

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - MINUTES
September 8, 2015
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

Call to Order

Mayor Burt Ussery called the meeting to order at 6:30 p.m.

Invocation and Flag Salute

Councilmember Griffin gave the invocation which was followed by the pledge of allegiance and flag salute.

Roll Call

The City Clerk called the roll to confirm the presence of a quorum. The following members were present:

Mayor Burt Ussery, Laura Papish, Austin Wood, Ron Marsh, Paul Clark, Chris Griffin were all present.

The following staff members were present:

Justin Givens, City Administrator; Courtney Meyer, City Clerk; Lee Parker, City Attorney; Jason Gearhardt, Interim Police Chief, Ernie Misak, Public Works Director.

Others Present:

Tristan Voran, Rhianna Lambert, Cora Mertens, Michaela Baker, TJ Henderson, Kaitlin Finney, Jessica Koch, Brenna Snyder, Amber Asbury, Curtis Rylant, Cody Horsh, George Serpan, Tessa Castor, Kathy Scapa, Ino Scapa, Mary Schauf; Paul Rhodes, Times Sentinel News.

Approval of the Agenda

Mayor Ussery called for a motion to approve the September 8th agenda.

Motion: *Griffin* moved, *Papish* seconded to accept the September 8, 2015 agenda. Voted and passed unanimously.

Public Forum

Kathy Scapa of Wichita approached the podium and address the council in regards to her property at 140 and 142 E Wood. Ms. Scapa stated she has a problem with the plat for her property at 140 and 142 E Wood. The plat was signed by someone other than herself and approved by Clearwater Planning Commission and City Council. Sedgwick County shows the property owned by someone other than herself. She would like ideas on how to move forward and correct the issue. She also stated that this was urgent and she needed it completed by October.

Mayor Ussery stated there was no action that could be taken at this time but the City would speak with the City Attorney to review the situation and advise us on what needs

to be done. If there is action that needs to be taken it will be put on a future agenda and if there is no action that needs to be taken then she will be informed.

Consent Agenda

Mayor Ussery called for a motion to approve the consent agenda.

Motion: *Griffin* moved, *Clark* seconded to approve the consent agenda as presented. Voted and passed unanimously.

Award Bid for Sewer and Water Improvements for Park Glen Estates Phase 1.

Administrator Givens stated Mies Construction was low bid at \$65,778.50 They have 20 days form bid award to start the project and 30 days to complete the project. Bids ranged from 65,778.50 to \$125,000

Motion: *Clark* moved, *Wood* seconded to award the bid for sewer and water improvements for Park Glen Estates Phase 1 to Mies Construction. Voted and passed unanimously.

Consider Ordinance 1002 Amending Section 3.12 of the Clearwater Municipal Code

Administrator Givens stated after the deluge of roofing and dent removal contractors in Clearwater after the recent hail storm, staff as directed by the Governing Body at the August 25th meeting prepared an updated ordinance and code relating to the issuance of Solicitor and Peddlers licenses.

Givens said that staff solicited information from local municipalities on licensing requirements and conferred on internal processes and requirements to effectively screen, license and control applicants. Staff is proposing the following substantive changes to Section 3.12 of the Clearwater Municipal Code based on the information obtained thru our research.

1. A yearly license that expires on December 31 of each year and is required to be renewed yearly for vendors.
2. KBI background checks for all applicants
3. A fee of \$50.00 plus an additional \$25.00 for the background check per person applying for a license
4. Time constraints during which door to door solicitation can take place.
5. The issuance of a color coded license for permitted vendors.
6. The city will reserve the right to deny an application based on past criminal history especially involving crimes relating to theft, fraud and of a sexual nature.

A vendor will be required to apply for a license prior to soliciting door to door. City staff will collect applications and photo id's which will be provided to the police department for follow up and background checks. If no issues arise from the background checks staff will issue the applicant a color coded license good for the remainder or the calendar year. These licenses will not be pro-rated. Recognized non-profit groups will not be required to receive permits.

Currently, the application fee for licenses is \$5.00 which does not cover staff time involved in the process to issue the license. There is a minimal amount of revenue generated from these permits during a normal year.

Griffin asked if there is anything that can be done so kids are not approached by anyone who is going door to door. He said he had many complaints about kids being asked to take flyers and information back to their parents.

Wood mentioned that the police should be informed when that happens.

Mayor Ussery agreed with councilmember Wood. Police should be contacted if solicitors are approaching their kids. He also asked that the hours the solicitors are allowed to knock on doors be printed on the permit card. Mayor Ussery also thought the \$50.00 fee was very little and wanted to discuss raising the cost more.

Griffin suggested charged a business a flat fee and then a separate fee for each employee for a background check.

Public Works Director Misak asked to clarify the original proposal. He asked if the \$50.00 plus \$25.00 was per person no matter who they worked for or was the \$50.00 for the business and \$25.00 per person.

Givens clarified the original proposal was \$75.00 per person no matter who they worked for. The original proposal did not consider charging just a business fee but a per person fee.

Mayor Ussery then proposed a fee of \$100.00 plus a \$25.00 background check fee per person regardless of who they work for.

Motion: *Marsh* moved, *Wood* seconded to adopt Ordinance 1002 with modifying section 3.12.040 to \$100.00 fee instead of a \$50.00 fee.

Clerk Meyer gave a roll call for the vote

Clark, yea; Papish, yea; Wood, yea; Marsh, yea; Griffin yea.

Mayor Ussery stated that Ordinance 1001 passed 5-0.

Authorize a Temporary Permit of the Consumption of Alcohol on Public Property

Givens said at the August 25th, 2015 meeting the Governing Body did consider a temporary permit for consumption of alcohol on city property. At that time a permit form was presented to the Governing Body. During the discussion, action on the permit was tabled until a generic permit could be created for which specific temporary permits could be issued.

The City Attorney has prepared the Temporary Permit in generic form for review and staff has prepared a Temporary Permit for Consumption of Alcohol during the Fall Festival as has been previously applied for. The generic permit includes information for the permittee and organization if any. The dates and hours that the temporary permit is being requested for and the location where consumption will be allowed. It also allows for the Governing Body to assign specific conditions in which any permit may be issued.

Givens recommends the City Council:

1. Approve the Generic Temporary Permit Form;

2. Approve a Temporary Permit for Consumption of Alcohol during the Fall Festival

Motion: *Wood* moved, *Papish* seconded to authorize the Mayor to sign the temporary permit for Alicia Lange on the Fall Festival Beer Garden. Voted and passed 4-1. Griffin voted no.

Sign Regulations for the City of Clearwater.

Givens then addressed the Council in regards to the sign ordinance and said at the August 25, 2015 meeting the City Administrator in his report asked for direction on signs in the right of way. An ensuing discussion led to the request of an agenda item for review of Sign Regulations within the city.

Article 12 of the Clearwater Zoning Ordinance deals specifically with signs. The ordinance was adopted in whole in 2005. Much discussion in the planning fields is given to sign regulations. From size and form, to the function of the sign and its placement planners, city officials and property owners have long been in a state of flux in best practices in dealing with signs.

The largest part of the conversation that arose from the August 25th meeting dealt specifically with signs in the right-of-way. "Bandit" signs (small inexpensive signs that can be easily placed and discarded) were rising up in the public right-of-way after the recent hail storm. Staff was seeking guidance as to the proper method of policing these signs.

While most cities including Clearwater's zoning regulations outlaw signs in the right of way many cities deal with signs advertising a myriad of products or companies that pop up overnight, these types of signs often include garage sale signs.

Section 1.2 states:

3. It shall be unlawful for any person or persons to fasten, paste, place, post, paint, or attach in any way any sign, handbill, poster, advertisement, or notice of any kind or sort, whether political or otherwise, or to cause the same to be done, in or upon any curbstone, lamp post, telephone, telegraph, or electric light pole, tree, or bridge. It shall be unlawful to paste, place, paint, or attach any sign on any building, street, or property of the City; provided, however, that any property owner or the occupant of any property abutting on any public street in the City or County may paint or stamp the address of such property upon the curbing directly in front of the building or to have same painted thereon, subject to approval by the Building Official.

As stated previously, this issue is not isolated to Clearwater. As the cost of these signs has decreased, the number of signs in the public right-of-way has increased. Some cities have gone so far as to consider sign deputies and will impound signs that are placed within the right of way.

An additional aspect of the sign discussion is the banner sign holder in the south east corner of the city park. This prime location consistently displays signs from community organizations and events, but in discussions with staff no city person is involved in the approval of signs that are placed on this particular piece of city property.

Staff is seeking the input of the Governing Body as to an appropriate course of action in the creation of or modification to any regulations that they Governing Body deems fit.

Givens asked City Council to review the regulations and direct staff in an appropriate manner.

Clark mentioned the Lyons Club has a 4' x 8' sign they place at the corner of 4th and Ross. Is that considered a "bandit" sign?

Givens said no that is not and asked Council what the T Posts in the park are used for and if there is a type of approval process for what is displayed there.

Council stated no there has never been an approval process but it is used for promoting community events.

Marsh stated the biggest problem is signs in the right of way.

Attorney Parker stated that the City needs to be aware that they can't regulate speech with signs and approve some signs to be out and not others.

Mayor Ussery said the practice has been that 4th and Ross had been used as a corner for advertising. He would like to keep it that way but limit it to advertising from Friday through Sunday and then signs should be gone on Monday

Marsh agrees but wants to make sure visibility won't be blocked at the corner.

Givens suggested staff could come back to council with size regulations.

Griffin asked if a sign was in front of his house on the right of way does he have authority to remove it.

Givens said it would be better to call City Hall and report it.

Mayor Ussery stated whatever is decided it needs to be consistent with our regulations.

Misak suggested using the fence at the basketball court or the electronic sign for advertisements or events around the City.

Papish suggested making it a requirement to register signs for the corner of 4th and Ross and have a sticker that is placed on the back stating the permit number and time to display.

Mayor Ussery would like to explore making 4th and Ross a sign area.

Griffin mentioned that signs haven't been an issue until the roof and dent repair people came to town. Why should we change it?

There was a general consensus to not do anything at this time since councilmember Griffin had a good point.

Debt Service Implications on Sewer Rates

During the 2016 budget discussions staff alerted the Governing Body to the possible need for rate increases based on increased spending in the sewer department as well as increased bond payments for existing debt for the lagoon expansion and new debt for

work to bring the city into compliance with an Administrative Order from KDHE.

In 2010, the Governing Body passed a rate ordinance that would increase sewer rates for each user class 1% per year. Unfortunately, operating costs and debt service has increased at a higher rate per year than the 1%. Sewer Operating costs are beginning to impact cash carry over and profit/loss balances.

Staff presented detailed information at the meeting that provided a multi-year overview of the sewer department as well as impacts that any increases such as a debt service fee would have on the department. Staff also provided information on actual monthly billing costs as well as regional data for comparison.

Any increase in the sewer rate will have a direct impact on customers. It is estimated that in 2017, a minimum bond payment of \$171,500.00 will be required to meet current obligations.

Givens mentioned with figuring 950 sewer customers the debt service fee through 2023 would be \$15.05 and from 2024 through 2026 the debt service fee would drop to \$5.70.

The bids for the sewer lagoon project did come in lower therefore the price can be transferred to the debt service fee. The fee would drop to approximately \$13.95 through 2023 and from 2024 to 2026 it would be \$3.95.

Mayor Ussery stated we don't have a choice and this does have to happen. He would like to communicate with the residents why and when this will be happening. He would like a couple town hall meeting set up at the school gym if possible. One in October and another one in November.

Givens said he will get with bond council to make sure the debt service fee gets as low as possible and will schedule a town hall meeting to discuss utility rates in for October.

Claims and Warrants

Meyer presented the claims and warrants in the amount of \$97,804.40 and asked Council if they had any questions.

Motion: *Papish* moved, *Clark* seconded to pay the claims and warrants in the amount of \$97,804. Voted and passed unanimously.

City Administrators Report

Administration

- All clearwaterks.org emails should be operational. IT Kansas is working out a few specific issues to certain accounts but all city business should not be used conducted on these addresses versus personal addresses going forward.
- Hailstorm Update – the Ford Cruisers were a complete total loss. Staff will be working with EMC to discuss options for these vehicles. There was damage to the Honda and we will be getting quotes for repair work for that vehicle. City Hall and other buildings including the concession stand, museum, library and park properties received damage as well. Staff is getting quotes from roofing companies for repairs to these building as well.
- The LKM Annual Conference is October 10-12 in Topeka. If you are interested in going let staff know and we can make arrangements. We will also need to select voting delegates at the next meeting.

- Emergency management meeting has been tentatively set for September 17th at 6:30 pm.

Council mentioned that was the first day of the Fall Festival and that would not work and suggested the following Thursday September 24th at 6:30pm.

- Staff is meeting with a potential business tomorrow that is interested in property in the business park. More information will be provided in following meetings based on that conversation.
- Staff met with the City Engineer and County Engineering Staff concerning the 4th and Ross Project. There is an opportunity to shift the funds that were originally going to be used for drainage enhancements on the east side of 4th to intersection improvements at 4th and Ross. The proposed work will stop at the north side of the 4th and Ross intersection and no improvements will be made to the intersection surface.

Council discussed whether to move forward with the drainage project or go a different direction.

Council advised staff to discuss with Sedgwick County options to move forward.

Public Works

- Will begin preparations for fall festival including installing hitching posts at the museum and the creation of the tractor pull area as well as other routine maintenance and checks.
- Will be installing new street signs this week.
- Staff has meet with two contractors to discuss options on improved telemetry for the water system. No formal proposals have been presented to date. Also, staff is soliciting information and proposals for the variable speed drive at the wells.

Parks and Recreation

- On Sunday, September 13th a ballet company will have a performance in the city park. That performance will start at 2:00 pm with costume activities starting at 1:30 pm
- There are 17 players registered for flag football and 3 teams of volleyball players this fall.
- The Board will meet tomorrow at 6:30.

Library

- Preschool story time started today. Numbers were down for the first meeting and staff will look at options to improve attendance.
- The Library Board will meet next Tuesday, September 15th at 6:30 pm

Police

- Staff extended the application period for the Patrol Officer until this Friday.
- Background checks are being completed for chief candidates but have not been returned yet.
- Staff has initiated a couple of ordinance changes to be considered in upcoming meetings. These changes will hope to clarify the intent of past ordinances by changing wording.

- There was a low speed chase last weekend by an outside police agency that resulted in an arrest in Clearwater. The outside agency was using lights and sirens inside the city. Clearwater PD participated but not with lights and sirens.

Fall Fest Buttons, Ducks, Wristbands and T-shirts are available for purchase here at City Hall. The Fall Festival is September 17th – 20th and more information can be obtained at clearwaterksfallfest.com

Council Reports

Wood had nothing to report.

Clark said he has received calls about a fence on Elaine that looks like a salvage yard fence and was asked to look into if there were any regulations stating the fence does not fall under them.

Givens said he would look into it.

Marsh mentioned that Sedgwick County is trying to open up 135th Street by the Fall Festival but doesn't want to make an official statement just yet.

Griffin had nothing to report.

Papish had nothing to report.

Ussery had nothing to report.

Adjournment

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

MOTION: *Marsh* moved, *Clark* seconded to adjourn the meeting. Voted and passed unanimously

The Meeting adjourned at 8:21 p.m.

CERTIFICATE

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

I, Courtney Meyer, 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 September 8, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 22th day of September, 2015.



Courtney Meyer, City Clerk

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