



## City of Clearwater Council Meeting Notice

Tuesday, November 24, 2015 at 6:30pm

129 E Ross Clearwater, KS 67026

[www.clearwaterks.org](http://www.clearwaterks.org)

Please call the Clerk's office at 620-584-2311 or the Kansas Relay Service 800-8766-3777 at least 48 hours in advance if you require special accommodations to participate in this meeting. We make every effort to meet reasonable requests.

### AGENDA

[Please note that the meeting agenda is subject to change during the meeting.]

**1. Call meeting to order and welcome**

Burt Ussery, Mayor

**2. Invocation and flag salute**

**3. Roll Call**

Courtney Meyer, City Clerk

Burt Ussery, Mayor

Laura Papish, Councilmember President

Austin Wood, Councilmember

Paul Clark, Councilmember

Ron Marsh, Councilmember

Chris Griffin, Councilmember

**4. Action: Approve December 8, 2015 meeting agenda**

**5. Public Forum**

Pursuant to Ordinance No. 917 and Section 2.08.010 adopted by the governing body and approved by the Mayor on November 24, 2009, members of the public are allowed to address the Mayor and City Council for a period of time limited to not more than five minutes.

**6. Action: Approve Consent Agenda**

a. Minutes 11/24/15 Council Meeting TAB A

b. Mayor Appointments – Library Board

i. Gale Fleming

ii. Mandi Headly

iii. Tricia Nichols

**7. Action: Ordinance #1006 Authorizing Complementary Alcohol for the 2016 Art Walk**

TAB B

**Roll Call**

Paul Clark, Councilmember  
Laura Papish, Councilmember President  
Austin Wood, Councilmember

Ron Marsh, Councilmember  
Chris Griffin, Councilmember

8. **Action:** **Ordinance #1007 Authorizing a Sewer Utility Debt Service Fee** TAB C  
**Roll Call**

Paul Clark, Councilmember  
Laura Papish, Councilmember President  
Austin Wood, Councilmember

Ron Marsh, Councilmember  
Chris Griffin, Councilmember

9. **Action:** **Consider a Change Order for Park Glen Estates Phase I** TAB D

10. **Action:** **Approval of 2016 Cereal Malt Beverage, Drinking Establishments, and Retail Liquor Sales Licenses** TAB E

11. **Action:** **Award a Bid for an Air Conditioner for the Museum**

12. **Action:** **Authorize the City Clerk to Write Off Certain Accounts in Accordance with GAAP Procedures** TAB F

13. **Action:** **Claims and Warrants**  
Courtney Meyer, City Clerk

14. **City Administrator Report**  
Justin Givens, City Administrator

15. **Council Reports**

16. **Executive Session**

17. **Adjournment**

**NOTICE: SUBJECT TO REVISIONS**

It is possible that sometime between 6:30 and 7:00 pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the council chambers or lobby of City Hall. No one is excluded from these areas during those times.

**Honorable Mayor and City Council**

**From: Justin S. Givens,  
City Administrator**

**Re: Agenda Summary 12 08 2015**

- Item 6:**
- a. Review and Approve Minutes of the November 10, 2015 City Council Meeting
  - b. Mayor Appointments to the Library Board. The following individuals have requested to be appointed to the Clearwater Library Board by the Mayor; Gale Flemming; Mandi Headly, Tricia Nichols.

-----end of Consent Items

**Item 7:** The Clearwater Chamber of Commerce is requesting that the City authorize the serving of complimentary alcohol again at the 2016 Art Walk. To do so, an ordinance is required to be adopted by the Governing Body to allow for the serving of alcohol.

**Item 8:** An Ordinance is being presented that will enact the previously discussed Debt Service Fee. The ordinance accounts for the four tiered system of user and runs through 2023 unless amended at which time the debt service fee would drop to \$7.22 per month per user across the board.

**Item 9:** Cornejo has requested a Changer Order for the excavation and compaction of up to 5,000 cubic yards of dirt for fill in the Park Glen Estates Development. The estimated cost if all of the dirt was to be used would be \$21,125. This change order increase the total cost of construction from \$267,215.45 to \$288,340.45.

**Item 10:** Annually, the city is required to approve licenses to those businesses that both sale for consumption or in original packaging Cereal Malt Beverages and Alcoholic Liquors. Those businesses requesting licenses in 2016 have been submitted for approval.

**Item 11:** Bids to replace the Museum Air Conditioner were accepted up to 3:00pm on Friday. They will be reviewed and presented at the Council meeting.

**Item 12:** Annually, the City Clerk submits a list and seeks approval to write off certain utility accounts in accordance with generally accepted accounting principles. A total of 11 accounts have been submitted for write off in 2015.

**Item 13:** A full report of Claims and Warrants will be presented at the meeting on Tuesday.

**Item 14:** A full report from the City Administrator will be presented at the meeting Tuesday. Direction should be given to staff if the Governing Body wishes to purchase gift cards for employees as previous Councils have.

Please do not forget the Annual Holiday Dinner is Sunday, December 6<sup>th</sup> at 5:45 at the Clearwater Middle School.

Christmas Comes to Clearwater will be on Saturday, December 5<sup>th</sup> with events starting at 5:00pm. Ross, between 1<sup>st</sup> and 2<sup>nd</sup> will be closed during this event from approximately 4:45 pm to 9:00 pm

**City of Clearwater, Kansas**  
Sedgwick County  
City Council Meeting - **MINUTES**  
November 24, 2015  
Clearwater City Hall – Council Chambers  
129 E. Ross Avenue Clearwater, KS 67026

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**1. Call to Order**

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

**2. Invocation and Flag Salute**

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

**3. Roll Call**

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

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

Laura Papish was absent.

The following staff members were present:

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

Others Present:

Brett Robinson, Jackie Henning, Taryn Walker, Sarah Terfel, Alyssa Campbell, Sydney Warren, Joshua Long, Bryce Gibbs, Megan Blasi, Kenna Callaway, Sam Jack, Time Sentinel News.

**4. Approval of the Agenda**

Mayor Ussery called for a motion to approve the November 24<sup>th</sup> agenda with the addition.

**Motion:** *Marsh* moved, *Griffin* seconded to accept the November 24, 2015 agenda as presented. Voted and passed unanimously.

**5. Public Forum**

None

**6. 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.

**7. Ordinance 1005 Prairie Meadows Annexation**

Administrator Givens stated that staff attended a Board of Sedgwick County Commissioners Meeting. At that meeting the Commissioners approved a resolution authorizing the island annexation for the property located at 14111 Prairie Grass. The Clearwater Governing body accepted the consent for annexation at a previous meeting and as is state law was required to receive approval from Sedgwick County before a final ordinance annexing the property can be adopted.

Mayor Ussery called for a motion to adopt Ordinance 1005.

**Motion:** *Marsh* moved, *Wood* seconded to adopt ordinance 1005.

**Roll Call:** Clark, yea; Wood, yea; Marsh, yea; Griffin, yea.

#### **8. Sewer Debt Service Fee Discussion**

Givens stated the City has hosted two open forums for the public to attend and ask questions and receive further information regarding the sewer debt service fee. During those meeting Council and staff received comments from the public. Based on those comments staff re-evaluated the fee and distributed the costs over a four tier platform. 883 sewer customers were used as to figure the base rate for the debt service fee. The four tier breakdown is as follows: 0-2,999 average gallons would be low, 3,000-5,999 average gallons would be the median, and 6,000-10,999 average gallons would be high, and 11,000 and up average gallons would be ultra-high. The average gallons would be taken from the first quarter water usage of the year (January, February, and March). This is expected to be the lowest water usage quarter. Each year the average water usage will be re-evaluated every first quarter to determine if a customer qualifies for a different debt service fee tier. The debt service fee break down presented to Council was: \$11.25 for low, \$15.00 for median, \$18.75 for high, and \$21.75 for ultra-high.

Council discussed this new information and came to the consensus that a four tier rather than flat rate would be the best for the community. Council also came to a consensus that the tier pricing presented was a fair price.

Council asked staff to prepare an ordinance for next meeting.

#### **9. Claims and Warrants**

Meyer presented the claims and warrants in the amount of \$54,837.99 and asked Council if they had any questions.

**Motion:** *Griffin* moved, *Clark* seconded to pay the claims and warrants in the amount of 54,837.99. Voted and passed unanimously.

#### **10. City Administrators Report**

- Administration
  - Staff is preparing an amended budget for the next meeting. The bond and interest line item exceeded its budgeted expenditures. There was a correlating revenue offset so the line item is still in the positive.
  - Christmas in Clearwater will take place on Saturday, December 5<sup>th</sup> starting at 5:00pm. Ross will be blocked off between 1<sup>st</sup> and 2<sup>nd</sup> street from approximately 4:30pm to 9:00pm that day.
  - AFLAC sign ups were conducted last week.
  - Staff is reviewing the League's Personnel Policy Manual in anticipation of early 2016 presentation.
  - Staff has received n inquiring again from the Chamber for the Art Walk in the spring of 2016. Staff will be working with the applicants to determine any special permits or approvals from the council but change in Kansas alcohol laws may make council action unnecessary.
  - The annual City Holiday Dinner is Sunday, December 6, 2015 at the Clearwater Middle School. The dinner starts at 5:45.
  
- Public Works

- Staff is soliciting quotes for the air conditioner at the Museum
  - One variable speed drive is in place with the other coming at the start of 2016. The drives will be online and staff will monitor electric usage for cost savings. This will save on wear and tear on the wells.
  - The sewer project is mostly completed. A few minor odds and ends are being tied up.
  - Street Construction has started for Park Glen Estates
- Parks and Recreation
    - Basketball games begin in the first part of December. Haysville and Mulvane teams will travel for some games to Clearwater as well as Clearwater teams traveling to those towns.
    - The Rec and the Library will be hosting a giving Thanks Party at 10:00am on November 25<sup>th</sup>. They are asking for canned food donation but the event is free.
    - The Rec Commission is also having a Turkey coloring contest for children 4-12. The contest ends on November 25<sup>th</sup>.
    - Rec Commission has asked for a joint meeting with Council. Givens asked who would be able to attend. Ron Marsh, Paul Clark, Chris Griffin, Austin Wood, and Mayor Ussery all said they believe they could attend.
- Library
    - Staff will be conducting interviews for the Inter-Library Loan Assistant position next week.
    - The Library board received three applications for two openings at the present time.
- Community Center
    - Staff continues with Medicare counseling. Open enrollment ends on December 7<sup>th</sup>.
    - The Holiday Lights Tour still has spots available if interested contact the Community Center. The tour is December 21<sup>st</sup> at 5:30 pm and costs \$10.00.
    - The Senior Center will be hosting a trip to the Nutcracker in Wichita on Thursday, December 10<sup>th</sup>.
- Police
    - On Sunday officers arrested two males for possession of stolen trailers and motorcycles as well as several drug offences. The thefts occurred mostly in Wichita. The case will be presented to the District Attorney this week.
    - Staff has surrendered both Crown Vics to the insurance company and has ordered a Ford Police Interceptor SUV for the fleet. Delivery is anticipated in early 2016.
    - The City is proud to announce that William J. Hisle, Jr. was appointed as the next Chief of Police at a special meeting of the Clearwater City Council on Monday, November 23<sup>rd</sup>. Chief Hisle is a 20+ year veteran police officer servicing mostly with Shawnee KS Police Department and is currently an investigator for the Missouri Attorney General. Chief Hisle will be starting on December 21<sup>st</sup>.

### **11. Council Reports**

Griffin asked that the construction sign at Airport Rd be moved away from the right of way.

Marsh asked Givens how the easements on 4<sup>th</sup> street were coming. Givens reported he received two more and waiting on the City Engineer for one and the last one waiting for a redesign.

Clark had nothing to report.

Wood had nothing to report.

Ussery had nothing to report.

### **12. Executive Session**

Givens requested an executive session to discuss non-elected.

**MOTION: Marsh** moved, **Clark** seconded to recess into executive session pursuant to non-elected personnel to discuss specific personnel matters to include the City Administrator. The City Council will reconvene the open meeting in the City Council Chambers at 7:50pm. Voted and passed unanimously

Mayor Ussery called the meeting back to order at 7:50pm and stated no binding action was taken in executive session.

Mayor Ussery called for a motion to appoint Gareth Adams as a Clearwater Police Officer at \$14.50 per hour starting on November 30, 2015.

**MOTION: Wood** moved, **Clark** seconded to appoint Gareth Adams as a Clearwater Police Officer starting at \$14.50 per hour. Voted and passed unanimously

### **13. Adjournment**

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

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

The meeting adjourned at 7:52 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 November 24, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 8<sup>th</sup> day of December, 2015.

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Courtney Meyer, City Clerk

**City of Clearwater  
City Council Meeting  
December 8, 2015**

**TO:** Mayor and City Council  
**SUBJECT:** Consider an Ordinance Approving the Serving of Complimentary Alcoholic Liquor or Cereal Malt Beverages for the 2016 Spring Art Walk  
**INITIATED BY:** City Administrator  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** In 2015, the Clearwater Chamber of Commerce hosted a Spring Art Walk in various locations in the downtown area of Clearwater. At that time several of the participating businesses requested permission to provide complimentary wine and other alcoholic beverages at their particular place of business. The City Attorney prepared an Ordinance that was adopted by the Governing Body that allowed the serving of complimentary alcohol.

The Clearwater Chamber has made a similar request for the 2016 Spring Art Walk. The event will be held April 8<sup>th</sup> from 7:00pm – 10:00pm in various locations. The Chamber has requested that the Governing Body adopt a similar ordinance that would allow for the serving of complimentary alcoholic drinks.

**Analysis:** The proposed ordinance is required pursuant to KSA 41-104(i) which states that “the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.”

Staff has updated the ordinance which was passed in 2014 for the 2015 event.

**Financial:** There is a small publication fee required for the Ordinance Summary.

**Legal Considerations:** Review and Comment as Necessary

**Recommendations/Actions:** It is recommended the City Council:

- 1) Approve the Ordinance as Presented;
- 2) Approve the Ordinance as Amended;
- 3) Not Approve the Ordinance;
- 4) Take No Action;

**Attachments:** Letter of Request from the Clearwater Chamber (1-page); Ordinance 1006 (2-pages)

(Summary Published in the Times-Sentinel  
on the \_\_\_\_ day of \_\_\_\_\_, 2015.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1006

AN ORDINANCE APPROVING THE SERVING OF COMPLIMENTARY ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE ON THE UNLICENSED PREMISES OF BUSINESSES WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS IN SUPPORT OF THE 2016 ANNUAL SPRING ART WALK IN ACCORDANCE WITH K.S.A. 41-104(i).

WHEREAS, K.S.A. 41-104(i) authorizes the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance; and

WHEREAS, the City of Clearwater, Kansas received a formal request from Ms. Tricia Nichols, on behalf of the Clearwater Community Foundation and the Clearwater Chamber of Commerce, nonprofit organizations promoting the arts within the City of Clearwater, Kansas, to approve the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of businesses within the corporate limits of the City of Clearwater, Kansas in support of the 2016 Annual Spring Art Walk in accordance with K.S.A. 41-104(i).

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS.

SECTION 1. APPROVAL. The serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of businesses within the corporate limits of the City of Clearwater, Kansas in support of the 2016 Annual Spring Art Walk, sponsored by the Clearwater Community Foundation and the Clearwater Chamber of Commerce, nonprofit organizations promoting the arts within the City of Clearwater, Kansas, is hereby approved upon proper notification of the Director of the Alcoholic Beverage Control no less than 10 days in advance of said Spring Art Walk in accordance with K.S.A. 41-104(i).

SECTION 2. EFFECTIVE DATE. This ordinance shall be in force and effect after publication of its summary in the official City newspaper.

Adopted by the City Council this 8th day of December, 2015.

Approved by the Mayor this 8th day of December, 2015.

\_\_\_\_\_  
MAYOR, BURT USSERY

SEAL

ATTEST:

\_\_\_\_\_  
CITY CLERK, COURTNEY MEYER



December 2, 2015

Dear City Council Members,

We are in the midst of planning out 2nd Annual Clearwater Art Walk. Last years Art Walk was a huge success-thanks to you, the Chamber of Commerce, The Clearwater Community Foundation, and all of our talented artists and musicians.

This year's event will take place 7-10pm on April 8th. We would like to, again, allow the hosting businesses to serve wine if they choose. We have also had some interest in sampling micro brewed beer. If the Council is agreeable to this, I would like to ask that you approve the event by ordinance or resolution so that we may file for the permit.

If you have any questions or concerns, please do nit hesitate to contact me.

Thank you for your time.

*Tricia Nichols*

Tricia Nichols  
Clearwater Art Walk Committee Member  
300 S. First, Clearwater, KS 67026  
620.584.4466

**City of Clearwater  
City Council Meeting  
December 8, 2015**

**TO:** Mayor and City Council  
**SUBJECT:** Consider an Ordinance Establishing a Debt Service Fee  
**INITIATED BY:** City Administrator  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** In the creation of the budget for 2016 it was determined based on long range financial projections that an increase would be needed for the sewer utility to maintain a healthy reserve account, continue operations and pay for debt issuances. During discussions of the budget, a plan was formulated to create a debt service fee to offset the cost of bond payments on a yearly basis for the sewer utility. The city is and will be paying on two bond issuances, the first for the expansion of the lagoon system and the second for the installation of an aeration and re-circulation system as well as the removal of sludge from the existing lagoons. The second changes were required by the Kansas Department of Health & Environment so that the city could meet increased discharge limits.

The city hosted two open forums that provided opportunities for the public to gather more information on the debt service fee as well as to provide feedback to the Governing Body on concerns that they may have had. During those discussions and during open meetings of the Governing Body it was determined that a tiered debt service fee plan be created to ensure fairness to the sewer utility customers.

**Analysis:** Staff has prepared an ordinance that would go into effect on January 1, 2016 to begin collecting the debt service fee based on the four tiered system. Those tiers are broken out as follows;

Class	# of Users	Gallons Used Per Month	Per Month Fee	Generated Revenue
Low	186	0 – 2,999	\$11.25	\$25,110.00
Average	486	3,000 – 5,999	\$15.00	\$87,480.00
High	174	6,000 – 10,999	\$18.75	\$39,150.00
Ultra-High	37	11,000 - +	\$21.75	\$9,657.00
				\$161,397.00

Based on the required debt service payment, the four tiered system will allow the city to meet its financial obligations to bond holders while maintaining a healthy reserve account as well as being able to fully fund operations of the sewer utility.

The tiered system will be in place thru 2023 at which time the first bond issuance will be retired and a lower yearly bond payment will be needed. That fee of \$7.22 will be implemented across the board for all utility users without respect to consumption or usage.

It is important to note that the debt service fee goes directly to the repayment of the debt issuances and does not supplement or factor into the operating costs for the sewer utility. A previous action by the Governing Body set in place a 1% per year increase for operating costs for the sewer utility. Based on financial projections it may be necessary for the Governing Body to consider a rate change for operating costs in 2020.

**Financial:** There is a small publication fee for the ordinance summary.

**Legal Considerations:** The City Attorney has provided the ordinance adopting the Debt Service Fee.

**Recommendations/Actions:** It is recommended the City Council:

- 1) Approve the Ordinance as Presented.
- 2) Approve the Ordinance as amended;
- 3) Not Approve the Ordinance;
- 4) Take No Action.

**Attachments:** Ordinance 1007 Establishing a Debt Service Fee (4-pages) Data Sheets (1-page)

(Summary First Published in the Times-Sentinel  
on the \_\_\_\_\_ day of December, 2015.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1007

AN ORDINANCE ESTABLISHING A DEBT SERVICE FEE FOR THE CITY OF CLEARWATER SEWER UTILITY BY AMENDING SECTION 13.20.040 – RATES AND CHARGES OF THE CLEARWATER, KANSAS MUNICIPAL CODE AND REPEALING ALL CONFLICTING ORDINANCES OR PARTS THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CLEARWATER, KANSAS:

Section 1. Amending Section 13.20.040 of the Clearwater, Kansas Municipal Code.

Section 13.20.040 of the Clearwater, Kansas Municipal Code is hereby amended to read as follows:

“13.20.040 - Rates and charges.

A. Service Charge. All persons, firms, corporations, city departments, the United States of America, the state of Kansas and its political subdivisions, and any organization whose premises are connected or may hereinafter be connected directly or indirectly to the sanitary sewer system of the city, shall be assessed a monthly service charge as follows:

1. Residential, twenty-one dollars and eighty cents minimum charge for each residential sewer connection with the city;
2. Business, commercial or nonresidential establishments inside the corporate limits of the city that are not specified hereafter, twenty-one dollars and eighty cents;
3. Restaurants and cafes, fifty-five dollars and six cents;
4. Laundry and dry cleaning establishments, eighty-two dollars and sixty-five cents;
5. Car washes, fifty-five dollars and six cents;
6. Educational, two dollars and twenty-seven cents per month for each student, teacher, administrative or service person normally using such structure during the

month for which the service charge is assessed. Persons normally using the structure from September 20<sup>th</sup> of each year as reported to the State Board of Education; provided however, that in no event shall such charge for any educational building be less than fifty-one dollars per month;

7. A. Care home, nursing home, or assisted living facility, seventy-eight dollars and twenty-one cents;

B. Independent residential units affiliated with an assisted living facility, twenty-one dollars and eighty cents per residential unit;

8. Subsidized high-density residential complexes, per residential unit twenty-one dollars and eighty cents;

9. Residential structures outside the corporate limits of the city, seventy-three dollars and eighty-nine cents;

10. Business, commercial or nonresidential establishments inside the corporate limits of the city that have multiple offices with multiple facilities that connect to the city's sanitary sewer system although the customer only has one water meter will be charged the following: one office for a business, commercial or nonresidential establishment inside the corporate limits of the city will be charged the same as one residential connection; two or more offices will be charged equal to twice the amount of a single residential connection;

11. Business, commercial or nonresidential establishments outside the corporate limits of the city, such sum as may be assessed by the council upon resolution;

12. Any residence, business, commercial or non-residential establishments inside or outside the corporate limits of the city found to be creating additional problems for sewer maintenance and/or operation, the city council by resolution may assign fees for additional maintenance and/or raise the monthly base rate by thirty percent for the intended residence, business, commercial or nonresidential establishment for a length of time determined by the city council.

B. Usage Charges. A water usage charge of one dollar for each one thousand gallons or any portion thereof shall be assessed to each customer. This charge is shall be computed by averaging the usage for the months of January, February and March of each year, provided however, that if said average is adversely affected to the detriment of the customer by a customer water leak or by the city's necessity to estimate water usage, then the city shall use a four months' average. If water usage history is not available, the average shall be deemed to be five thousand gallons.

C. Prorated Charges. The above charges shall be prorated on the customer's first and final bills as follows: one day to ten days, customer shall be charged for ten days; eleven days to twenty days, customer shall be charged for twenty days; twenty-one days or more, customer shall be charged for the entire month. Each connection to either a main or lateral or each separate unit of a multiple occupied dwelling or building connected to a main or lateral shall constitute a separate connection under this chapter.

D. Annual increase—Changes of monthly charges.

The rates identified in subsection A. of this section shall increase by one percent each year beginning with the billing reading in March, 2010, and shall increase every March thereafter by one percent of the then current minimum charge.

E. Debt Service Fee.

Effective January 1, 2016, a monthly debt service fee shall be applied to all accounts connected to the sanitary sewer system for the City of Clearwater as follows;

- 0-2,999 gallons of average consumption – \$11.25 per month
- 3,000 – 5,999 gallons of average consumption - \$15.00 per month
- 6,000 – 10,999 gallons of average consumption - \$18.75 per month
- 11,000 and above of average consumption - \$21.75 per month

Said fee shall be in effect until December 31, 2023 unless otherwise amended by the Governing Body of the City of Clearwater. Said fee shall be \$7.22 for all users on and after January 1, 2024 unless otherwise amended by the Governing Body of the City of Clearwater.”

Section 2. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 4. Effective Date.

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Adopted by the City Council this 8th day of December, 2015.

Approved by the Mayor this 8th day of December, 2015.

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MAYOR, BURT USSERY

SEAL

ATTEST:

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CITY CLERK, COURTNEY MEYER

# Actual Bond & Debt Service Fee

	Series 2012 Bond Payment	Series 2015A Bond Payment	Total Debt Payment	Debt Service Fee Flat 880 Customers
2016	\$94,237.50		\$94,237.50	\$8.92
2017	\$96,987.50	\$74,500.00	\$171,487.50	\$16.24
2018	\$94,587.50	\$73,710.00	\$168,297.50	\$15.94
2019	\$97,187.50	\$77,960.00	\$175,147.50	\$16.59
2020	\$94,637.50	\$76,985.00	\$171,622.50	\$16.25
2021	\$97,087.50	\$75,815.00	\$172,902.50	\$16.37
2022	\$94,387.50	\$74,515.00	\$168,902.50	\$15.99
2023	\$92,250.00	\$77,955.00	\$170,205.00	\$16.12
2024	\$-	\$76,205.00	\$76,205.00	\$7.22
2025	\$-	\$74,280.00	\$74,280.00	\$7.03
2026	\$-	\$77,250.00	\$77,250.00	\$7.32

# 4 Tier Total Debt Service Fee

	Series 2012 Bond Payment	Series 2015A Bond Payment	Total Debt Payment	Low 186 Customers	Average 486 Customers	High 174 Customers	Ultra High 37 Customers	Total Generated	+/-				
2016	\$94,237.50		\$94,237.50	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ 67,159.50
2017	\$96,987.50	\$74,500.00	\$171,487.50	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ (10,090.50)
2018	\$94,587.50	\$73,710.00	\$168,297.50	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ (6,900.50)
2019	\$97,187.50	\$77,960.00	\$175,147.50	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ (13,750.50)
2020	\$94,637.50	\$76,985.00	\$171,622.50	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ (10,225.50)
2021	\$97,087.50	\$75,815.00	\$172,902.50	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ (11,505.50)
2022	\$94,387.50	\$74,515.00	\$168,902.50	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ (7,505.50)
2023	\$92,250.00	\$77,955.00	\$170,205.00	\$ 11.25	\$ 25,110.00	\$ 15.00	\$ 87,480.00	\$ 18.75	\$ 39,150.00	\$ 21.75	\$ 9,657.00	\$ 161,397.00	\$ (8,808.00) \$ (1,626.50)
2024	\$-	\$76,205.00	\$76,205.00	\$ 7.22	\$ 16,115.04	\$ 7.22	\$ 42,107.04	\$ 7.22	\$ 15,075.36	\$ 7.22	\$ 3,205.68	\$ 76,503.12	\$ 298.12
2025	\$-	\$74,280.00	\$74,280.00	\$ 7.22	\$ 16,115.04	\$ 7.22	\$ 42,107.04	\$ 7.22	\$ 15,075.36	\$ 7.22	\$ 3,205.68	\$ 76,503.12	\$ 2,223.12
2026	\$-	\$77,250.00	\$77,250.00	\$ 7.22	\$ 16,115.04	\$ 7.22	\$ 42,107.04	\$ 7.22	\$ 15,075.36	\$ 7.22	\$ 3,205.68	\$ 76,503.12	\$ (746.88) \$ 1,774.36
			\$1,520,537.50									\$ 1,520,685.36	\$ 147.86

**City of Clearwater  
City Council Meeting  
December 8, 2015**

**TO:** Mayor and City Council  
**SUBJECT:** Consider a Change Order for Park Glen Estates  
**INITIATED BY:** City Administrator  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** At the October 27<sup>th</sup> meeting the Governing Body authorized improvements in the amount of \$267,215.45 for streets and drainage and other improvements for Park Glen Estates. A portion of that amount was for dirt work within the development. That work enabled fill dirt from the retention pond to be placed within street right-of-ways to match the existing development to the west as well as the construction of 11 building pad sites within the development.

**Analysis:** The change order as presented is an up to amount. The additional dirt is being required to even lots out with the grade at the curb. The developer requested that dirt originally only be used for the building pad sites but when observed in the field it was agreed that additional dirt would need to be brought back from the curb to the front of the pad site. This additional dirt will be drawn from expanding the retention pond. Because of rains in the last several weeks the pond, which was complete, filled and needed to be dewatered (pumped out) prior to the removal of any dirt and regrading of the detention pond. The changes will not have a negative effect on the hydrology within the development and the additional capacity will slow downstream discharge. The developer and engineer have approved of the change order. It is estimated that this time that 5,000 cubic yards of dirt will be required to complete the work. Based on computer models, the actual amount of dirt maybe less than the requested amount.

**Financial:** The cost of the change order is \$21,125.00, which would create a total project cost of \$288,337.45 for street and drainage improvements.

To date the total costs for construction for sewer, water, drainage and streets is \$332,993.95. The city issued temporary notes in the amount of \$510,000.00 of which \$463,277.82 was for the construction and engineering. Once the final costs are determined that amount will be used for the permanent financing which will begin in 2018. With this change order the total would be \$354,118.95 for construction costs with some additional funds being used to pay for associated fees. The total project cost is projected to come in under the estimate for construction of \$463,227.

**Legal Considerations:** Review and Comment as Necessary

**Recommendations/Actions:** It is recommended the City Council:

- 1) Approve the Change Order for up to 5,000 Cubic Yards of Excavation and Compaction as submitted;
- 2) Approve the Change Order with modifications;

- 3) Deny the Change Order;
- 4) Table the Matter for Further Study.

**Attachments:** Change Order Request (1-page)

**CITY OF CLEARWATER, KANSAS  
STREET IMPROVEMENTS  
PARK GLEN ESTATES  
CONTRACT CHANGE ORDER #1**

TO: Contractor Cornejo & Sons, 2060 East Tulsa, Wichita, KS, 67216

PROJECT: Street Improvements, Park Glen Estates, Clearwater, KS

CONTRACT NO. 2015-1 CONTRACT DATE 11/6/2015 CHANGE ORDER NO. 1

You are hereby requested to comply with the following changes from the Contract Plans and Specifications.

Item No. (1)	Quantity (2)	Unit (3)	Description of Changes (4)	Unit Price (5)	Decrease In Item Ext. (6)	Increase In Item Ext. (7)
1	5,000	CY	Common Excavation	\$ 3.10		\$15,500.00
3	5,000	CY	Type B, MR-90 Compaction	\$ 0.60		\$ 3,000.00
20	1	LS	Dewater Existing Pond	\$ 2,625		\$ 2,625.00
			Total Decrease:			
			Total Increase:			\$21,125.00
			Difference Between (6) and (7):			

The sum of \$21,125 is hereby added to the total contract price of \$267,212.45, and the total adjusted contract price to date is thereby \$288,337.45.

The time provided for completion of this contract is increased by 0 calendar days. This shall become an amendment to the contract and all provisions of the contract will apply hereto.

Accepted: Cornejo & Sons  
Contractor

Date: \_\_\_\_\_

By \_\_\_\_\_

Recommended by   
Project Engineer

Date: 12-2-15

APPROVED BY THE CITY OF CLEARWATER, KANSAS

\_\_\_\_\_  
Justin Givens, City Administrator

Date \_\_\_\_\_

ATTESTED \_\_\_\_\_  
Courtney Meyer, City Clerk

Date \_\_\_\_\_

**City of Clearwater  
City Council Meeting  
December 8, 2015**

**TO:** Mayor and City Council  
**SUBJECT:** Approval of 2016 Cereal Malt Beverage and Alcoholic Liquor  
Drinking Establishment Licenses  
**INITIATED BY:** City Clerk  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** Annually, those businesses that sale Cereal Malt Beverages for either consumption on premises or in original packaging are required to be issued a Cereal Malt Beverage License from the city as well as Drinking Establishments those businesses that sell Alcoholic Liquor.

**Analysis:** The following locations have applied for Licenses in 2016:

**Consumption on Premises (CMB):**

- 1) Armondo's Mexican Grill (117 E Ross)
- 2) Pizza Hut (200 E Ross)

**Retail Sales (CMB):**

- 1) Casey's General Store (152 N 4th)
- 2) Walmart Neighborhood Market (900 E Ross)
- 3) Mize's Food Store (449 N 4th)

**Drinking Establishments**

- 1) First and Last Bar (122 E Ross)

**Alcoholic Liquor**

- 1) Clearwater Liquor Store (560 N 4<sup>th</sup>)

Once a permit has been granted for a location that has received a waiver from the restriction on location, the council is not required to conduct another public hearing such as for Armondo's Mexican Grill earlier this year.

**Financial:** The cost of the license for consumption on premises is \$100.00 per year and the cost for sale in original packaging is \$50.00 per year. Drinking Establishments pay a \$250.00 license fee to the city each year. Alcoholic Liquor retailers pay an occupational tax of \$250.00 per year to the city. The city also receives approximately \$6,100.00 in local alcohol tax collected at the point of sell for Drinking Establishments or any other temporary permit holder.

**Legal Considerations:** Review and Comment as Necessary

**Recommendations/Actions:** It is recommended the City Council:

- 1) Approve the 2016 Licenses for:  
Armondo's Mexican Grill; Pizza Hut; Casey's General Store; Walmart  
Neighborhood Market; Mize's; First and Last Bar; Clearwater Liquor Store
- 2) Not Approve the 2016 Licenses:
- 3) Take No Action;

**Attachments:** None

**City of Clearwater  
City Council Meeting  
December 8, 2015**

**TO:** Mayor and City Council  
**SUBJECT:** Utility Write Off  
**INITIATED BY:** City Clerk  
**PREPARED BY:** City Administrator  
**AGENDA:** New Business

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**Background:** Annually, the City Clerk prepares a list of outstanding accounts for write off in accordance with generally acceptable accounting principles (GAAP) standards. These accounts had been inactive for a minimum of five years or have extenuating circumstances that would lead staff to believe they should be written off. The accounts have been sent to the state set off program and will remain in collections though.

**Analysis:** A total of 11 accounts with an accumulated balance of \$1,151.83 have been submitted for write off. Two of the accounts submitted are for deceased account holders and one was a bankruptcy case.

**Financial:** The accounts remain in collections via the state set-off program and if any monies were returned to the city they would be deposited into the corresponding utility fund. The write off removes the amount owed from our statements as requested by the city's auditor.

**Legal Considerations:** Review and Comment as Necessary

**Recommendations/Actions:** It is recommended the City Council:

- 1) Authorize the City Clerk to write off the accounts as presented.
- 2) Authorize the City Clerk to write off the accounts as amended;
- 3) Not Authorize the Write Off;
- 4) Take No Action.

**Attachments:** None