



City of Clearwater Council Meeting Agenda
Tuesday August 28, 2018 at 6:30pm
129 E Ross Clearwater, KS 67026

www.clearwaterks.org

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

- 1. CALL TO ORDER / INVOCATION AND FLAG SALUTE**
- 2. ROLL CALL**
- 3. APPROVAL OF AGENDA**
- 4. PUBLIC FORUM**
Members of the public can address the Mayor and City Council limited to not more than five minutes.
- 5. CONSENT AGENDA**
Items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed.
 - a. [Minutes 08/14/18 Council Meeting](#)
 - b. [Klausmeyer Bleacher Rental](#)
 - c. [Ninnescah Township Fire Agreement](#)
 - d. [Ninnescah Township Road Maintenance Agreement](#)
 - e. [Mayoral Appointments](#)
- 6. CLAIMS AND WARRANTS**
- 7. STAFF REPORTS**
- 8. BUSINESS**
 - a. [Consider an Ordinance Requiring House Numbers](#)
- 9. ADMINISTRATORS REPORT**
- 10. GOVERNING BODY COMMENTS**
- 11. EXECUTIVE SESSION – FOR THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY**
- 12. EXECUTIVE SESSION – TO DISCUSS PERSONNEL MATTERS OF NONELECTED PERSONNEL**
- 13. ADJOURNMENT**

Next Assignment Numbers

Charter Ordinance: 21

Ordinance: 1047

Resolution: 12-2018

NOTICE: SUBJECT TO REVISIONS

It is possible that sometime between 6:00 and 6:30 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.

City of Clearwater, Kansas
Sedgwick County
City Council Meeting - **MINUTES**
August 14, 2018
Clearwater City Hall – Council Chambers
129 E. Ross Avenue Clearwater, KS 67026

1. Call to Order/ Invocation and Flag Salute

Mayor Ussery called the meeting to order at 6:30 p.m. followed by the invocation and flag salute.

2. Roll Call

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

Mayor Burt Ussery and Councilmembers; Yvonne Coon, Laura Papish, Shirley Palmer-Witt and Chris Griffin were present.

Tex Titterington was absent

The following staff members were present:

Ron Marsh, City Administrator; Courtney Meyer, City Clerk; Bill Hisle, Chief; Austin Parker, City Attorney.

Others present: Tim and Dorothy Erwin, Dana Benders, Derrek Jeardoe, Esther Harp, Sandi Keeler

3. Approval of the Agenda

Mayor Ussery asked if there were any modifications to the agenda. Marsh stated Item 9c will be pushed to next meeting and Item 9e: Builders Incentive Payment was added.

Mayor Ussery called for a motion to approve the agenda as modified

Motion: *Papish* moved, *Coon* seconded to accept the August 14, 2018 agenda as amended. Voted and passed unanimously.

4. Public Forum

Sandi Keeler, 150 N Byers, stated she had a concern with the property across the street from her. She constantly must call to report a nuisance and when she does it gets taken care of. She would like to know if the lawn could be taken care of without her notifying the City every time.

Marsh said he would investigate the matter.

Denise Lewis, 14800 Mourning Dove, has a son, Caven Lewis, in the cadet program with Emergency Services and wanted to thank the city for the program as it has given her son an opportunity to find what he wants to do in life. He will be attending the Hutchinson Junior College Fire Science program and also has a desire to get his EMT. She also stated she has been following the budget process and asks the City to keep in mind the changes that Sedgwick County will be making due to the changes City of Wichita has made with their Fire Department and cutbacks. She feels that Clearwater really needs to budget accordingly for equipment to be able to fight fires. She understands the new brush truck was cancelled and feels the City needs to make sure they can fight fires because the County might have other obligations and won't be able to come to the rescue.

Mayor Ussery stated the City and County arrangements are continually being reviewed and advised Mrs. Lewis as a county resident to voice her concerns with the County Fire Department. He also thanked her for being informed about the budget process.

5. Approve Consent Agenda

Mayor Ussery asked if there was any question on the consent agenda and if not asked for a motion to approve.

Marsh stated item 5c: Mayor Appointments – Firefighters & Cadets needed to be moved to a discussion after Business 9e.

Minutes 07/10/18 Council Meeting

LKM Voting Delegates – Mayor Burt Ussery, City Administrator Ron Marsh (Alternative)

Mayor Appointments – Library Board - George Wesley Wilbur - 2018-2021

Motion: *Coon* moved, *Papish* seconded to approve the consent agenda as amended. Voted and passed unanimously.

6. Claims and Warrants

Meyer stated that the claims and warrants were \$133,703.52.

Motion: *Papish* moved, *Griffin* seconded to pay the claims and warrants as presented. Voted and passed unanimously.

7. Staff Reports

- a. Police – Bill Hisle – National Night Out had a great turnout. Jo Johnson did a phenomenal job with the event with the help of Tina Welch and Kristi Rey. Gareth Adams has resigned and his last day will be August 17. Chief Hisle also informed council of various police cases.
- b. Emergency Services – Ron Marsh – reported for Director Scott Cooper – 1 Fire call, 9 EMS calls and only 1 unanswered EMS call by Clearwater and was picked up by Sedgwick County. EMT Esther Harp was awarded Kansas EMT of the Year. Training for the new boat will be August 25th.
- c. Public Works – Ernie Misak – Will be putting up No Parking signs on Kansas at the school. Discharging at the sewer ponds but the results are not in yet. There are a lot of minnows in the sewer ponds and staff is working on a solution to get rid of them and they are using the oxygen that helps break down matter. In the process of rebuilding the fence at the Library. Lift station pumps were sent in to be worked on.

8. Public Hearing – 2019 Budget

Mayor Ussery called for a motion to open the public hearing for the 2019 Budget

Motion: *Papish* moved, *Coon* seconded to open the public hearing at 6:53. Voted and passed unanimously.

Marsh stated the spending authority is set for \$4,871,116 and the city will be collecting \$947,525 in taxes.

Mayor Ussery said staff is working on a newsletter to inform the citizens of the 2019 budget

Mayor Ussery saw no one was approaching the podium for the public hearing and asked for a motion to close the hearing.

Motion: *Palmer-Witt* moved, *Coon* seconded to close the public hearing at 6:54. Voted and passed unanimously.

Motion: *Coon* moved, *Papish* seconded to adopt the 2019 Budget as presented. Voted and passed unanimously.

9. **Business**

a. **Ninnescah Township Fire Agreement**

The City of Clearwater has a contract with Ninnescah Township to provide firefighting services within Ninnescah Township. The most recent contract is dated May 27, 2015 and automatically renews each year.

Tim Erwin with Ninnescah Township is here to discuss possible adjustments to the agreement. Currently, the Township pays the City an annual sum equal to 6 mills of assessed valuation. Per the contract that amount should increase or decrease as the Township's assessed valuation increases or decreases.

Erwin explained in the contract its stated the Township is to pay 6mills for fire services however the County reported they will only draw in 5.442 mills for fire service from the township. The Township Board is asking the contract to be modified to state the Township is only obligated to pay the number of Mills it will levy for fire service.

Mayor Ussery stated the council is in support of this action and asked the City Attorney to revise the contract to say as such.

b. **Ninnescah Township Road Maintenance Agreement**

Ninnescah Township has an agreement with the City of Clearwater to provide road maintenance on certain roads located within City limits. The current agreement is dated February 9, 2012.

Tim Erwin with Ninnescah Township would like to discuss possible adjustments to the agreement. Currently, the City pays the Township for road maintenance of two properties on 129th St. and nine properties on 133rd St. These properties are within City limits. The City also pays for the houses in Prairie Meadows that have been annexed.

Erwin explained the City is paying for all annexed properties however the agreement only states properties on 129th and 133rd. The Township Board would like the agreement to stated properties in Prairie Meadows as well in order to protect the Township in the future.

The Council agrees with Erwin and asked the City Attorney to provide the modified agreement for the next meeting.

c. **Consider an Ordinance Requiring House Numbers.**

Tabled until next meeting.

d. **Consider Request for Temporary Alcohol Permit at Sports Complex**

Derrek Jeardoe with the Fall Festival committee will be on hand to request a temporary alcohol permit at the Chisholm Sports Trail Complex.

Derrek is organizing a softball tournament as part of the Fall Festival activities and would like to allow alcohol to be consumed in designated areas. The request is for the day the tournament takes place, September 29th from noon to 10pm.

Jeardoe formally asked council to lift on the ban of no alcohol at the sports complex for Saturday the 29th of September. On Saturday, Fall Festival is organizing a softball tournament for that day. The event will start at 11 A.M. and end no later than 9 P.M. He requested to have an area roped off between the two south fields. Jeardoe said there will not be any alcohol allowed on the playing field or in the dugout. If any person is found with alcohol in any of those places it will be cause for disqualification of that individual and team. It will be the team manager/coach to ensure that no alcohol is in those spaces. They will be informed before every game of that rule. There will be a zero tolerance for underage drinking as well. If a minor is found consuming alcohol, the city police department will be notified to handle the situation. Jeardoe further informed the council that Scot Palmer will be running the Beer Garden as raise money for the

summer baseball team, Outlaws. Jeardoe will hire a Sedgwick County Sherrifs off duty officer as a security guard for the event.

Council asked if the Fall Festival insurance would cover the event. Benders stated yes it would. Marsh stated the City would run background checks on anyone who will be running the beer garden and charge a \$25.00 fee per check.

Motion: *Papish* moved, *Palmer-Witt* seconded to approve the Temporary Alcohol Permit for 9/29/18 from Noon to 10PM or after last game subject to receiving a State Permit. Voted and passed 2-2 (Coon and Griffin, No) Mayor Ussery voted Yes.

e. Builders Incentive Payment for 1112 Park Glen

Shaun Weaver has submitted documents to collect on the builder's incentive for construction in Park Glen Estates per Resolution 5-2016.

This payment of \$11,584.01 is for 1112 Park Glen, the spec home built under the original incentives for Park Glen Estates. In reviewing the request, it falls within the provisions of this incentive. The builder's incentive for this lot was not carried over into 2018 and is an unfunded request. This is because the incentives were expected to be paid in 2017, so during the 2018 budget cycle the builder's incentive was not carried over.

This builder incentive was originally denied October 2017 because Shaun Weaver did not take out a loan for 1112 Park Glen. The resolution stated the builder credit was to be paid based on a loan for a period not to exceed 9 months at a rate of .4167.

In August of 2018 Shaun was able to provide documentation showing that Weaver Ventures made a load to Park Glen Estates for the amount to construct the property at 1112 Park Glen.

Council discussed and asked if all the documentation and request was legal? Parker stated it was. Technically even though there was not interest charged from one entity to another there is nothing in the resolution that states there had to be interest charged in order to receive the incentive.

Motion: *Papish* moved, *Coon* seconded to approve builder incentive. Voted and passed unanimously.

INSERT: Mayor Appointments – Firefighters and Cadets

Marsh stated the only change that needed to happen was Noa Pace be removed until he had an opportunity to speak with Scott Cooper.

Brianna Daffron – Probationary Firefighter
Madison Carney – Probationary Firefighter
Jacob Terrell – Probationary Firefighter
Jack Metzger - Cadet

Motion: *Coon* moved, *Papish* seconded to approve the Mayor appointments as modified. Voted and passed unanimously.

10. Administrators Report

- The two-day charrette with Vireo was productive. The work sessions produced many good ideas that were presented at the Community meeting. The first night saw 14 people and day 2 saw 4. We will receive a final report/plan from Vireo in the next couple of weeks and I will present it at an upcoming Council meeting.
- The online survey is still going on. It will close on 8/20/18
- Pool closed Sunday to the Public, the high school PE classes will be using it August 16-22.

- New phone installation begins Wednesday with City Hall and PD. Emergency Services is Thursday, Senior & Community Center is Monday, Public Works is Tuesday.
- Report from the City representatives on the Recreation commission: discussed payroll (Beki) and future plans.
- Park Advisory Board meets Thursday.
- League of Kansas Municipalities annual conference is October 7-8 in Topeka. Please let Courtney know if you want to attend.

Chris Griffin mentioned he has someone for Park Advisory Board. Mayor Ussery asked him to send the name so he can reach out.

Parker mentioned the vacant lot at Ross and Tracy is still under review by the Board of Tax Appeals

11. Governing Body Comments

Griffin had nothing to report.

Papish had nothing to report.

Palmer-Witt had nothing to report.

Coon had nothing to report.

Mayor Ussery acknowledged the EMT of the Year of again, Esther Harp. He couldn't be more proud of Clearwater and the things the community does as well as the great people who support it.

12. Adjournment

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

MOTION: *Coon* moved, *Palmer-Witt* seconded to adjourn the meeting. Voted and passed unanimously. The meeting adjourned at 7:32 PM

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 14, 2018 City Council meeting.

Given under my hand and official seal of the City of Clearwater, Kansas, this 28th day of August 2018

Courtney Meyer, City Clerk

AGREEMENT

THIS AGREEMENT is entered into this 28th day of August 2018, between Klausmeyer Dairy Farm Tours, LLC, hereinafter referred to as “Dairy” and the City of Clearwater, Kansas, hereinafter referred to as “City”.

WHEREAS, Dairy operates its business at 8135 South 119th West, Clearwater, Kansas and seeks to lease bleachers for use at its business;

WHEREAS, City owns and seeks to lease bleachers to Dairy;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the parties as follows:

1. **Payment:** In consideration for the lease of City’s bleachers, Dairy agrees to pay to the City the sum of \$35.00 per bleacher unit per month. Said payment shall be due and payable to the city clerk on the first day of each month.
2. **Relationship of parties:** Dairy is the lessee and the City the lessor of the property (bleachers) owned by the City.
3. **Term:** The term of this Agreement shall be from September 1, 2018, to November 1, 2018. The term of this agreement may be extended by written agreement of the parties.
4. **Delivery charges:** Dairy agrees to pay \$25 per bleacher unit for the cost of delivery by City of its bleachers to Dairy (includes the return delivery to City).
5. **Insurance; indemnification:** Dairy shall provide a copy of their liability insurance covering all incidents which might occur pertaining the use of the bleachers in the amount of \$500,000 per incident and shall hold City harmless for any incidents occurring in reference to City’s bleachers.
6. **Damages to bleachers:** Dairy is responsible for any and all damage to bleachers during the term of this Agreement.

IN WITNESS WHEREOF, the undersigned affirmatively state that they are authorized to enter into this Agreement and execute this Agreement on the date first written above.

Klausmeyer Dairy Farm Tours, LLC

City of Clearwater

Owner

Burt Ussery, Mayor

Attest:

Courtney Meyer, City Clerk

**FIRST AMENDMENT TO CONTRACT BETWEEN THE
CITY OF CLEARWATER, SEDGWICK COUNTY, KANSAS
AND NINNESCAH TOWNSHIP FOR FURNISHING FIRE
FIGHTING SERVICES WITHIN NINNESCAH TOWNSHIP**

THIS AGREEMENT made and entered into this 28th day of August 2018, by and between the City of Clearwater, Sedgwick County, Kansas, a city of the third class, hereinafter referred to as the "City" and Ninnescah Township, Sedgwick County, Kansas, hereinafter referred to as the "Township", or "Township Board".

WHEREAS, on the 27th Day of May 2015, the City and Township entered into an Agreement for the Furnishing of Fire Fighting Services within Ninnescah Township ("Agreement"); and

WHEREAS, Section 6 of said Agreement provides for the Township to pay the City an annual sum equal to 6 mills on all tangible assessed property located within the Township, excluding any incorporate city located therein, "for furnishing firefighting services"; and

WHEREAS, the Township designates a specified amount of funds for fire services under its annual budget; and

WHEREAS, said specified amount of funds designated for fire services under its annual budget is frequently less than 6 mills on all tangible assessed property located within the Township, excluding any incorporate city located therein; and

WHEREAS, the Township desires to amend Section 6 of said Agreement to reflect that the Township will only pay the City an annual sum equal to all funds designated for fire services within the Township's budget for the year in which payment is due; and

WHEREAS, Section 10 of said Agreement allows the City and Township to consent to written modifications of said Agreement; and

WHEREAS, in accordance with the provisions of K.S.A. 12-2908, the Township represents that it is authorized to contract with the governing body of the City for the furnishing of fire fighting services within the Township under the terms and conditions of said Agreement as hereinafter amended; and

WHEREAS, the Township desires to continue to receive firefighting services from the City in accordance with the terms and conditions of the Agreement as hereinafter amended; and

WHEREAS, the City desires to continue to furnish firefighting services to the

Township in accordance with the terms and conditions of the Agreement as hereinafter amended.

NOW THEREFORE, the parties hereto agree to amend Section 6 of said Agreement to read as follows:

“6. The Township agrees to pay to the City for furnishing fire fighting services as herein provided, an annual sum equal to all funds designated for fire services within the Township’s budget for the year in which payment is due. Said sum shall be paid quarterly: one-fourth on or before February 15, July 15, October 15 and December 15.”

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment as of the day and year first above written.

CITY OF CLEARWATER, KANSAS

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER

NINNESCAH TOWNSHIP

TRUSTEE

CLERK

TREASURER

THIRD AMENDMENT TO ROAD MAINTENANCE AGREEMENT

THIS THIRD AMENDMENT TO ROAD MAINTENANCE AGREEMENT is made and entered into this 28th day of August 2018, by and between,

The CITY OF CLEARWATER, KANSAS, First Party, hereinafter referred to as “CITY”;

and

NINNESCAH TOWNSHIP, Second Party, hereinafter referred to as “TOWNSHIP”.

WHEREAS, CITY and TOWNSHIP entered into a ROAD MAINTENANCE AGREEMENT dated March 28, 2006; and

WHEREAS, there exists an AMENDED ROAD MAINTENANCE AGREEMENT between CITY and TOWNSHIP, dated September 9, 2008 modifying the terms and conditions of said ROAD MAINTENANCE AGREEMENT; and

WHEREAS, there exists a second AMENDED ROAD MAINTENANCE AGREEMENT between CITY and TOWNSHIP, dated February 9, 2012 modifying the terms and conditions of said ROAD MAINTENANCE AGREEMENT; and

WHEREAS, property tax assessment information is not available from Sedgwick County in any calendar year until after June 1; and

WHEREAS, modification of said ROAD MAINTENANCE AGREEMENT may be made under Section 7 thereof; and

WHEREAS, both parties seek to modify said ROAD MAINTENANCE AGREEMENT as set forth below.

NOW, THEREFORE, CITY and TOWNSHIP do hereby agree to modify Section 4 of said ROAD MAINTENANCE AGREEMENT as follows:

Section 4 is hereby amended to read as follows:

“4. DUTY OF CITY; FORMULA FOR PAYMENT. It is the intent of both parties for TOWNSHIP to receive the property tax revenue specified and dedicated to road maintenance for certain properties within CITY located along said roadways as if said properties had not been annexed by CITY and remained solely within TOWNSHIP. Payment of a sum equivalent to such property tax revenue by CITY is due to TOWNSHIP by September 1st each year that this Agreement remains in effect. The following generally-described properties within the City of Clearwater are subject to the requirements of this Agreement: the two (2) properties on 129th Street West, the seven (7)

properties on 133rd Street West, four (4) properties on 87th Street South, and eight (8) properties in Prairie Meadows Development, said properties being within the CITY. The commonly known addresses of all properties that are currently subject to this Agreement are represented on Exhibit A hereto. Additionally, all other properties within the Prairie Meadows Development that are annexed into the CITY will also become subject to this Agreement. Additionally, in the event that the list of properties in Exhibit A is changed by mutual written agreement between TOWNSHIP and CITY, the properties subject to this Agreement shall change accordingly.

The formula for the payment described above is:

The number of mills specified and dedicated to road maintenance that TOWNSHIP collects on property not annexed by the CITY, less the number of mills specified and dedicated to road maintenance by CITY that is collected on property subject to this Agreement. This difference (in mills) shall be multiplied by the assessed valuation for each property for the current year and that product shall be the amount due TOWNSHIP for that property under this Agreement.”

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, in duplicate, the day and year first above written.

CITY OF CLEARWATER

MAYOR

ATTEST:

CITY CLERK

NINNESCAH TOWNSHIP BOARD

Trustee

Clerk

Exhibit A

Township Road Maintenance Agreement between Ninnescah Township and City of Clearwater
Property Addresses subject to Agreement

8645 S. 133rd
13400 W. 87th
8603 S. 133rd
8515 S. 133rd
8435 S. 133rd
13300 W. 87th
8644 S. 133rd
8602 S. 133rd
8512 S. 133rd
8661 S. 129th
8601 S. 129th
12520 W. 87th
8015 S. Butterfly Ct.
8039 S. Butterfly Ct.
8051 S. Butterfly Ct.
13500 W. 87th
14311 W. Prairie Grass Cir
14300 W. Prairie Grass Cir
14111 W. Prairie Grass Cir
13811 W Prairie Grass St
8027 S Butterfly Ct

**City of Clearwater
City Council Meeting
August 24, 2018**

Item: Emergency Services Mayoral Appointment

Background: Per City Code all volunteers are to be appointed by the Mayor upon approval of the City Council.

Analysis: The Mayor is presenting the following individuals for appointment to Clearwater Emergency Services:

Tim Robbins - Paramedic

Noa Pace - Cadet

Mr. Robbins lives in Clearwater and is a Captain with Sedgwick County EMS. Noah Pace lives in Clearwater and is a student at Clearwater High School.

Financial: There is no financial consideration

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Approve the requests for appointment

**City of Clearwater
City Council Meeting
August 24, 2018**

Item: House Number Ordinance

Background: The City of Clearwater does not have an ordinance requiring address numbers to be placed on a residence. There are several homes within the City that do not display the house number on the home which makes it difficult for Police, Fire, EMS and Public Works to locate the home if they are called to the house.

Analysis: Implementing the ordinance would require any current home or new build to have a visible house number. Existing homes will need to comply by a specified date as set by Council. A fine may be charged if the numbers are not displayed in the proper manner by the established deadline. The City will assist existing home by offering numbers and installation at no charge until the established deadline. A separate fee can be established for the installation of house numbers after that date. Residents can also elect to provide & install their own as long as they meet the specifications of the ordinance.

Financial: Staff would like to allocate \$600.00 from discretionary to help fund this project. Inexpensive house numbers can be purchased for less than \$.50 each if residents choose to have the City install them.

Legal Considerations: Review and comment as necessary

Recommendations/Actions: Adopt the ordinance and approve the \$600 allocation.

(Summary Published in the Times-Sentinel
on the ____ day of _____, 2018.)

THE CITY OF CLEARWATER, KANSAS

ORDINANCE NO. 1047

AN ORDINANCE REQUIRING THE DISPLAY OF STREET NUMBER ADDRESSES ON ALL STRUCTURES WITHIN THE CORPORATE LIMITS OF THE CITY OF CLEARWATER, KANSAS BY ADDING ARTICLE IV TO CHAPTER 8 OF THE CLEARWATER MUNICIPAL CODE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF CLEARWATER, KANSAS IN CONFLICT HEREWITH.

WHEREAS, the Governing Body of the City of Clearwater, Kansas has been informed by members of its Police, Fire and Emergency Medical Services that it can be difficult to locate residences or business within the City where there are no street address numbers and where incorrect or inadequately sized/displayed street numbers are present; and

WHEREAS, the Governing Body of the City of Clearwater, Kansas has determined that identifiable street address numbers on residences and businesses can potentially expedite the response of Police, Fire and Emergency Medical Services to residences and businesses within the City of Clearwater, Kansas; and

WHEREAS, the Governing Body of the City of Clearwater, Kansas has determined that the establishment of requirements regulating the display of street address numbers will promote the public health, safety and welfare of the citizens of the City of Clearwater, Kansas.

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

SECTION 1. ADDITION. Article IV of Chapter 8 of the Clearwater Municipal Code is hereby created to read as follows:

"ARTICLE IV – STREET ADDRESS NUMBERS

Section 8-125 - Definitions.

For the purposes of this Article, the following words shall mean:

- A. Business and/or Industry is an establishment located in some structure which is a purveyor of goods or services within the City of Clearwater, Kansas.
- B. City is the City of Clearwater, Kansas.
- C. Emergency Services includes Police, Fire, and Emergency Medical Services.
- D. House is a structure which may contain one or more residences but does not include apartment complexes.
- E. Residence is any structure whose primary function is to serve as living quarters for people, as distinguished from a Business or Industry defined above. Residence does not include apartment complexes.
- F. Street Address Numbers are those identifying numerals which are consistent with identification, recognized by the United States Postal Service for identification purposes and are the correct numerals to properly identify the commonly known address of the Residence, Business and/or Industry location within the the City of Clearwater, Kansas.

Section 8-126 – Minimum Requirements.

- A. Every Residence, house, Business and Industry within the City shall display assigned street address numbers.
- B. Street address numbers must be easily seen when viewed from the street or road when traveling in either direction in an Emergency Services vehicle. Obstructions preventing the street address numbers from being seen by Emergency Services workers are prohibited.
- C. The minimum size for street address numbers is three (3") inches in height and one and one-half (1 ½") inches in width.
- D. Street address numbers can be permanently installed in one of the following locations to best aid Emergency Services workers:
 - a. Mounted on the wall to the right side of the primary entrance door with the bottom of the address approximately five (5') feet above the top step or floor of the porch/landing; or
 - b. Mounted on the right side of the porch or other roofed structure attached to the front of the building with the bottom of the address approximately five (5') feet above the top step or floor of the porch/landing; or
 - c. Mounted on a mail box located next to the street; or

- d. Mounted on a stake or pole adjacent to the driveway near the street.
- e. Nothing in this Ordinance shall prevent a property owner from displaying their property's Street Address Number in multiple locations on their property.

Section 8-127 – Property Owner’s Responsibility.

Property owners shall have Street Address Numbers displayed in accordance with this Ordinance within ninety (90) days of the adoption of this Ordinance.

Section 8-128 – Penalties.

Any person who violates any provision of this Ordinance shall be deemed responsible for a municipal infraction, subject to payment of a fine of not less than \$10.00 and not more than \$500 per day for each and every day that the property owner has failed to comply with the requirements of this Ordinance.”

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION 3. 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 28th day of August, 2018.

Approved by the Mayor this 28th day of August, 2018.

MAYOR, BURT USSERY

SEAL

ATTEST:

CITY CLERK, COURTNEY MEYER