
Sr Center	\$3,900	Appliances	Personnel
PD	\$74,000	Vehicles/ Cameras	Personnel
Court	\$9,800	Discretionary Admin/PD	Personnel
PW	\$38,000	Discretionary	Personnel
Fire	\$16,000	Fire Truck	Lease Purchase
Park	\$35,000	Discretionary (\$5,000)/ Park Shelter	Personnel
Pool	\$3,000	Pool Vacuum	Contract Labor/ Equipment Repair
Reserve	\$186,000	Park Shelter	Franchise Tax/ County Sales Tax
Water	\$36,000	Waterline Relocate	Personnel/ Meters
Sewer	\$43,000	Sewer Improvement	Personnel/Reline Manholes

All the funds would be transferred into the respective equipment reserve fund for future use.

This has no impact on the mil levy.

**Motion:** *Walter* moved; *Titterington* seconded to approve the transfer schedule. Voted and passed unanimously.

**g. 4-Way Message Board**

The sign at the 4-way stop has had power issues since October 2022. The city asked George Lay Signs (now Yesco Signs) to come out and assess the issue. They stated the sign wasn't getting power so there was some sort of issue with the electrical coming into the panel. Garry Welch, Director of Operations USD 264, has concluded there is a short in the line which means they will need to run a completely new line to the sign. Davis Electric gave them 3 options:

1. Trench a new line with no conduit from the sign to the light pole - \$1,870.
2. Run a PVC conduit from the sign to the light pole and pull a new line - \$2,180.
3. Trench PVC conduit from sign to the building, pull new line - \$7,835.

The agreement that was made in 2004 between the Clearwater PRIDE group, USD 264, and the City of Clearwater was responsible for the maintenance and phone line to the sign while the school was to be responsible for the electrical and insurance. If the electrical is repaired, it is not guaranteed that the sign will still work just due to its age. Since 2018 the city spent \$2,629 repairing the sign. There is money set aside in equipment repair for a digital sign. The current balance is \$30,400. In 2020 the price for a new digital sign was approximately \$ \$70,000 without electrical. Council discussed getting with the school to see what their thoughts are about getting a new sign and possibly cost sharing with the City.

**h. Hammers Prairie Park and Nature Center Fence**

As part of the agreement the City of Clearwater entered into with Hammers LLC the city is to install a fence across the north property line. Several fence quotes were obtained to install a split rail fence. There is funds available in Administration Equipment Reserve to cover the cost of the fence either from Building Repairs or Discretionary. The fence is 1297' long.

Wichita Fence Company	\$10,816
American Quality Construction	\$13,000
Justin Empire Fences	\$14,267
American Fence Company	\$15,795

**Motion:** *Shore* moved; *Robben* seconded to Accept the proposal from Wichita Fence Company and approve Equipment Reserve Funds to be used. Voted and passed unanimously.

**i. Hammers Prairie Park and Nature Center News Release**

The City of Clearwater announces a very generous donation of 29 acres of property from Bill & Beverly Hammers and family. The property, located east of the Clearwater Cemetery, will be designated as a City Park. The park will be named the Hammers Prairie Park & Nature Center. (HPP&NC). Bill Hammers commented, "This land was acquired by our family in 1907 and has been farmed for the past 116 years. We are pleased to give back to the community in a way that remembers the past while looking to the future. The park will be a good addition to the City of Clearwater, a place that can be enjoyed by all." It is the vision of the Hammers family that the Hammers Prairie Park & Nature Center be returned to native vegetation to provide natural habitat and ecological benefits for the wildlife residents and to create a beautiful area for visitors to enjoy. The public will be invited to access the park through established hiking trails that provide for the study and enjoyment of nature. The return to natural prairie has begun with the park being planted with the first round of native grasses in December 2022. The city plans to create the design, build the pedestrian hiking trails, and open the park for public use in late 2023

or early 2024. To aid in the long-term success of the park, the Hammers Prairie Park & Nature Center Foundation has been created. This foundation is a non-profit organization dedicated to support the City of Clearwater with maintenance of the park and to create and support public educational opportunities. Donations to the foundation are recognized by the IRS as tax deductible under section 501(C)(3). The City of Clearwater and the HPP&NC Foundation will install a granite stone memorial in a prominent place in the park to honor Robert J. Hammers. Robert was a Police Officer for the City of Clearwater who was killed while in the line of duty on March 14, 1934. The Foundation is seeking donations to support the initial and ongoing development of the park and facilities. 100% of all proceeds will be dedicated to the park, including the Robert J. Hammers memorial stone. Financial donations may be submitted to the HPP&NC Foundation. Donations should be made payable to HPP&NC and may be:

- Dropped off at or mailed to Clearwater City Hall, 129 E. Ross, Clearwater, KS 67026
- Mailed to HPP&NC, 14111 West 95th Street South, Clearwater, KS 67026.

On behalf of the City of Clearwater, we are very grateful to the Hammers family for this wonderful donation and are excited to see this park become a city and regional visitation destination. Additional information about the new park is found at: <https://www.clearwaterks.org/Facilities/Facility/Details/Hammers-Prairie-Park-and-Nature-Center-30>.

**Motion:** *Walter* moved; *Robben* seconded to approve the Hammers Prairie and Nature Park News Release. Voted and passed unanimously.

**Added from Consent Agenda KDWP Maintenance Assurance Statement**

The City entered into agreement with Kansas Department of Wildlife in 1994 to receive financial assistance. With this agreement the City cannot allow certain changes to be made without approval from KDWP. The park is to be open to the public during reasonable hours of the day and times of the year per the agreement.

**Motion:** *Titterington* moved; *Walter* seconded to Authorize the mayor to sign the 2023 Annual Operation and Maintenance Assurance Statement. Voted and passed unanimously.

**j. USD264 Field Usage Agreement**

USD264 will need use of the sports complex for their upcoming ball season. Each year the city renews the contract with them. After discussion with the school last year we have had a verbal agreement on field maintenance but it wasn't outlined in the agreement. This year those were added for transparency. Occupant shall be responsible for installing any temporary structures, including fence, that is needed for their play. Occupant is responsible for mowing ballfields inside the fence. No chemicals are to be used on the ball fields at any time without prior approval of the City. At the end of the season all banners/ placards, equipment, practice equipment, and any other property owned by USD 264 is to be removed from each field. L-screens may be kept in the dugouts for people to use but shall be placed back in dugouts after each use. If L-screens continue to be left out to hinder maintenance and mowing schedules the school will be asked to remove them from the ball fields. Council discussed the chemical usage and L-screens additions to the agreement. The L-screens are left out for anyone to use, and it is the school responsibility to make sure they are placed in the dug-out or storage before Parks preforms their maintenance. Per City Code special purpose vehicles/golf carts are not allowed to be driven on the City parks.

**Motion:** *Titterington* moved; *Walter* seconded to Authorize the mayor to sign the agreement between the city and USD 264. Voted and passed unanimously.

**k. Victory Pyrotechnics Agreement**

At the last council meeting it was passed to hire Victory Pyrotechnics for the 4<sup>th</sup> of July show. The motion was to hire Victory for \$10,000 for a 15-minute show. The actual quote for the 15-minute

show with all the details is \$10,095.80. The City Attorney also wanted to make changes to the contract prior to entering into an agreement with Victory. Cody and Jennifer worked out the details and came to an agreement with a modified contract. The changes are as follows:

- (1) City specifically a named insured on victory's insurance policy
- (2) Removal of language that limited Victory's liability and damages to city if they are negligence.

(3) Removal of attorney fee provision if victory sues city they will not get their attorney fees  
The approved expenditure was \$10,000 from the January 24<sup>th</sup> meeting but the actual quote is for \$10,095.80 for the 15 minutes show from Victory Pyrotechnics.

**Motion:** *Robben* moved; *Pike* seconded to Approve the firework show from Victory Pyrotechnics for \$10,095.80 and authorize the mayor to sign the agreement. Voted and passed unanimously.

**i. Authorization to Pay Off 2020 PD Durango**

In 2020 the City of Clearwater entered into an agreement with Emprise Bank to borrow \$46,940.40 to purchase a Dodge Durango for the Police Department with an interest rate of 3.16%. The note is scheduled to be paid off March 2025. The current Balance of the loan is \$20,340.10 and the estimated pay off amount is \$18,872.88. With the 2022 Year End Transfer PD will have over \$100,000 in equipment reserve for vehicles. There is no penalty for paying the load off early. Police Department is scheduled to purchase a vehicle in 2024. With this payment there will be enough money set aside to purchase that vehicle. The City can save around \$1400 in interest if paid off early.

**Motion:** *Titterington* moved; *Walter* seconded to Authorize staff to pay in full the Emprise Loan 13181130. Voted and passed unanimously.

**m. Forever Lawns**

Last year the Park Advisory Boar presented fall protection plan that spanned 5 years to replace the existing fall protection. Their proposal was for playground grass that was customizable and had a safety foam under it. The entire project over five years was estimated to be \$195,000. Through the budget process, the council decided to complete the project in one year instead of piecemealing it together. City council approved the project budget of \$195,000. Chadd Posch worked with Forever Lawns to identify the actual needs of fall protection and high traffic areas to ensure that all areas and equipment were considered. They made sure to account for the newest feature that will be installed "Mikesell Home Tree" that is due sometime mid-March as well. There will be two "Funserts" added to the playground as well. A "Bullseye" will be added to Zone 4 under the playground and a "Snake" will be added to Zone 2 next to the balance beam. Price of the whole project with installation is \$188,727.93. The Special Parks Fund has budgeted \$195,000 for the project. There is a 15-year warranty for the use of the design, the design did factor in the high traffic areas. Parks and Public Works will take out the existing mulch before Forever Lawns comes to install the Fall protection, this will save about \$45,000. The Park Advisory Board will be picking the colors and hope to have it open before summer starts. The park will have to be closed while the installation is taking place.

**Motion:** *Shore* moved; *Walter* seconded to Accept the quote for Forever Lawn Installation. Voted and passed unanimously.

**8. Governing Body**

Walter – None

Shore – Attended the Local Government day in Topeka, there are bills that will be changing that will be

shared.  
Pike – None  
Titterington – None  
Robben - None  
Ussery – None

9. **Executive Session**

**Motion** to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters, to include the Governing Body, City Administrator, Chief of Police and City Attorney. The City Council will reconvene the open meeting in the City Council Chamber at 8:30 p.m.

There was no action taken.

10. **Workshop**

**Road Maintenance Discussion:**

Through the 2020 road study, several roads were identified as poor, fair, or good. CED was asked by staff to review the roads that were in “fair” and “poor” condition and identify the needs of that road to make it in “good” standing. Logan Mills with CED went back through the city roads to identify the needs as they are today. All other roads are in good condition and will require minor crack fill and sealants to extend the life of the roads. These projects will be paid for through the annual gas tax and budgeted line items in public works. Cole is working on sections 1 and 2 for this purpose. Section 3 will receive small crack fill by public works this year in preparation for large crack fill and sealants next year. The estimated cost to rehab all the roads identified is around \$5 million. The City is looking into Grants, City Sales Tax and Bonds for this project. The possible grant opportunities are through KDOT, USDA, and Rural Resurfacing. We are working with Ranson Financial to help us with this. The one they feel most confident about is KDOT which is as much as an 80/20 grant. 80% paid by KDOT. A 20% cost of the \$5 million project would be \$1 million to the city. The city can implement up to a 2% sales tax with no sunset for use of “general purpose”. A sales tax would require a special election to the citizens. This would also come with a cost from Sedgwick County of up to \$4,215.40. It would be ideal for the city to start the design survey and engineering process. This is the next step in the process without going to bid for the project to get us a “shovel ready plan” as well as help with grant opportunities. The survey would cost around \$106,000 and the engineering is 10% of the estimated cost which would be about \$352,000. By moving forward and hiring CED to give us a shovel ready plan this does not mean we must follow through the whole project. This will give us the design to do any portion of the project if council chooses. Council discussed all 3 options and were concerned with the sales tax. Mayor Ussery and City Administrator stated that this is a plan that will need to happen and the city decides to not go for a sales tax it will in turn raise the mill levy for property owners substantially.

11. **Adjournment**

**Motion:** *Shore* moved; *Robben* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 9:25 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 February 14<sup>th</sup>, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 28<sup>th</sup> day of February 2023.

*Jaye Poe*  
Jaye Poe, City Clerk

