

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
March 14, 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, Tex Titterington, and Tim Robben. Crystal Walter was absent.

The following staff members were present:

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

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 presented. 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

Approve Hire

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

6. Staff Reports:

- Administration Office – Courtney Zollinger – Added the Railroad does not report cargo being transported to local communities. It is regulated by the Federal government. The letters of credit for Brian Legaly were filed today at Emprise and should be turned in soon.
- Fire Department – Jared Dinwiddie – Council discussed when the City will be getting the new Fire Truck. In June, the preapproval drawings will be submitted, and in August there will be a precon visit in Wisconsin. The truck itself will not be ready until the end of the year or beginning of 2024.
- Police Department – Kirk Ives – None.
- Park – Chadd Posch – Council discussed the water fountain repair at the library and the covid regulations being lifted. Staff has not received any input from the school regarding the ball fields since practice started. Councilmen Pike stated the coaches are repairing as much as they can and suggest major work needing done after the season.

- Public Works – Cole Hollis – Council discussed the road maintenance on 133rd. Public Works is grading it as often as township does their roads. The removal of the RC airplane shade was due to the age and being unsafe.
- Senior Center – Courtney Zollinger – Amber Ives was not present but wanted Courtney to add that there were 50 attendees at the lunch and learn today.

7. Business

a. Sales Tax Election Resolution

At the February 28, 2023, council meeting council voted to move forward with a special question election to put to vote enacting a city-wide sales tax for 1% to aid in funding road projects for the City of Clearwater. There are major repairs that currently is estimated to be \$5,000,000 which would be \$300,000 additional payment per year. Through discussion the council is planning to put to vote to the citizens of Clearwater whether to enact a 1% sales tax to pay for the road improvements year over year. The benefit of implementing a sales tax would be the burden for paying for the roads can be spread to more people than just the residents that live in the city limits. Council agreed to hire Bowercomm to help educate the residents. If the vote passes and the sales tax is implemented, council will then adopt an ordinance and it must be published in the paper, the notification is then sent to the Department of Revenue. It will take one full quarter for the Department of Revenue to enact the sales tax and then Clearwater would start seeing the payout about 90 days in arrears. This means if the election happens by the end of August 2023 and the vote passes, council would adopt an ordinance on September 12, 2023 and have it submitted to the State prior to October 1, 2023 the sales tax would start January 1, 2024. If the vote takes place on November 7, 2023 (general election), submit it the State by December 31, 2023, the soonest the State would enact the sales tax would be April 1, 2024. Council discussed the importance of getting education out to the residents for this vote. The marketing material will be shared on the City's website and Facebook page and meetings will be held for the residents to attend with any questions or concerns that they may have. Making this initial General-Purpose sales tax would not restrict the use of the sales tax. The initial potential use would be marketed for the Road Maintenance plan. The City will have future major infrastructure projects, such as the lead and copper rule revisions being implemented in 2024 and upgrading the sewer ponds to non-discharge. This special election, if voted yes, could be repealed by the Council adopting an ordinance in the future. This sales tax would be a secondary income to help with the cost. This Road Maintenance plan and other infrastructure projects were included in the strategic plan that was just adopted. The consensus on the date from council was Mid to late August.

Motion: *Shore* moved; *Robben* seconded to adopt resolution 12-2023 calling for special question election to be held on August 29th, 2023. Voted and passed unanimously.

b. Unsafe Building Resolution

On February 18, 2023 Clearwater Fire responded to a fire at 818 E Ross. An accessory structure was on fire behind the house, but the Fire department was able to extinguish it without further damage to the property. Upon further inspection of the property Chief Dinwiddie determined the main dwelling structure unsafe. Under Chapter 8, Article II Unsafe Buildings it states if there exist, within the corporate limits of the city, structures which are unfit for human use or habitation because of dilapidation, defects increasing the hazards of fire or accidents, structural defects or other conditions which render such structures unsafe, unsanitary or otherwise inimical to the general welfare of the city, or conditions which provide a general blight upon the neighborhood or surrounding properties. It is hereby deemed necessary by the city council to require or cause the repair, closing or demolition or removal of such structures as provided in this article. The property has a compromised roof structure. Foundation on the structure has

deteriorated and is falling from the structure, leaving approximately an 18" opening the length of the structure on the east side of structure. The structure in its current state is a safety hazard for fire personnel and has a high risk of collapsing if such property were to catch fire. The city council, having received a report as provided in City of Clearwater Ordinance 8-31, must provide to the owner of the property, the owner's agent, any lienholder of records and any occupant of the structure a resolution setting a hearing to determine if the structure under consideration is dangerous, unsafe or unfit for human use or habitation and wishes to proceed forward under Chapter 8, Article II, by resolution pursuant to City Code. The owner, agent or lienholder may appear and show cause why the structure should not be condemned and ordered repaired or demolished. This Resolution is to set a hearing date which will give the owner of the property an opportunity to speak on the issue. The business is the same property owner as the house and the whole lot is zoned commercial. This procedure is different than the Nuisance ordinance, in that letters have not been sent prior to the resolution. The date of hearing will need to be changed as it needs to be published for two consecutive weeks and following publication of 30 days.

Motion: Titterington moved; **Pike** seconded to Adopt Resolution 13-2023 setting a hearing for an unsafe building on May 9th 2023. Voted and passed unanimously.

8. Governing Body

Shore –None.

Pike – None.

Titterington – None.

Robben - It will be important to get education out about the 1% Sales Tax Vote. Zollinger asked Council to bring any questions, comments or concerns the council may receive from residents to her so she can get it to the Marketing Company. They are putting together some frequent asked questions.

Ussery – None.

9. Executive Session

Motion: Pike 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, City Administrator and City Attorney for 15 Minutes. We will reconvene the open meeting in the City Council Chamber at 7:42p.m.

Meeting reconvened at 7:42pm with no action taken.

10. Adjournment

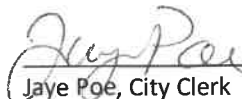
Motion: Robben moved; **Titterington** seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:42PM

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 March 14th, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 28th day of March 2023.


Jaye Poe, City Clerk

