



City of Clearwater Council Meeting Notice

Tuesday, September 8, 2015 at 6:30pm

129 E Ross Clearwater, KS 67026

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 September 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 8/11 Council Meeting TAB A

7. Action: Award Bid for Sewer and Water Improvements for Park Glen Estates Phase 1 TAB B

8. Action: Consider an Ordinance 1002 Amending Section 3.12 of the Clearwater Municipal Code. (Roll Call if adopted) TAB C

9. Action: Authorize a Temporary Permit of the Consumption of Alcohol on Public Property TAB D

10. Discussion: Sign Regulations for the City of Clearwater TAB E

11. Discussion: Debt Service Implications on Sewer Rates TAB F

12. Discussion: Old Business Items

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.

To: Honorable Mayor and City Council

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

Re: Agenda Summary 09 08 2015

Item 7: Staff is seeking authorization for the Mayor to award a bid for approximately \$65,000.00 to Mies Construction for Sanitary Sewer and Water Improvements for Park Glen Estates, Phase I.

Item 8: Staff has presented a new Ordinance for the regulation of Solicitors and Peddlers. The new Ordinance allows for a \$50.00 application fee as well as a \$25.00 background check fee and would disqualify applicants if they have felonies involving theft, fraud or sexual violations.

Item 9: Staff is presenting a generic Temporary Permit for Consumption of Alcohol in Public Property for approval as well as a specific Application for a beer garden during the Fall Festival as previously discussed.

Item 10: As discussed at the August 25th meeting staff has presented the Clearwater Sign Regulations for a discussion on the treatment specifically of signs in the right of way.

Item 11: Staff will present detailed information at the meeting on rate impacts of previously issued debt, new debt and operating costs as it pertains to the Sewer Utility Fund. Staff will be seeking dates for workshops that will be open to the public to discuss any possible rate increase.

Item 12: Staff will provide a list of Old Business items and a status update at the meeting.

As a reminder City Hall will be closed on Monday for the Labor Day Holiday. Have a Safe Weekend.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - MINUTES
August 25, 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

Mayor Ussery 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, were all present.

Councilmember Chris Griffin was absent. (Arrived for roll call)

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.

Others Present:

Samaria Moore, resident; Paul Rhodes, Times Sentinel News.

Approval of the Agenda

Givens stated that there will be no Ordinance 1002 for agenda item number 11.

Motion: *Marsh* moved, *Clark* seconded to accept the August 25, 2015 agenda. Voted and passed unanimously.

Public Forum

Mayor Ussery stated that nobody approached the podium however he had resident email him and Mayor Ussery read the email at this time.

Mr. Stearns commented he liked the new format of the City Council Meeting packets on the website. The new format allows people with busy schedules who aren't able to attend regularly; the opportunity to review what is going on in our community and provide input to the city council prior to the bi-monthly meeting.

He wanted to express his concern as a resident of Clearwater related specifically to the Chisholm Ridge Lots the city owns. The meeting notes reference an opportunity presented by the KHRC for a grant assisting moderate income individuals with home

purchasing or builder subsidies. He is in agreement with Given's comments on directing staff on an appropriate course of action, but he feels it is more than just the staff that need addressed it is the residents of Clearwater who need a better understanding of how this will impact them. He also is in agreement with councilman Griffin who stated "he would not want to do anything that would drop home value that are in Chisholm Ridge by building the grant home". He sees no benefits except to a developer getting people to pay for his project. He does not agree on going forward with this project, or the city accepting bids from developers that will receive any grant monies from the KHRC to fund this development for our city. The city should not be in the development business or take any of the risks associated with it. The council needs to be good stewards with our tax dollars.

Another concern he brought up, is related to the recent hail storm we had in Clearwater and the roofing companies that are going door to door non-stop for appraisals. He just wanted to make sure the residents of Clearwater have an understanding of best practices and how the City can help steer them away from potential scammers and to encourage a stronger police presence in the community while all the roof repairs are ongoing.

Councilman Griffin arrived at 6:36.

Consent Agenda

Griffin stated in the minutes from 8/11 on page 7 on the council reports it was actually the Nazarene steeple not the Methodist steeple that was being replaced.

Motion: *Clark* moved, *Marsh* seconded to approve the consent agenda with the changes. Voted and passed unanimously.

Consider a Resolution concerning Property Taxation Policy with Respect to Financing the Annual Budget

Administrator Givens stated when the Kansas State Legislature adopted its most current property tax legislation in June of 2015 a portion of the bill required cities to adopt a resolution authorizing any tax increase over the adjusted consumer price index. The resolution that is being presented was drafted by the State of Kansas so that cities can be compliant with the new legislation. The form was provided to the city by the Sedgwick County's Clerk Office.

Motion: *Wood* moved, *Clark* seconded to adopt Resolution 12-2015. Voted and passed unanimously.

Authorize the Mayor to Enter into an Agreement with Klausmeyer Dairy Farm tours, LLC

Givens mentioned for the last five years the city has leased bleachers to Klausmeyer Dairy Farms for their annual Pumpkin Patch. Klausmeyer has once again requested that the city provide for the lease of the bleachers.

The agreement between Klausmeyer and the city provides for the lease of bleachers to be delivered on October 1, 2015 and running thru November 1, 2015, with options for

an extension. The agreement includes delivery and pick up from city staff of the bleachers. It also specifies an amount (\$500,000.00) of Liability Insurance required to be carried by Klausmeyer and holds them responsible for any damages to the bleachers.

Motion: *Griffin* moved, *Papish* seconded to authorize to the mayor to sign an agreement with Klausmeyer Dairy Farm Tours, LLC. Voted and passed unanimously.

Authorize the Mayor to Enter Into an Inter Local Agreement with USD 264 for the School Resource Officer

Griffin addressed the council and said the City informed the School District in writing on July 1, 2015 that it fully intended to continue the School Resource Officer program and during budget preparations would be certain that a funding source would be keep intact for the program.

Staff submitted a draft agreement for review and comment by the district prior to their August meeting and following that review and discussed proposed changes with USD staff.

The district would like to have a stipulated amount inserted into the agreement as well as language that provides for our current situation where the SRO is not at the school full time do to current staffing levels.

The agreement spells out terms and conditions in which the SRO program would operate in Clearwater and allows for the continued shared funding of the position. The district reimbursed the city for 67.3 percent of the costs associated with the program including the salary and other benefits as well as some compensation for expenses such as gas and vehicle maintenance. The total compensation would not exceed \$33,000.00 for the 2015-2016 school year. This amount is actually less than the 2014-2015 amount.

Griffin stated he is excited to see the program move forward

Motion: *Griffin* moved, *Marsh* seconded to authorize the Mayor to enter into local agreement with USD 264 for the school resource officer. Voted and passed unanimously.

Adopt an Ordinance #1001 Amending Certain Sections of the Clearwater Municipal Code in Relationship to the Consumption of Alcohol on Public Property.

At the August 11, 2015 meeting, the Governing Body directed legal counsel to prepare the appropriate documents and ordinances to allow the consumption of alcohol on public property via temporary permits. The direction came after discussion of the Governing Body and subsequent approval of a temporary permit for a beer garden on Saturday evening of the Fall Festival.

Ordinance #1001 as prepared by the City Attorney amends Section 11.04.020 of the Clearwater Municipal Code and permits the consumption of alcohol on city property if a temporary permit has been granted or approved by the Governing Body and the State of Kansas. The ordinance as written continues the prohibition of consumption of alcohol

on public space or roadway at any other time than when and where a special event permit has been granted by the Governing Body.

Attorney Parker explained the Temporary Permit he developed can be filled out for specifics of the event and approved by council.

Papish mentioned the ordinance is specific to the basketball court

Wood asked if it would be better if it was for the park in general.

Ussery asked if the ordinance couldn't be for city property in general and the temporary permit could be used to define a specific place.

Parker agreed that it made more sense to word the ordinance that included city owned property under state statute and for the permit to designate the location as specified in the permit

Council asked that the Temporary Permit be modified and brought back to next meeting.

Motion: *Wood* moved, *Papish* seconded to adopt Ordinance 1001 with stated changes.

Clerk Meyer gave a roll call for the vote
Clark, yea; Papish, yea; Wood, yea; Marsh, yea; Griffin no.

Mayor Ussery stated that ordinance 1001 passed 4-1.

Adopt an Ordinance Amending Certain Sections of the Clearwater Municipal Code in Relationship to the Issuance of Temporary and Special Event Licenses for Alcoholic Consumption

Givens stated earlier that no ordinance will be adopted for this.

Parker further explained that there is a newer state statute that supersedes our ordinance therefore we do not need to adopt a new ordinance. When we go through our codification this will automatically be update.

Claims and Warrants

Meyer presented the claims and warrants in the amount of \$441,743.75 which included semi-annual bond payments in the amount of \$385,949.38 and asked Council if they had any questions.

Mayor Ussery called for an executive session for personnel matters and attorney-client privilege.

Motion: *Clark* moved, *Marsh* seconded to enter into executive session pursuant to non-elected personnel to discuss specific personnel matters that would be deemed privileged in attorney client relationship, to include the City Administrator and the City Attorney. The City Council will reconvene the open meeting in the City Council Chambers at 7:16pm

Mayor Ussery reconvened the meeting at 7:16 and stated there was no binding action taken in executive session

Motion: *Wood* moved, *Clark* seconded to pay the claims and warrants in the amount of \$441,743.75 plus the two settlement agreements. Voted and passed unanimously.

City Administrators Report

Administration

- IT Kansas is having issues with the migration from 2003 to 2012 versions. The automatic tool is not working as effectively as they had anticipated. They are working on the issues and may have to manually transfer files from the old sever to the new one. The email exchange will be up and running by Monday August 31st.
- EMC adjusters will be out tomorrow to look at city owned building roofs. We will also be taking in the Honda and two police cruisers that were parked outside during the rain storm.
- Staff will be presenting a request to update the Solicitors license fee at the next meeting. Currently, we only charge a \$5.00 fee for a solicitor's license, which includes a current warrant check by PD and staff time to process the applications. This will be applicable to all door to door sales and solicitors.
- Staff will be meeting with 4 property owners on the 135th Street Project this week to secure the remaining easements. The city engineer is developing an exhibit to be filed with the easements to help ease some of the concerns with granting an easement that is written for more than what the property owner is granting.
- Bandit Signs – staff is seeking a recommendation for signs within the right of way. We are not sure what the protocol has been in the past and want to follow the direction of the council. They are illegal in the zoning. Should be pull them out or leave them?

Clark stated the Lyons club has always has their sign for the pancake fee.

Givens suggested pulling the sign ordinance for next meeting to review. Council agreed.

- All staff will have a monthly safety meeting next Tuesday. A safety committee has been formed and will work together to create a safety program for city staff. The committee includes staff members from Public Works, PD and Administration. This is something that KMIT highly recommends and could lead to a reduction in insurance premiums going forward.
- A bid award meeting will be held on Thursday at 2:00 pm for sewer, water and storm sewer for Park Glen Estates.
- Staff is researching a grant writing program and tool to assist in the application for grants for all departments.
- Information on the LKM Annual Conference follows this report. If you are interested in going let staff know and we can make arrangements.

Public Works

- Staff attended training on KDHE's revised Coliform Rule over the past week.
- Revised total Coliform Rule, (RTCR) effective date April 1, 2016 The RTCR establishes a maximum contaminant level (MCL) for E.coli and uses E.coli and total coliforms to initiate a "find and fix" approach to address fecal contamination that could enter into the distribution system. It requires public water systems (PWSs) to perform assessments to identify sanitary defects and subsequently take action to correct them.
- Staff will begin locating and preliminary planning for moving water services that will be affected by the 135th Street work.
- Staff will be mowing a lot this week and completed meter readings last week.

Parks and Recreation

- Today was the last day for High School swimming at the pool. It will be drained sometime this week.
- On Sunday, September 13th a ballet company will have a performance in the city park. That performance will start at 2:00 pm.
- Fall sports programs, flag football and volleyball begin this week and next respectively.
- The City Administrator will be meeting with the Park Board Advisory Chair this week to discuss future park plans.

Mayor Ussery wanted to make sure the grant for sidewalk the recreation commission were going to apply for was turned in on time.

Community Center

- Distributed commodities today with 7 families being served. PWs Staff picks up food in Wichita prior to the distribution days.

Library

- Preschool story time starts September 8th at 10:30 am.

Police

- Eight individuals for the Chief position were contacted for background information releases. Staff will have an outside agency perform background checks and review that information prior to initiating interview request next week.

Council discussed further on the solicitor's permit.

Mayor Ussery felt the city should be more diligent about making the community aware at this time which people have permits to go door to door. He suggested updating the website to have a list of them that are permitted to go door to door.

Givens wanted to state that there is a difference to knocking on doors and putting out fliers. If a person is putting flier on your door that does not require a permit. They only need a permit if they will be knocking on the door to speak to you.

Griffin asked if it was out of line to post a picture of what a permit looks like on the web so when residence ask to see it they know it is a legitimate permit.

Papish wanted to vocalize to not show the contractor what insurance will be paying you before you get a quote.

Ussery stated he wanted to do as much as we could do to help the community.

Givens stated that we will be bringing a revised ordinance for Council review to the next meeting.

Mayor Ussery asked attorney Parker if he had anything to discuss.

Parker stated that Givens called him to ask if he would pull out all personnel matters out of what he has charged the City so we could better determine what is being spent on normal day to day operations.

Mayor Ussery stated he asked Givens to look into attorney fees because the 2015 budget for city attorney will be exceeded. Ussery asked Parker if there is more clerical work that can be done on the city level and send to the attorney for review instead of the attorney spending time creating documents. Mayor Ussery asked Parker how we can be more efficient.

Parker stated that he came on after the budget was already set for 2015. When he spoke with former administrator he said there would be about 7 hours for meeting each month and 15 to 20 extra hours according to former City Attorney bills. Parker stated he has come down on his prices to accommodate the City for the budget that was already set.

Council Reports

Wood asked about the concrete slab in the park where the restroom used to be. He noticed the trip hazard has been removed but it was part of the phase I park improvements to have it completely removed.

Clark asked about the 2 houses on Byers and when are they are going to be mowed. Givens said they are trying to schedule them now

Marsh has nothing to report.

Griffin mentioned the alley at his house in washing out and there is quite a dip there. Would like it fixed.

Papish stated that there have been several people that have requested that the open area in the park stay open. Also wanted an update on the firework person and if he was ever reached to discuss our disappointment of the 4th's fireworks.

Givens stated no not yet, but he did infer to Fall Festival that the City would not be sponsoring fireworks this year for the festival.

Ussery said after the hail store there were lots of leaves that were knocked out of the trees and wondered if the street cleaner would be out to clean up the streets.

Public Works Director Misak he would have the street cleaner out when he had an opportunity.

Ussery also mentioned he would like to see the old business list so it stays fresh in everyone's mind. Also he wants staff to put together meetings for the community to talk about the sewer rate debt service fee that will start on their January bills. He also mentioned we were to have an emergency preparedness meeting in August that never happened. He asked Givens to stay on top of that.

Adjournment

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

MOTION: *Griffin* 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 August 25, 2015 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 8th day of September, 2015.

Courtney Meyer, City Clerk

CERTIFIED ENGINEERING DESIGN, P.A.

1935 West Maple
Wichita, KS 67213
(316)262-8808 Office
(316)262-1669 Fax

September 8, 2015

Mr. Earl Mies, President
Mies Construction, Inc.
1919 SW Boulevard
Wichita, KS 67213

NOTICE OF AWARD

Re: Sanitary Sewer and Waterline Improvements
Park Glen Estates
Clearwater, KS

Mr. Mies:

The Owner has considered the Proposal submitted by you for the above described project in response to its Invitation for Bids and Information for Bidders dated August 13, 2015.

You are hereby notified that your Proposal has been accepted by the Owner for items in the amount of \$65,778.50. Upon return of the of the signed Notice of Award the Contract Documents will be forwarded to you and you are required by the Information for to Bidders to execute the Contract Agreement and furnish the required Performance Bond, Payment bond, Maintenance Bond and Certificate of Insurance within ten(10) calendar days from the date of Contract Documents being sent to you.

If you fail to execute said Contract Agreement and to furnish said Bonds within ten(10) days from the date of this notice, said Owner will be entitled to consider all your rights arising out of the Owner's acceptance of your Proposal as abandoned and as a forfeiture of your Bid Security. The Owner will be entitled to such other rights as may be granted by law.

You are required to acknowledge receipt of this NOTICE OF AWARD to the Owner by signing in the appropriate space below and returning an original copy to this office. If you have questions, please call the City Engineer at (316)262-8808.

Sincerely,

Mayor Burt Ussery
CITY OF CLEARWATER, KS.

I hereby acknowledge Receipt of the Notice of Award as of the date listed below:

Received by: _____ Date: _____

Company: Mies Construction, Inc., 1919 SW Boulevard, Wichita, KS 67213

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

TO: Mayor and City Council
SUBJECT: Consider an Ordinance No. 1002 Updating Section 3.12 of the Clearwater Municipal Code
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: 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.

Analysis: 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 of the calendar year. These licenses will not be pro-rated. Recognized non-profit groups will not be required to receive permits.

Financial: 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.

Legal Considerations: Review and Comment as Necessary

Recommendations/Actions: It is recommended the City Council:

- 1) Adopt Ordinance #1002 updating Section 3.12 of the Clearwater Municipal Code.

Attachments:

Ordinance #1002 Updating Section 3.12 of the Clearwater Municipal Code

ORDINANCE NO. 1002
AN ORDINANCE AMENDING SECTION 3.12 OF THE CLEARWATER
MUNICIPAL CODE AND REPEALING THE OLD SECTIONS

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

SECTION 1: That Chapter 3.12 of the Municipal Code of the City of Clearwater, Kansas is amended to read:

CHAPTER 3.12. SOLICITORS, CANVASSERS, PEDDLERS

3.12.010. Definitions.

For the purpose of this article, the following words shall be considered to have the following meanings:

- (a) Soliciting means and includes anyone or more of the following activities:
 - (1) Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatsoever, for any kind of consideration whatsoever; or
 - (2) Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character, or
 - (3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication.
- (b) Residence means and includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.
- (c) Canvasser or Solicitor means any individual, whether resident of the city or not, whose business is mainly or principally carried on by traveling either by foot, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale or whether he or she is collecting advance payments on such sales or not. Such definition shall include any person, who, for himself, herself or for another person, hires, leases, uses, or occupies any building, structure, tent, railroad boxcar, boat, hotel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.
- (d) Peddler shall mean any person, whether a resident of the city or not, traveling by foot, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from Street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions,

offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, automotive vehicle, railroad boxcar or other vehicle or conveyance, and further provided, that one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of this article shall be deemed a peddler .

(e) Transient Merchant, Itinerant Merchant and Itinerant Vendor are defined as any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within such city, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

(f) Street Salesman shall mean any person engaged in any manner in selling merchandise of any kind from a vehicle or stand temporarily located on the public streets or sidewalks of this city.

3.12.020. License required.

(a) It shall be unlawful for any person to engage in any of the activities defined in the preceding sections of this article, within the corporate limits of the city without then having an unrevoked and unexpired license therefor in his or her possession and issued by the City Clerk.

(b) Members of groups, organizations and corporations, which are recognized as being not for profit under the Kansas Corporation Code and/or the U.S. Internal Revenue Code, shall be exempted from the provisions of this article while participating in fund raising events for such not for profit group, organization or corporation.

(c) The Governing Body may waive the license requirements of this section for any person, firm.

3.12.030. Same; application required.

Before the City Clerk may issue any license required by this article, he or she shall require a sworn application in writing prepared on a form to be supplied by the City Clerk which shall give the following information:

- (a) Name and description of applicant;
- (b) Permanent home address and full local address of applicant;
- (c) A photo Identification of applicant including driver's license number, date of birth, expiration date of license and description of applicant;
- (d) Identification of vehicle used by applicant including license therefor used by applicant in conducting his or her business;
- (e) A brief description of the nature of the business to be carried on or the goods to be sold and the length of time such applicant has been engaged in the business;
- (f) If employed, the name and address of the employer, together with credentials establishing such relationship, including the authority by the employer authorizing the applicant to represent the employer in conducting business;
- (g) The length of time which business is proposed to be carried on;
- (h) The place where services are to be performed or where the goods or property proposed to be sold or orders taken for the sale thereof are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery;
- (i) Any certificates, licenses or other authorizations as may be required by the city, state or other regulatory bodies applicable to the applicant's proposed solicitation activity;
- (j) A statement as to whether or not the applicant has within two years prior to the date of the application been convicted of any crime, misdemeanor (other than minor traffic violations) or violation of any municipal law regulating peddlers, solicitors or canvassers and giving the nature of the offenses, the punishment assessed therefor, if any, and the city and state where conviction occurred; and
- (k) The applicant's Kansas Sales Tax number, if applicable.

3.12.040. Application fee.

The application shall be accompanied by a fee of \$50.00 and a \$25.00 background check fee or as amended by resolution of the governing body of the City to cover the cost of investigation of the applicant's qualifications. This fee is not refundable if the registration is refused for any reason or if applicant withdraws the application at any time after the close of business on the day during which it was submitted.

3.12.050. Investigation and issuance.

Upon receipt of the above application from an applicant, the City Clerk shall refer the same to the Chief of Police who shall cause an investigation of the facts stated therein to be made within five days.

(a) If as a result of the investigation, the applicant's character or business responsibility is found to be unsatisfactory or the facts stated therein to be untrue, the Chief of Police shall endorse on such application his or her findings and endorse his or her disapproval of the application and the reasons for the same and shall return the application to the City Clerk who then shall notify the applicant that his or her application is disapproved and that no license will be issued.

(b) If however, the investigation of such application discloses that the character and business responsibility and the facts stated in the application are satisfactory and true, the Chief of Police shall endorse his or her findings and approval on the application and return the same to the City Clerk who shall issue a license to the applicant to engage in the business described in the application. Such license shall contain the signature and seal of the issuing officer and shall show the name and address of the licensee, the date of issuance and length of time the license shall be operative, and the nature of the business involved. The City Clerk shall keep a permanent record of all such licenses issued and submit a copy of such license to the Chief of Police. The licensee shall carry the license certificate at all times.

3.12.060. Time limits; fees; exemptions.

(a) It is unlawful for any solicitor to call at any residence prior to the hour of 9 a.m. or after sunset, except by appointment.

(b) Fees, duration and expiration of each such license granted may be amended by resolution of the Governing Body.

(c) No fee shall be imposed against any producer, grower, or agent or employee of such grower, engaged in the sale of agricultural, farm, garden or aquaculture products grown by such growers residing within the State of Kansas.

3.12.070. Renewal.

All licenses issued shall be subject to renewal upon a showing of compliance with sections 3.12.020;030 of this article on an annual basis beginning January 1 of the following year. The City Clerk need not require an additional application under section 3.12.030 unless complaints have been received of violations of the conditions under which any license has heretofore been issued. The City Clerk shall not renew or extend any license where there is satisfactory evidence of any grounds for the suspension or revocation of any prior license, and the applicant shall be required to apply for a license as in the case of an original license.

3.12.080. Denial, revocation or suspension of license; notice.

(a) The City Clerk or Chief of Police may deny any application or may revoke or suspend for a period or not to exceed 30 days any license issued under this article, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license.
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the business.
- (3) Any violation of this article.
- (4) Conducting a business as defined in section 3.12.010 in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the city. Notice of the denial, revocation or suspension of a license shall be given in writing to the applicant or mailed to his or her last known address and the City Clerk shall set forth the grounds of such denial, revocation or suspension.
- (5) Conviction of the crime of theft, larceny, fraud, embezzlement or any felony following or within two years prior to the application date.

3.12.090. Appeal to governing body.

- (a) Any person aggrieved by the action of the Chief of Police or City Clerk in the denial of an application or revocation or suspension of a license as provided in this article, shall have the right of appeal to the Governing Body.
- (b) Such appeal shall be taken by filing with the City Clerk within 14 days after notice of revocation, suspension or denial of the license has been given to or mailed to such applicant's last known address and setting forth the grounds for appeal.
- (c) The Governing Body shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as provided herein for notice of denial, revocation or suspension.
- (d) The decision and order of the Governing Body on such appeal shall be final and conclusive.

3.12.100. Regulations.

- (a) It shall be unlawful for any licensee to make false or fraudulent statements concerning the quality or nature of his or her goods, wares and merchandise for the purpose of inducing another to purchase the same.
- (b) Licensees are required to exhibit their license at the request of any person to whom they attempt to sell their goods, wares and merchandise or take orders for future delivery of the same.
- (c) It shall be unlawful to call at any residence or other place bearing a notice of "No Peddlers" or "No Solicitors" or words of a similar meaning, providing such notice is posted in a conspicuous place upon or near the main entrance.

3.12.110. Use of streets and sidewalks.

Except when authorized in writing by the City Clerk, no peddler, solicitor or canvasser or any other person shall have exclusive right to any location in the public streets or rights-of-way for the purpose of selling or soliciting sales, nor shall any person be permitted a stationary location in the public streets or rights-of-way, nor shall any person be permitted to operate in the sidewalks, streets, or rights-of-way within the fire limits of the city or any congested area where his or her operations might impede or inconvenience the public.

3.12.120. Disturbing the peace.

Except when authorized in writing by the City Clerk, no licensee nor any person in his or her behalf, shall use any sound device, including any loud-speaking radio or sound-amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell.

SECTION 2: That Existing Sections of 3.12 of the Municipal Code of the City of Clearwater, Kansas, as they existed prior to these amendments, are hereby repealed.

SECTION 3: Effective Date.

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

PASSED BY THE GOVERNING BODY ON SEPTEMBER 8, 2015

APPROVED BY THE MAYOR ON SEPTEMBER 8, 2015

Burt Ussery, Mayor

[SEAL]

ATTEST:

Courtney Meyer, City Clerk

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

TO: Mayor and City Council
SUBJECT: Consider a Temporary Permit for the Consumption of Alcohol on Public Property
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: 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.

Analysis: 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.

Financial: There are no financial considerations for this agenda item.

Legal Considerations: Review and Comment as Necessary

Recommendations/Actions: It is recommended the City Council:

1. Approve the Generic Temporary Permit Form;
2. Approve a Temporary Permit for Consumption of Alcohol during the Fall Festival

Attachments: Generic Permit Application (1-page) Permit Application for Fall Festival (1-page)

**CITY OF CLEARWATER, KANSAS
TEMPORARY PERMIT
FOR THE DRINKING OR CONSUMPTION OF
ALCOHOLIC LIQUOR ON PUBLIC PROPERTY
WITHIN CLEARWATER CITY PROPERTY AND FACILITIES**

Permitee:

Permitee Group or Organization (if any):

Permitee Address:

Permit Date(s) and Hours (established by the temporary sales permit issued by the state of Kansas pursuant to the provisions of K.S.A. 41-2645(a)):

Description of the Exact Area of the Clearwater City Property and Facilities exempted by this Permit:

Permit Conditions:

1. This permit only allows the drinking or consumption of alcoholic liquor by persons twenty-one (21) years of age or older on the exact dates and hours of this permit and within the exact area of Clearwater City Property and Facilities described above and exempted by this permit.
2. During the entire time this temporary permit is in effect, it shall be conspicuously posted within the exact area of Clearwater City Property and Facilities described above and exempted by this permit.
3. This permit is contingent upon a valid temporary sales permit issued by the state of Kansas pursuant to the provisions of K.S.A. 41-2645(a).

ISSUED this _____ day of _____, 2015.

SEAL

ATTEST:

MAYOR, BURT USSERY

CITY CLERK, COURTNEY MEYER

**CITY OF CLEARWATER, KANSAS
TEMPORARY PERMIT
FOR THE DRINKING OR CONSUMPTION OF
ALCOHOLIC LIQUOR ON PUBLIC PROPERTY
WITHIN CLEARWATER CITY PROPERTY AND FACILITIES**

Permitee: **Alicia Lange**

Permitee Group or Organization (if any):

Permitee Address:

Permit Date(s) and Hours (established by the temporary sales permit issued by the state of Kansas pursuant to the provisions of K.S.A. 41-2645(a)): **September 19, 2015 from 5pm to 11pm**

Description of the Exact Area of the Clearwater City Property and Facilities exempted by this Permit: **145 N 4th Avenue, Clearwater, Kansas specifically limited to a fenced area on the basketball court within the park.**

Permit Conditions:

1. This permit only allows the drinking or consumption of alcoholic liquor by persons twenty-one (21) years of age or older on the exact dates and hours of this permit and within the exact area of Clearwater City Property and Facilities described above and exempted by this permit.
2. During the entire time this temporary permit is in effect, it shall be conspicuously posted within the exact area of Clearwater City Property and Facilities described above and exempted by this permit.
3. This permit is contingent upon a valid temporary sales permit issued by the state of Kansas pursuant to the provisions of K.S.A. 41-2645(a).

ISSUED this _____ day of _____, 2015.

SEAL

MAYOR, BURT USSERY

ATTEST:

CITY CLERK, COURTNEY MEYER

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

TO: Mayor and City Council
SUBJECT: Sign Regulation Update
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: 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.

Analysis: 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 it's 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:

2. 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.

Financial: There are no financial considerations for this item.

Legal Considerations: Review and Comment as Necessary

Recommendations/Actions: It is recommended the City Council:

Review Regulations and Direct Staff in an Appropriate Manner

Attachments: Clearwater Sign Regulations per Zoning Code (8-pages)

ARTICLE XXII

SIGN REGULATIONS

SECTION 1. GENERAL REQUIREMENTS:

1. It shall be unlawful for any person to erect, move, alter, change, repair, place, suspend, or to cause or permit to be erected, moved, altered, changed, repaired, placed, suspended, or attached any sign in violation of this Zoning Ordinance and this Article.
2. 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.
3. Billboards are defined as signs advertising products or services other than those available on the premises and which have an area of three hundred (300) square feet or more per face. Billboards shall not be permitted under these sign regulations in any City Zones.

SECTION 2. SPECIFIC REQUIREMENTS: Requirements for signs erected in the Clearwater Zoning Jurisdiction are as follows:

1. Advertising signs, other than billboards, which call attention to an activity or product located on a different tract from the sign. Advertising signs are permitted in the “A – L”, “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts only.

In the “A – L” District, an advertising sign shall be allowed by special use permit only when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose:

- a. The advertising sign shall not exceed fifty (50) square feet in area for a single- or double-faced sign; the bottom edge of the sign shall be at least three (3) feet above the average ground level; and the top edge not higher than ten (10) feet above the average ground level.
- b. The advertising sign shall not be located closer than 500 feet from two or more intersecting roads. Not more than one (1) such sign shall be permitted on one road side within any one mile.
- c. An applicant for a special use permit to erect an advertising sign shall submit to the Board a plot plan showing the location, size, and construction details of the proposed

sign installation; a letter from the property owner indicating intent to lease said property together with a copy of terms of said lease. Such permit shall be issued for a period of five (5) years, and its renewal shall be subject to a review of the site and changed conditions within the surrounding area.

2. Business signs which call attention to an activity or product located on the tract upon which the sign is located are permitted in the “A – L”, “C – S”, “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts only, except as may be expressly permitted below.
1. The gross surface area on one side of an advertising or business sign shall not exceed the following limitations:

<u>District</u> <u>Possible</u>	<u>Formula (square feet)</u>	<u>Maximum Area</u>
“A – L”, “C – 1”, “C – 2”	No greater than three (3) times the lineal feet of frontage of the lot occupied by the building. Each side of the lot which abuts upon a street shall be considered a separate frontage, and the gross surface area of all signs located on each side of a building shall not exceed three (3) times the lineal feet of the separate footage.	300 square feet

<u>District</u> <u>Possible</u>	<u>Formula (square feet)</u>	<u>Maximum Area</u>
“I – 1”, “I – 2”	(same as above)	Not Applicable

In all districts, individual letters with no background shall be measured by the minimum rectangular area necessary to encompass such letter or by a combination of rectangles as are necessary to encompass letters of irregular dimensions.

4. Building signs are permitted in the “A – L”, “C – S”, “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts only, subject to the following:
 - a. The building sign shall be affixed flat against the face of the building as opposed to perpendicular and/or double faced.
5. Marquee and canopy signs are permitted in the “C – 1” and “C – 2” Districts only. The sign must be mounted either on the front edge of the marquee or canopy, or suspended beneath (see “10” below). Signs suspended beneath a marquee or canopy shall not exceed eight (8) square feet in surface area and shall contain an announcement of the business name only. The lowest elevation shall always be no less than eight (8) feet above the sidewalk surface. The canopy or marquee shall be constructed and maintained in accordance with the Building Code of the City.

6. A maximum of two (2) business signs [only one (1) on a facade] shall be allowed for a business or profession conducted on the premises in the “I – 1”, and “I – 2” Districts. In the “C – 1” District, a maximum of four (4) business signs shall be allowed, except that an additional number of signs may be allowed in the “C – 1” District by special use permit when submitted, reviewed, and approved by the Board of Zoning Appeals and under such conditions as the Board may impose.
7. All signs in the “C – S”, “I – 1”, and “I – 2” Districts shall be affixed to or be a part of the building if within fifty (50) feet of a residential district.
8. Except as provided in “6” above, no sign shall be permitted to overhang a road, street, or alley right-of-way, and no sign shall be located in a manner as to constitute a traffic hazard.
9. Any sign, other than one affixed flat against the face of a building, which is located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of the centerlines of two (2) or more streets, measured along the adjacent curb lines, shall have its lowest elevation at least ten (10) feet above curb level to avoid creation of line-of-sight or other traffic-related obstructions.
10. All lighted signs in direct vision of a traffic signal shall not be in red, green, or amber illumination.
11. Non-flashing, illuminated signs shall be permitted providing said sign shall not beam upon any street or any residential district, except as provided in “20” and “21” below. Clocks and/or thermometers installed for public convenience and information are exempt from this requirement.
12. Where a sign is illuminated by light directed upon it, the direct ray of light shall not beam upon any existing residential district, except as provided in “20” and “21” below, or into any street.
13. Flashing, moving, or animated signs in the “C – S” District are not permitted within five hundred (500) feet of a residential district or where the rays of light from the sign beam upon any part of any residential district. In the “C – S” District, no high intensity strobe or flashing lights shall be permitted to be used with any sign or separately.
14. In the “C – 1”, “C – 2”, “I – 1”, and “I – 2” Districts, flashing, moving, or animated signs shall be permitted only upon approval of the City Building Inspector providing it is first determined that the location and colors will in no way create a traffic hazard or confusion with traffic lights and with lights on emergency vehicles and that direct rays of the sign will not be directed into any residential district.
15. Sandwich board signs are permitted in the “C – S”, “I – 1”, and “I – 2” Districts only, providing said sign is permanently affixed to the surface on which it rests.
16. Non-illuminated nameplates in the “A – L”, “R – L”, “R – 1”, “R – 1A”, “R – 2”, and “R – 3” Districts shall conform to the following restrictions:

- a. The nameplate shall not exceed three (3) square feet in area.
 - b. The nameplate shall show only the name and/or address of the occupant.
17. Non-illuminated single- or double-faced “For Sale” and “For Rent” signs in the “R – L”, “R – 1”, “R – 1A”, “R – 2”, and “R – 3” Districts are subject to the following regulations (except as provided in “20” and “21” below):
- a. Only one (1) sign shall be permitted per lot.
 - b. No sign shall exceed four (4) square feet in area.
 - c. Signs shall be located no closer than five (5) feet from any property line and shall not obstruct the view of traffic approaching a street intersection.
 - d. When said sign is affixed to a building, it shall not project higher than ten (10) feet above the ground level.
 - e. Ground signs shall not project higher than four (4) feet above ground grade.
18. In the “A – L” District, only one (1) non-illuminated “For Sale”, “For Rent”, or single- or double-faced business sign shall be permitted per residential building lot. Accessory business signs shall not exceed fifty (50) square feet.
19. Bulletin boards and signs for churches and other public institutions are subject to the following regulations:
- a. One (1) sign or bulletin board shall be permitted on each street side if located on the same site as the principal building.
 - b. If sign or bulletin board is illuminated, the lights shall be directed away from adjoining residential uses.
 - c. No sign or bulletin board shall exceed twenty-four (24) square feet in area.
 - d. No sign shall be located closer than eight (8) feet from any side or rear property line.
 - e. A sign or bulletin board located in the front yard shall be no closer to the street line than one-half (1/2) the required front yard.
 - f. A sign or bulletin board, affixed to a building, shall not project higher than ten (10) feet above the ground level.
 - g. Ground signs shall be permanently anchored to the ground and shall not exceed a height of six (6) feet above normal grade.

- b. Lighted signs in direct vision of traffic shall not be in red, green, or amber illumination.
- c. Flashing signs shall not be allowed.
- d. Only one sign shall be permitted per location.
- e. Signs shall not exceed thirty-two (32) square feet of surface area for each face.
- f. No private informational or directional sign, except on approval by the Governing Body, shall extend over or into any street, alley, or sidewalk or other public thoroughfare. It shall not obstruct any wall opening.
- g. Any sign, other than one affixed flat against the face of the building and located within three (3) feet of a driveway or parking area or within fifty (50) feet of the intersection of two (2) or more streets, measured along the adjacent curb line, shall have the lowest elevation at least ten (10) feet above the curb level to avoid line-of-sight or other traffic-related obstructions.

SECTION 3. PERMITS AND FEES REQUIRED:

- 1. A permit shall be required for the erection, construction, or alteration of any sign in the Clearwater Zoning Jurisdiction.
- 2. Application for permits by other than the property owner shall be accompanied, in each instance, by either a letter authorizing the placement of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the applicant. Such application shall conform to the regulations herein provided, and no signboard shall be erected or painted on any area until the application is acted upon and granted.
- 3. A charge in accordance with a schedule of fees determined by the Governing Body shall be made for each permit granted.
- 4. If a sign, for which a permit is granted, is not erected within sixty (60) days from date of the permit, the permit shall, unless renewed, become void.
- 5. Advertising painted or placed on a structure shall be deemed subject to these regulations if permanent and over eight (8) square feet in area.
- 6. All signs shall be constructed, located, and placed in accordance with local ordinances and the laws of the State of Kansas.
- 7. Permits, except for permits for temporary signs, are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the City may direct its removal.

8. Permits for temporary signs shall be issued for up to 30 days plus one renewal for a total of 60 days maximum per year.

SECTION 4. NON-CONFORMING SIGNS: All advertising signs, business signs, or bulletin boards not in accordance or in compliance with this Article which were in existence as of the date of adoption of this Ordinance, shall be exempt from this Article except that upon the change of ownership of any building or property having a non-conforming sign which was in existence prior to the adoption date, or upon remodeling or renovating of the exterior of any building to the extent of greater than fifty (50) percent, the non-conforming sign shall be brought into conformity with this Article and any other City, State, or Federal regulations.

SECTION 5. REMOVAL OF SIGNS FROM VACANT BUILDINGS: Signs located on vacant buildings shall be removed by the property owner or his authorized agent within thirty (30) days after said premises are vacated.

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

TO: Mayor and City Council
SUBJECT: Sewer Rate Analysis
INITIATED BY: City Administrator
PREPARED BY: City Administrator
AGENDA: New Business

Background: 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.

Analysis: 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 will present detailed information at the meeting that will provide 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 will also provide information on actual monthly billing costs as well as regional data for comparison.

Financial: 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.

Legal Considerations: Review and Comment as Necessary

Recommendations/Actions: It is recommended the City Council:

Set dates for Sewer Rate Workshops and Town Hall Discussions

Attachments: Will be presented at the meeting