

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
April 25, 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, 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, Amber Ives, Chadd Posch, Cole Hollis, Kirk Ives, Jared Dinwiddie and the City Attorney. Resident Sean Weaver was also present.

**3. Approval of Agenda**

Mayor Ussery asked if there were any modifications to the agenda. There were none.

**Motion:** *Shore* moved; *Titterington* seconded to approve the agenda as submitted. 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  
Mayoral Appointments  
Brain Freeze Lease Agreement

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

**6. Staff Reports:**

- Administration Office – Courtney Zollinger – Added the emergency valve insert came in \$700 more than estimated due to the sample of the material costing more. The total cost will be \$18,000 for this project. The city wide clean up seemed to be a success. Tires were on the list of things that would not be picked up from the trash company. The Chamber started the Shred event and was well received and had banners for advertising, City will contact them and see if they still have them. The City went with a different company this year due to Shred It not returning any calls and the new company did a great job. It was advertised on the City Website and Facebook page. Tricia will be attending the grant writing class, Shore suggested NLC grant classes as well. BowerComm will be sending out information for the ballot question soon.
- Fire Department – Jared Dinwiddie – Council discussed the Mock accident going well. There were questions from citizens about this event happening. It was advertised on the City Website as well as the Fire department and City Facebook page. The burn ban was discussed and fire pits with lids being included. Since it has rained, the Chief will be more lenient.
- Police Department – Kirk Ives – The car accident that happened on April 19<sup>th</sup> with the two students being hit by a student driver was discussed along with crosswalks being added and sidewalks being put in.
- Park – Chadd Posch – The Fall Protection being put in at the City Park is estimated to be completed in 2 weeks, weather permitting. They started laying the turf today. The Hometree for the replacement of the Mikesell playground is

estimated to start being shipped tomorrow and a dedication will be scheduled probably in the summer.

- Public Works –Cole Hollis – There is a hole that needs to be covered or addressed in front of the Methodist Church, Public Works will look into this. Public works typically street sweeps regularly, they have been busy and have not gotten around to sweeping recently.
- Senior Center –Amber Ives – Commodities are advertised frequently and it is still questioned on when they will be done.

**7. Proclamation – Municipal Clerks Week April 30<sup>th</sup> – May 6<sup>th</sup>**

The Mayor read the Proclamation: 55th ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

April 30 - May 6, 2023

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Burt Ussery, Mayor of Clearwater, Kansas, do recognize the week of April 30 through May 6, 2023, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Jaye Poe, Deputy City Clerk Carol Reitberger, Court Clerk, Jamie Endsley and Police Clerk, Tricia Nichols and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**8. Business**

**a. Discussion Park Glen Estates 2<sup>nd</sup>**

Sean Weaver was present to discuss incentives for Park Glen Estates 2<sup>nd</sup>. The plat was finalized with 36 lots to build \$300k+ homes. The City has agreed to 6 different incentives with Sean over the years. Weaver stated that builders are not interested in coming to Clearwater due to the drive with so many different developments going up in Wichita as well as labor price and material pricing. He feels that a builder's incentive would entice them to come build in Clearwater and bring more people to town. The incentive request is as follows:

- Reduced building permits - \$1500
- Waived/Reduced Water Tap Fee - \$1000
- Waived/Reduced Sewer Tap Fee - \$1000
- Cash incentive upon Certificate of Occupancy - \$9500

Bringing these homes will bring more tax dollars to Clearwater as well as more people. Council discussed the Comprehensive plan and what the citizens said they would like to see housing wise. The majority said they would like to see more affordable housing and these houses do not seem to fit that category. Weaver stated that these are 100-year-old homes being built and the return on investment would benefit the City. These are houses that would benefit the City and its residents. These incentives are builder only, not homebuyer. Wichita is not offering incentives because they are not in need of builders since there are multiple developments going up. The houses are selling just off of the floorplan before they are built. New construction sits longer in Clearwater than resale houses. Council will bring this to the budget workshop and see if it can be worked into the budget. These incentives, if approved, would have to be budgeted as if they were obligated, whether they were being taken advantage of or not.

**b. Victory Pyrotechnics Discharge Permit**

Victory is asking to conduct a Training Course at CIMS the weekend of April 29th and 30th. On Saturday, April 29th, they will do an all-day classroom training, a hands-on portion, and a live-fire event that evening. They would like to set this up like they have in the past using the Chisolm Trail Sports Complex parking lot near field 3, where they will shoot the City 4th of July display. They anticipate having around 25-30 minutes of sporadic fireworks starting before dusk.

There is a \$100 permit fee and per City Ordinance 1043 A public display of fireworks may be permitted on any other date after application and approval by the city council and upon the conditions set forth by the city council in granting its approval. The area will be blocked off and there are no events scheduled at that time. Since it has rained, the Chief is not worried about the burn ban, but will have the firefighters on standby. There is no concern that embers will fall onto the fields and leave any ball field surface scorched like in the past since it is not being done directly on the field like in the past.

**Motion:** *Titterington* moved; *Shore* seconded to authorize the City Clerk and Fire Chief to approve the fireworks discharge permit for Victory Pyrotechnics. Voted and passed unanimously.

**c. Water Tower Logo**

The water tower logo update was originally submitted at \$8133. This was for one side of the water tower to have the updated logo painted, we are asking that both sides have the logo painted on it as it has two logos on it currently. By adding the second logo the proposal has increased to \$16,331.00. There is \$21,000 left in discretionary admin equipment reserve that could be used for this purpose. Council discussed not updating the logo or keeping it at just one logo due to the increase. The City has a contract with Utility Service Co. which is why there have not been other quotes for this project. The tower is on a regular maintenance schedule of painting every 4-5 years. If one logo is done now and request for the second logo to be added later, it will cost more. Council would like staff to see if they could come down on the price.

**d. SPV Ordinance**

In October 2020 city council adopted ordinance 1061 on Special Purpose Vehicles. The definitions outlined what the different allowable special purpose vehicles were that would be allowed on the city roads. Golf Cart reads as follows: Golf cart means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than state statute allows. K.S.A. 8-1495. This statute specifically states a golf cart does not carry more than four persons including the driver. At the last council meeting it was pointed out that there were golf carts in the city with the approved city sticker that had more than 4 seats. Council would like to revisit ordinance 1061 about the intent and wording of golf carts. Staff proposes the following changes. Golf cart means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than state statute allows six persons including the driver. And add the following to the description for what is allowed:

A. The number of occupants allowed on a golf cart shall be limited to the number of seats factory installed. Bench seats shall be limited to three (3) people.

The main purpose of having SPV inspections done are for making sure it is insured, a licensed driver is operating it and a slow-moving triangle is placed on the vehicle. The placement of the registration sticker must be visible.

**Motion:** *Titterington* moved; *Robben* seconded to adopt ordinance 1094 modifying the ordinance wording of ordinance 1061. Voted and passed unanimously.

**e. Field #1 Grass Solutions**

In Fall of 2022 the City and School agreed to move the Baseball infield to a Bermuda/Rye combination on the baseball infield varsity softball outfield. The city invested in a topsoil to level out the infield ruts and planted annual rye grass. This spring the Rye did not germinate which left the infield patchy. The outfield of the varsity softball was also planted with Rye that didn't germinate leaving the outfield very patchy as well. This spring the city hired Whitney Landscaping to do the seasonal mowing at the city park and sports complex for March, April, and May. The City has been working with Jeremy Whitney to suggest a plan moving forward to get all the ball fields to a playing surface we all can be proud of as well as to create safe as possible playing surface.

**Field #1**

The agreed goal is to continue the path of creating a combination Bermuda/ Rye infield for baseball. If the city moves forward with just seeding only, this will be at least a 2-year process, if not more, for half the price of sodding. The other option is to sod in Bermuda after the high school ball season and plant Rye in the Fall. This will be the most direct result for the transition to have a playable surface the next ball season.

**Field #2**

It is not recommended to sod the outfield of the varsity field, but it does require dirt work and all new grass planted in the Fall. Since we will not be sodding it is not recommended to seed the outfield with Rye as Rye is not a sturdy grass and there will be no other base the first year, like the Bermuda sod on the baseball infield. Because of

this it is recommended to seed a premium turf grass this year to create a plush outfield in the spring and next fall seed with the Bermuda to get the dual season turf for the outfield.

**Field #3**

The outfield of the JV softball field is in better shape than the other two fields. There is already more of a level playing surface where grass is concerned. It is recommended to over seed with Bermuda that field to help fill in the bare areas.

If this work is approved and moved forward with all the fields will be closed to the public while they are being worked on. This means Field #1 will be closed from the end of May until the Fall and Fields #2 and #3 will be closed after the Rec is done and continue to be closed until the Fall as well. This will only be for this year except for Field #2 when the field will be closed in 2024 to seed the Bermuda in. Jeremy Whitney has been proactive and discussed these proposals with the high school coaches and they do agree with the proposals.

FIELD	NOT TO EXCEED
Field #1	\$16,300
Field #2	\$8,000
Field #3	\$4,000
<b>TOTAL</b>	<b>\$28,300</b>

None of this work has been budgeted for 2023. There are current projects that have been completed that came in under budget. The total under budget for parks projects currently is \$37,801. Whitney stated that the pricing he gave is NOT TO EXCEED. If there are any reductions in labor or materials he will charge accordingly. A proposal will be brought before council at the next meeting to consider hiring Whitney Landscaping to maintain the baseball fields and soccer fields year around at the sports complex. This is being funded by the City only currently. The City will come up with a fee for utilizing the fields for the next year to help with this cost.

**Motion:** *Pike* moved; *Titterington* seconded to approve the ballfield proposals to be completed by Whitney Landscaping not to exceed \$28,300. Voted and passed unanimously.

**f. Annexation Ordinance**

The City of Clearwater was recently gifted property by Hammers LLC (the "Property") to be used for the creation and development of the Hammers Prairie Park and Nature Center. The Property currently sits adjacent to city limits and requires annexation into the corporate boundaries of Clearwater to facilitate its development. Unilateral annexation of the Property is permitted by K.S.A. 12-520(a)(2) as the land is owned by and adjoins the City of Clearwater. Annexing the Property into Clearwater would make the boundary lines of the City harmonious and contiguous. Such annexation would further allow the City to provide utility and police services to the Property. It was mentioned to annex Diagonal rd., the well houses and the land on Diagonal owned privately. The City Attorney stated that Diagonal Road will be more of a process and is being worked on and the City Administrator will reach out to the homeowner to see if they are interested in being annexed into the City.

**Motion:** *Shore* moved; *Robben* seconded to adopt Ordinance 1095 annexing in the property donated by Hammers LLC. Voted and passed unanimously.

**9. Governing Body**

Shore – If Diagonal road is annexed will the City then have to maintain it? Zollinger stated not until the population exceeds 5,000.

Pike – Asked if the remaining 5 lots in Chisholm Ridge should be advertised. Zollinger stated it is on the City Website and is currently working on a plan for this property as well as North Of Chisholm Ridge and the property at 135<sup>th</sup> & 95<sup>th</sup>.

Titterington – None.

Robben – None.

Ussery – There was a question regarding noise complaints. This individual contacted the Police Department and the Chief looked into other options of noise ordinances. None of them seem to make sense to adopt as they would be more restrictive than anything. If there are any noise complaints, residents can call the Police department and it will be addressed. The STO and UPOC have sections for noise issues. Disorderly conduct being one of them.

**10. Executive Session**

None.

**11. Adjournment**

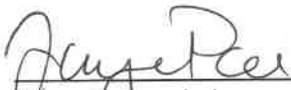
**Motion:** *Shore* moved; *Pike* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 8:10 PM

**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 April 25<sup>th</sup>, 2023, City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 9<sup>th</sup> day of May 2023.

  
Jaye Poe, City Clerk

