

OSAWATOMIE CITY COUNCIL
AGENDA

January 14, 2015

6:30 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
4. Invocation –
5. Consent Agenda
 - Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action.*
 - A. January 14 Agenda
 - B. Minutes from December 1, December 10 and December 17
 - C. Appropriations Ordinance 2015-12
 - D. Waterline Project – Application for Payment #2 and #3
6. Comments from the Public
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
7. Presentation
8. Public Hearings
9. Unfinished Business
 - A. Ordinance – Special Use Vehicles
 - B. Extended Caterpillar Warranty & Service Agreement for Generators
 - C. Rural Fire Contract
10. New Business
 - A. Utility Loss Audit Proposal
 - B. Resolution – 2016 Fee Resolution
11. Council Reports
12. Mayor's Report
13. City Manager's Report
14. Executive Session
15. Other Discussion/Motions
16. Adjournment

REGULAR MEETING – January 14, 2016

REGULAR MEETING – January 28, 2016

Record of Ordinances

ORDINANCE NO. 2015-12

DATE WARRANTS ISSUED:
December 31, 2015

Page No. 1

AN ORDINANCE MAKING APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS.

Be it ordained by the Governing Body of the City of Osawatomie, Kansas

Section 1. That in order to pay the claims hereinafter stated which have been properly audited and approved, there is hereby appropriated out of the respective funds in the city treasury the sum required for each claim.

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
KMEA	GRDA Electricity	1690	56,126.27
First Option Bank	Street Sweeer Loan Payment	1691	12,740.00
City of Osawatomie	Petty Cash Reimbursement	1692	3,947.08
Superior Masonry and Restoration	Masonry Cleaning and Repairs	46790	5,500.00
CenturyLink	Services	46791	732.55
CenturyLink	Long Distance	46792	59.27
Walmart	DVD's Chicken, Salad, Buns	46793	914.73
KMEA	SPA Electricity	1693	3,463.19
KMEA	Nearman Electricity	1694	19,255.67
KMEA	WAPA Electricity	1695	8,681.18
5 Star Pump and Control	Replace Bearings and O Ring	46794	1,767.63
Ace Pest Control	Pest Control	46795	475.00
Altec Industries, Inc.	Jacket Stripper	46796	387.77
Applied Maintenance Supplies	Safety Glasses	46797	42.63
AT&T	RTU'S	46798	222.67
Baker & Taylor	Books	46799	132.82
Bradley A/C & Heating	Replaced Contractor, Control Board	46800	861.68
Brenntag Mid-South, Inc.	Sodium Hypochlorite	46801	3,282.86
Brewer's Automotive Repair	Batteries	46802	251.90
C&G Merchants Supply, Inc.	Toilet Tissue	46803	52.02
Carter Waters	Asphalt	46804	165.00
CenturyLink	RTU'S	46805	361.56
City of Osawatomie	Utilities	46806	11,948.19
Coleman Equipment, Inc.	Teeth, Hinge	46807	151.67
Computers & More, LLC	Filter Mailboxes, Migrate Mail	46808	314.80
Correct Care Solutions	Inmate Healthcare Repricing	46809	54.00
Cross-Midwest Tire Co.	Tires	46810	230.00
Delta Dental	Dental Insurance	46811	3,255.48
Design Mechanical Inc.	Replaced Safety Relief Valve	46812	332.50
Dish Network	Services	46813	98.99
EMG, Inc.	Energy Consulting	46814	3,866.25
Family Center	Adapter, Clevis, Lynch Pin, Coupler	46815	836.86
Richard Fisher, Jr	Attorney Fees	46816	625.00
GK Smith and Sons, Inc.	Hung Ceiling Heaters	46817	499.31
Hawkins	Aqua Hawk	46818	606.99
HD Supply	Bucket, PVC Pipe	46819	668.10
Holliday Sand & Gravel	Brick Sand	46820	307.81
Home Depot	Wedge Anchor, Bulbs, Strap, Cap	46821	1,178.77
IBT	Decanter Motor	46822	349.77
JEO Consulting Group	Consulting Services	46823	6,887.50

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
John Deere Financial	Plug	46824	16.90
K&K Systems, Inc.	Amber Solar Flashing Beacon	46825	2,799.94
Kansas City Wilbert	Grave Opening	46826	520.00
Kansas Dept. of Health & Environment	Environmental Field Lab Accreditation	46827	200.00
Kansas One Call	Locates	46828	24.00
KC Bobcat	Fuel Filter	46829	103.98
Kincaid Ready Mix	Concrete	46830	1,108.13
Knapheide Truck Equipment Center	Blade Guide	46831	97.82
Kriz Davis Co.	Clamps, Wire, Sleeves, Fuse	46832	5,374.27
L&K Services	Refuse, Sludge Haul Off	46833	33,987.96
Logan Contractors Supply, Inc.	Placer, Shovel	46834	357.89
Louisburg Ford Sales, Inc.	Coil	46835	54.16
Lybarger Oil	Fuel	46836	3,808.30
McConnell Machinery Co.	Cover	46837	33.13
Miami County Medical Center	Medical Care for Prisoner	46838	1,175.42
Miami County Treasurer	Property Taxes	46839	1,336.87
Miami Lumber	Concrete Mix, Lumber, Stake, Plywood	46840	409.54
Mid-States Energy Works, Inc.	Breaker	46841	15,200.00
Midway Ford	Step Assembly	46842	275.27
National Sign Company, Inc.	Signs, Sign Posts	46843	885.00
NEKLS	Laptop	46844	805.97
NPG Newspapers	Retirement Ads, Word from the Bird	46845	404.00
O'Donnell & Sons Construction	Asphalt	46846	683.36
Oil Patch Pump & Supply, Inc.	Plug	46847	3.70
Olathe Winwater Works	Valve Box, Coupling	46848	479.20
Osawatomie Pet Clinic	Examination	46849	77.76
Paola Do It Best Hardware	Roller Covers, Belt, Plastic Pull	46850	383.89
Pitney Bowes, Inc.	Ink Cartridge	46851	122.38
Postmaster	PO Box Rental	46852	194.00
Process Equipment & Controls, Inc.	Electric Actuator	46853	1,120.84
Protective Equipment	Rubber Gloves Tested	46854	87.39
Quill	Scotch Tape, Batteries, Plastic Tags	46855	134.88
R&J Trucking	Sand Hauling	46856	252.30
R&R Products, Inc.	Clamp, Bracket, Lid, Ball Washer	46857	935.65
Ricoh	Copies	46858	18.15
Ron's Small Engine, Inc.	Carb Kit	46859	68.82
Royal Metal Industries, Inc.	Plate, Angle Iron	46860	611.00
Rural Water District	Services	46861	543.36
Scott A Michie Planning Services	Consulting Services	46862	38.50
Site Landscape Supply	Ice Melt	46863	605.64
Sprayer Specialties, Inc.	Pumps	46864	938.74
Suddenlink	Internet	46865	484.75
Superior Vision	Vision Insurance	46866	641.48
Synergy	Boiler Water Treatment	46867	470.00
T Mobile	Services	46868	44.73

Record of Ordinances

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December 31, 2015

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Elizabeth Trigg	Water, Tablecloth, Donation	46869	127.46
University of Kansas	Nasro Basic School Resource Officer	46870	225.00
UPS Store	Postage	46871	9.17
USA Blue Book	Chlorine Reagent, Hach Ammonia	46872	1,235.42
Viking Industrial Supply	Paper Products	46873	281.61
Visa	Baskets	46874	32.70
Visa	Pens, Sealant, Gift Card	46875	85.52
Visa	Service - Dish Network	46876	98.99
Visa	Lodging, Postage, Retirement Gifts	46877	800.86
Visa	Laptop, Books, Green Screen	46878	1,786.99
Visa	Gravel	46879	10,194.31
Zep Sales & Service	Zep DZ-7	46880	95.90
We-B Smokin, Inc.	Employee Christmas Breakfast	46881	1,032.50
Alamar Uniforms	Clip on Badge Holder	46882	17.98
Bonner Springs Library	Lost Book	46883	10.00
Bowes Automotive Products	Quick Disconnect, Flashlight	46884	35.80
Correct Care Solutions, LLC	Inmate Healthcare Repricing	46885	72.00
Country Vintage Inn	Lodging	46886	56.00
Diversified Supply	Rebar	46887	139.10
Donna & Viola's Shirts	Patches	46888	22.00
Fort Scott Community College	Environmental Water Classes	46889	1,511.00
Gallagher Benefit Services, Inc.	Administration Fee	46890	433.00
Kansas Municipal Utilities	Lineman Apprentice Program	46891	500.00
Kansas State Attorney General	Bond Review	46892	120.00
Kansas State Treasurer	Registrar and Transfer Agent Fee	46893	7,948.75
Martin Pringle	Municipal Matters, City Prosecutor	46894	4,773.30
Miami County Medical Center	Medical Care for Prisoner	46895	611.80
Moon's IGA	Chili, Candy, Chips, Batteries	46896	529.89
NEKLS	Patron Cards With Key Cards	46897	80.00
New Century Dodge	Radiator	46898	149.60
Olathe Medical Center	Medical Care for Prisoner	46899	3,514.25
Ray's Power Sports	Choke, Filters	46900	31.62
Ricoh	Copier Lease	46901	280.78
Ricoh	Copier Lease	46902	96.87
Ricoh	Copier Lease	46903	183.90
Scholastic	Mooseltoe, Hello Kitty Picture Clue	46904	12.50
Star Printing	Envelopes	46905	410.00
T.A.C. Garage Doors	Service Call	46906	85.00
Debbie Talley	Memorial Hall Janitorial	46907	375.00
Total Electric Contractors, Inc.	Traffic Signal Repair	46908	376.50
Tri-County Ice Co., Inc.	Car Wash Tokens	46909	200.00
USD 367 Sport & Fitness Zone	Membership Dues	46910	38.50
Wex Bank	Fuel	46911	941.48
Winterscheid Auto Parts	A/C Compressor, Filters, Lock Pins	46912	1,534.89
KMEA	EMP Electricity	1696	35,279.96

Progress Estimate

Contractor's Application

For (contract):		Application Number: 2																		
2014 Main Street Waterline Improvements		Application Date: 11/24/2015																		
Application Period:		Through 11/20/2015																		
A		B										C	D	E	F	G	H	I	J	K
Bid Item No.	Description	Bid Quantity	Unit	Unit Price	Total	Units Previously Installed	Value Previously Installed	Units Installed This Period	Value Installed This Period	Materials Presently Stored (not in G)	Total Completed and Stored to Date (E+G+H)	% (I/C)	Balance to Finish							
1	Mobilization	1	LS	\$ 23,800.00	\$ 23,800.00	1	\$ 23,800.00				\$23,800.00	100.0%								
2	Clearing and Grubbing	1	LS	\$ 3,000.00	\$ 3,000.00	0.5	\$ 1,500.00	0.5	\$ 1,500.00		\$3,000.00	100.0%								
3	Contractor Construction Staking	1	LS	\$ 2,800.00	\$ 2,800.00			1	\$ 2,800.00		\$2,800.00	100.0%								
4	Traffic Control	1	LS	\$ 10,100.00	\$ 10,100.00	0.5	\$ 5,050.00				\$5,050.00	50.0%	\$5,050.00							
5	Seeding	1	LS	\$ 12,100.00	\$ 12,100.00			0.5	\$ 6,050.00		\$6,050.00	50.0%	\$6,050.00							
6	Erosion Control	1	LS	\$ 3,000.00	\$ 3,000.00								\$3,000.00							
7	10" PVC Waterline (C900)(HDD)	1969	LF	\$ 89.00	\$ 175,241.00			720	\$64,080.00	\$23,812.13	\$87,892.13	50.2%	\$87,348.87							
8	8" PVC Waterline (C900)(HDD)	3458	LF	\$ 76.00	\$ 262,808.00	2154	\$ 163,704.00	1153	\$87,628.00	\$1,824.02	\$253,156.02	96.2%	\$9,651.98							
9	6" DIP Waterline (In Place)	23	LF	\$ 95.00	\$ 2,185.00								\$2,185.00							
10	10" M.I. Gate Valve	6	EA	\$ 2,450.00	\$ 14,700.00					\$8,832.00	\$8,832.00	60.1%	\$5,868.00							
11	8" M.J. Gate Valve	11	EA	\$ 1,600.00	\$ 17,600.00	7	\$ 11,200.00				\$11,200.00	63.6%	\$6,400.00							
12	10" Tapping Valve	3	EA	\$ 4,000.00	\$ 12,000.00	1	\$ 4,000.00	2	\$8,000.00		\$12,000.00	100.0%								
13	8" Tapping Valve	4	EA	\$ 2,700.00	\$ 10,800.00	2	\$ 5,400.00				\$5,400.00	50.0%	\$5,400.00							
14	4" Tapping Valve	4	EA	\$ 1,800.00	\$ 7,200.00	1	\$ 1,800.00	2	\$3,600.00		\$5,400.00	100.0%								
15	5 1/4" Standard Fire Hydrant Assembly	9	EA	\$ 3,400.00	\$ 30,600.00	3	\$ 10,200.00	2	\$6,800.00	\$9,338.56	\$26,338.56	86.1%	\$4,261.44							
16	Remove Existing Fire Hydrant	8	EA	\$ 200.00	\$ 1,600.00								\$1,600.00							
17	Connect to Existing Yard Hydrant	1	EA	\$ 600.00	\$ 600.00								\$600.00							
18	Connect to Existing Waterline	10	EA	\$ 1,200.00	\$ 12,000.00								\$12,000.00							
19	Disconnect Existing Waterline	9	EA	\$ 500.00	\$ 4,500.00								\$4,500.00							
20	3/4" Water Service (Short)	49	EA	\$ 840.00	\$ 41,160.00			20	\$16,800.00	\$2,700.19	\$19,500.19	47.4%	\$21,659.81							
21	3/4" Water Services (Long)	73	EA	\$ 1,335.00	\$ 97,455.00			32	\$42,720.00	\$4,129.11	\$46,849.11	48.1%	\$50,605.89							
22	New Water Meter Pit	122	EA	\$ 61.00	\$ 7,442.00					\$7,320.00	\$7,320.00	98.4%	\$122.00							
23	New Water Meter Setter	122	EA	\$ 111.00	\$ 13,542.00					\$11,977.96	\$11,977.96	88.5%	\$1,564.04							
24	New Water Meter Ring/Lid	5427	EA	\$ 30.50	\$ 1,645,215.00	2154	\$ 65,166.00			\$3,660.00	\$3,660.00	98.4%	\$61.00							
25	Tracer Wire	5427	LF	\$ 0.25	\$ 1,356.75		\$ 538.50	1873	\$468.25		\$1,006.75	74.2%	\$350.00							
26	Remove and Replace Surfacing (Asphalt)	31	SY	\$ 193.00	\$ 5,983.00			15	\$2,895.00		\$2,895.00	48.4%	\$3,088.00							
27	Remove and Replace Surfacing (Gravel)	10	SY	\$ 30.00	\$ 300.00								\$300.00							
28	Remove and Replace Concrete Sidewalk (4") (AE)	14	SY	\$ 145.00	\$ 2,030.00			7	\$1,015.00		\$1,015.00	50.0%	\$1,015.00							
29	Remove and Replace Concrete Sidewalk Ramp	35	SY	\$ 231.00	\$ 8,085.00								\$8,085.00							
30	Remove and Replace Curb & Gutter (AE)	20	LF	\$ 85.50	\$ 1,710.00								\$1,710.00							
31	Flowable Fill	48	CY	\$ 110.00	\$ 5,280.00								\$5,280.00							
					Original Contract Price	\$ 792,898.75						Totals	\$ 227,492.50	\$244,356.25	\$73,593.97	\$545,142.72	68.8%	\$247,756.03		

Contractor's Application for Payment No. 3

	Application Period: Through 12/30/2015	Application Date: 01/05/2016
To (Owner): City of Osawatomie, KS	From (Contractor): Nowak Construction Co., Inc.	Via (Engineer): BG Consultants, Inc.
Project: 2014 Main Street Waterline Improvements	Contract: 2014 Main Street Waterline Improvements	
Owner's Contract No.: N/A	Contractor's Project No.: 151020	Engineer's Project No.: 14-1101L

Application For Payment Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
TOTALS		
NET CHANGE BY CHANGE ORDERS		

1. ORIGINAL CONTRACT PRICE.....	\$ 792,898.75
2. Net change by Change Orders.....	\$
3. Current Contract Price (Line 1 ± 2).....	\$ 792,898.75
4. TOTAL COMPLETED AND STORED TO DATE (Column I on Progress Estimate).....	\$ 624,678.60
5. RETAINAGE:	
a. 5% X \$624,678.60 Total Completed and Stored	\$ 31,233.93
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$ 593,444.67
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 517,885.58
8. AMOUNT DUE THIS APPLICATION.....	\$ 75,559.09
9. BALANCE TO FINISH, PLUS RETAINAGE (Column K on Progress Estimate + Line 5 above).....	\$ 199,454.08

Contractor's Certification
 The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: David Esher Date: 1/5/2016

Payment of: \$ 75,559.09
 (Line 8 or other - attach explanation of the other amount)

is recommended by: _____
 (Engineer) (Date)

Payment of: \$ _____
 (Line 8 or other - attach explanation of the other amount)

is approved by: _____
 (Owner) (Date)

Approved by: _____
 Funding Agency (if applicable) (Date)

Progress Estimate

Contractor's Application

For (contract): 2014 Main Street Waterline Improvements										Application Number: 3			
Application Period: Through 12/30/2015										Application Date: 01/05/2016			
A	B	C	D	E	F	G	H	I	J	K			
Bid Item No.	Description	Bid Quantity	Unit	Unit Price	Total	Units Previously Installed	Value Previously Installed	Units Installed This Period	Value Installed This Period	Materials Presently Stored (not in G)	Total Completed and Stored to Date (E+G+H)	% (I/C)	Balance to Finish
1	Mobilization	1	LS	\$ 23,800.00	\$ 23,800.00	1	\$ 23,800.00				\$23,800.00	100.0%	
2	Clearing and Grubbing	1	LS	\$ 3,000.00	\$ 3,000.00	1	\$ 3,000.00				\$3,000.00	100.0%	
3	Contractor Construction Staking	1	LS	\$ 2,800.00	\$ 2,800.00	1	\$ 2,800.00				\$2,800.00	100.0%	
4	Traffic Control	1	LS	\$ 10,100.00	\$ 10,100.00	0.5	\$ 5,050.00				\$5,050.00	50.0%	\$5,050.00
5	Seeding	1	LS	\$ 12,100.00	\$ 12,100.00	0.5	\$ 6,050.00				\$6,050.00	50.0%	\$6,050.00
6	Erosion Control	1	LS	\$ 3,000.00	\$ 3,000.00		\$ -						\$3,000.00
7	10" PVC Waterline (C900)(HDD)	1969	LF	\$ 89.00	\$ 175,241.00	720	\$ 64,080.00	775	\$68,975.00	\$9,039.04	\$142,094.04	81.1%	\$33,146.96
8	8" PVC Waterline (C900)(HDD)	3458	LF	\$ 76.00	\$ 262,808.00	3307	\$ 251,332.00	80	\$6,080.00	\$815.08	\$258,227.08	98.3%	\$4,580.92
9	6" DIP Waterline (In Place)	23	LF	\$ 95.00	\$ 2,185.00		\$ -						\$2,185.00
10	10" M.J. Gate Valve	6	EA	\$ 2,450.00	\$ 14,700.00		\$ -			\$8,832.00	\$8,832.00	60.1%	\$5,868.00
11	8" M.J. Gate Valve	11	EA	\$ 1,600.00	\$ 17,600.00	7	\$ 11,200.00				\$11,200.00	63.6%	\$6,400.00
12	10" Tapping Valve	3	EA	\$ 4,000.00	\$ 12,000.00	3	\$ 12,000.00				\$12,000.00	100.0%	
13	8" Tapping Valve	4	EA	\$ 2,700.00	\$ 10,800.00	2	\$ 5,400.00				\$5,400.00	50.0%	\$5,400.00
14	4" Tapping Valve	3	EA	\$ 1,800.00	\$ 5,400.00	3	\$ 5,400.00				\$5,400.00	100.0%	
15	5 1/4" Standard Fire Hydrant Assembly	9	EA	\$ 3,400.00	\$ 30,600.00	5	\$ 17,000.00	2	\$6,800.00	\$4,669.28	\$28,469.28	93.0%	\$2,130.72
16	Remove Existing Fire Hydrant	8	EA	\$ 200.00	\$ 1,600.00		\$ -						\$1,600.00
17	Connect to Existing Yard Hydrant	1	EA	\$ 600.00	\$ 600.00		\$ -						\$600.00
18	Connect to Existing Waterline	10	EA	\$ 1,200.00	\$ 12,000.00		\$ -						\$12,000.00
19	Disconnect Existing Waterline	9	EA	\$ 500.00	\$ 4,500.00		\$ -						\$4,500.00
20	3/4" Water Service (Short)	49	EA	\$ 840.00	\$ 41,160.00	20	\$ 16,800.00	16	\$13,440.00	\$1,210.43	\$31,450.43	76.4%	\$9,709.57
21	3/4" Water Service (Long)	73	EA	\$ 1,335.00	\$ 97,455.00	32	\$ 42,720.00	4	\$5,340.00	\$3,726.27	\$51,786.27	53.1%	\$45,668.73
22	New Water Meter Pit	122	EA	\$ 61.00	\$ 7,442.00		\$ -	72	\$4,392.00	\$3,000.00	\$7,392.00	99.3%	\$50.00
23	New Water Meter Setter	122	EA	\$ 111.00	\$ 13,542.00		\$ -	72	\$7,992.00	\$4,909.00	\$12,901.00	95.3%	\$641.00
24	New Water Meter Ring/Lid	122	EA	\$ 30.50	\$ 3,721.00		\$ -	72	\$2,196.00	\$1,500.00	\$3,696.00	99.3%	\$25.00
25	Tracer Wire	5427	LF	\$ 0.25	\$ 1,356.75	4027	\$ 1,006.75	855	\$213.75		\$1,220.50	90.0%	\$136.25
26	Remove and Replace Surfacing (Asphalt)	31	SY	\$ 193.00	\$ 5,983.00	15	\$ 2,895.00				\$2,895.00	48.4%	\$3,088.00
27	Remove and Replace Surfacing (Gravel)	10	SY	\$ 30.00	\$ 300.00		\$ -						\$300.00
28	Remove and Replace Concrete Sidewalk (4")(AE)	14	SY	\$ 145.00	\$ 2,030.00	7	\$ 1,015.00				\$1,015.00	50.0%	\$1,015.00
29	Remove and Replace Concrete Sidewalk Ramp	35	SY	\$ 231.00	\$ 8,085.00		\$ -						\$8,085.00
30	Remove and Replace Curb & Gutter (AE)	20	LF	\$ 85.50	\$ 1,710.00		\$ -						\$1,710.00
31	Flowable Fill	48	CY	\$ 110.00	\$ 5,280.00		\$ -						\$5,280.00
Original Contract Price					\$ 792,898.75		\$ 471,548.75	Totals	\$115,428.75	\$37,701.10	\$624,678.60	78.8%	\$168,220.15

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS, WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, AND ALL TERRAIN VEHICLES ON THE STREETS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF OSAWATOMIE AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; BY AMENDING CHAPTER 14, ARTICLE 6, OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE, AND REPEALING ALL EXISTING SECTIONS THEREIN; AND CREATING A NEW CHAPTER 12, ARTICLE 10 OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE.

WHEREAS, the City of Osawatomie, Kansas has adopted the current version of the “Standard Traffic Ordinance for Kansas Cities” as published by the League of Kansas Municipalities; and

WHEREAS, said Standard Traffic Ordinance prohibits the operation of golf carts, work-site utility vehicles, micro-utility trucks, and all-terrain vehicle on city streets; and

WHEREAS, the City of Osawatomie wishes to specifically allow the operation of golf carts, work-site utility vehicles, and micro-utility trucks on city streets under certain conditions;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS:

Section 1. Article 6 of Chapter 14 of the Code of the City of Osawatomie is hereby amended to read as follows:

ARTICLE 6. SPECIAL PURPOSE VEHICLES

14-601. Definitions.

As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a) “Golf Cart” means any motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(b) “Work-Site Utility Vehicle (UTV)” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is

equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials.

(c) “Micro-Utility Truck” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab.

(d) “All-Terrain Vehicle (ATV)” means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this definition, non-highway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(e) “Pocket bike” means every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and on which the headlights are lower than 24 inches from the ground, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

(f) “Motorized scooter” means a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

(g) “Special purpose vehicle” means golf cart, work-site utility vehicle, and micro-utility vehicle, either individually or collectively, but does not include all-terrain vehicle, pocket bike or motorized scooter.

14-602. Operation of Special Purpose Vehicles in City Limits.

It shall be unlawful for any person to operate, or for the owner thereof knowingly to permit the operation, any special purpose vehicle, upon any street or alley within the City limits of Osawatomie, Kansas or upon any City owned or leased property within or without the City limits of the City of Osawatomie, Kansas, except as provided for in this article.

(a) Special purpose vehicles, may be operated upon the public highways, streets, roads and alleys within the corporate limits under the of the city as provided for in this article, except as follows:

- (1) No special purpose vehicle may be operated upon U.S. Highway-169, Osawatomie Road, Plum Creek Road, Old Kansas City Road, 343rd Street, 335th Street, or any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour, however, that the provisions of this subsection shall not prohibit a special purpose vehicle from crossing any public highway, street, road or alley unless otherwise prohibited by state law.

- (2) No golf cart shall be operated on any public highway, street, road, or alley between sunset and sunrise.
- (3) No work-site utility vehicle or micro-utility truck shall be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated (K.S.A), and amendments thereto.
- (4) No work-site utility vehicle with a maximum speed of 25 miles per hour or less, or any golf cart, shall be operated on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving emblem on the rear of the vehicle. Such slow moving emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.
- (5) No micro-utility truck shall be operated on any public highway, street, road or alley unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the K.S.A., and amendments thereto.

(b) In addition to any equipment required by this ordinance, all special purpose vehicles shall be equipped with at least one rear view mirror.

(c) All special purpose vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

14-603. Operator Requirements; Owner Duties; Insurance; Penalty.

(a) All persons are required to wear seatbelts in all special purpose vehicles if originally equipped by the manufacturer.

(b) Every person operating a special purpose vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

(c) No person shall operate a special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city unless such person has a valid, unrestricted, driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

(d) Every owner of a special purpose vehicle shall provide liability coverage in accordance with the most current adopted Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.

(e) All provisions of the most current adopted Standard Traffic Ordinance with regards to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

14-604. Registration; Fee; Application; Inspection; Penalty.

(a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and display a valid registration decal or tag affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle.

(b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the Police Department. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number).

(c) An annual registration fee for a special purpose vehicle shall be established by the annual fee resolution, but shall not be less than twenty-five dollars (\$25.00) and shall be for all or any part of a calendar year, with no prorated fees for a partial year.

(d) Proof of insurance, as required in this article, shall be furnished at the time of application for registration.

(e) The registration decal or tag issued hereunder is not transferrable. In the event of sale or other transfer of ownership of a vehicle licensed under the provision of this section, the existing registration decal or tag and the right to use the numbered decal or tag shall expire, and the decal or tag shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(f) In the event a registration decal or tag is lost, stolen or destroyed, it is the responsibility of the owner and must be re-registered with a full registration fee before the special purpose vehicle may be operated on a public road.

(g) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such registration decal or tag during the time in which the same is operative.

(h) It shall be unlawful for any person to:

(1) Operate, or for the owner thereof knowingly to permit the operation, upon a public highway, street, road or alley within the corporate limits of the city a special purpose vehicle which is not registered and which does not have attached thereto and displayed thereon the registration decal or tag assigned thereto by the city.

- (2) Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.
- (3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
- (4) Remove, conceal, alter, mark or deface the license number plate, plates or decals or any mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
- (5) Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.
- (6) Any person convicted of a violation of any provision of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$300.00.

14-605 All-Terrain Vehicles, Pocket Bikes and Motorized Scooters Prohibited.

The operation of all-terrain vehicles, pocket bikes, and motorized scooters on the streets, roads, alleys or public property within the corporate limits of the City of Osawatomie is prohibited, unless specifically authorized for a City sponsored event or City permitted special event.

14-606 Penalty.

Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provisions as the city may then have in effect.

14-607 Exemptions.

(a) Special purpose vehicles which are owned, leased or operated by the City or other governmental entities that are being operated for the purpose of maintaining roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the restrictions of this article, except for equipment and lighting restrictions in Section 14-602 and insurance and operator requirements in Section 14-603.

(b) Special purpose vehicles which are owned or leased by golf courses, or golf carts owned by private individuals, when involved in the loading and unloading of golf equipment on streets immediate adjacent to the golf course are exempt from the equipment, registration and insurance provisions of Sections 14-602, 14-603 and 14-604 of this article.

Section 2. The Code of the City of Osawatomie is hereby amended to create a new Article 10 in Chapter 12 to read as follows:

ARTICLE 10. LEVEES AND DAMS

12-1001. Unlawful Uses.

It shall be unlawful for any person to drive any vehicle, permit grazing of livestock, to dig or remove dirt or make any excavation, to plow, furrow, or cause ruts or tracks in or on the ground, to hunt birds or animals or to discharge firearms, to camp, to picnic, to erect signs or billboards, to interfere with or cause destruction to any fence, gate, levee and dike, or to deposit litter of any kind on land acquired by the City for levee and flood protection purposes.

12-1002. Same; Penalty.

Any person found guilty of violating the provisions of this article shall be punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

Section3. EXISTING ARTICLES AND SECTIONS REPEALED. Chapter 14, Article 6 in its entirety of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance are hereby repealed.

Section 4. EFFECTIVE DATE. This ordinance shall take effect and be in force from April 1, 2016 through September 30, 2016 and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 14th day of January, 2016.

APPROVED AND SIGNED by the Mayor.

L. Mark Govea
Mayor

(SEAL)

ATTEST:

Tammy Seamands
City Clerk

(Summary Published in the Osawatomie Graphic, ~~January 20~~, 2015~~6~~) It

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS, WORK-SITE UTILITY VEHICLES, MICRO UTILITY TRUCKS, AND ALL TERRAIN VEHICLES ON THE STREETS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF OSAWATOMIE AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION THEREOF; BY AMENDING CHAPTER 14, ARTICLE 6, OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE, AND REPEALING ALL EXISTING SECTIONS THEREIN; AND CREATING A NEW CHAPTER 12, ARTICLE 10 OF THE MUNICIPAL CODE OF THE CITY OF OSAWATOMIE.

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WHEREAS, the City of Osawatomie, Kansas has adopted the current version of the “Standard Traffic Ordinance for Kansas Cities” as published by the League of Kansas Municipalities; and

WHEREAS, said Standard Traffic Ordinance prohibits the operation of golf carts, work-site utility vehicles, micro-utility trucks, and all-terrain vehicle on city streets; and

WHEREAS, the City of Osawatomie wishes to specifically allow the operation of golf carts, work-site utility vehicles, and micro-utility trucks ~~and all terrain vehicles~~ on city streets under certain conditions;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS:

Section 1. Article 6 of Chapter 14 of the Code of the City of Osawatomie is hereby amended to read as follows:

ARTICLE 6. SPECIAL PURPOSE VEHICLES

14-601. Definitions.

As used in this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise.

(a) “Golf Cart” means any motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(b) “Work-Site Utility Vehicle (UTV)” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135

inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials.

(c) “Micro-Utility Truck” means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab.

(d) “All-Terrain Vehicle (~~ATV~~)” means any motorized non-highway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more non-highway tires, and having a seat to be straddled by the operator. As used in this definition, non-highway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(e) “Pocket bike” means every device having two tandem wheels, or three wheels, which may be propelled by a gasoline engine and on which the headlights are lower than 24 inches from the ground, its tailpipe is lower than 15 inches, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

(f) “Motorized scooter” means a vehicle consisting of a footboard between two small end wheels, controlled by an upright steering handle attached to the front wheel, propelled by an electric or gasoline motor, and no vehicle identification number is located on the vehicle nor can ownership of the vehicle be registered.

(g) “Special purpose vehicle” means golf cart, work-site utility vehicle, ~~and micro-utility vehicle and all-terrain vehicle~~, either individually or collectively, but does not include ~~all-terrain vehicle~~, pocket bike or motorized scooter.

14-602. Operation of Special Purpose Vehicles in City Limits.

It shall be unlawful for any person to operate, or for the owner thereof knowingly to permit the operation, any special purpose vehicle, upon any street or alley within the City limits of Osawatomie, Kansas or upon any City owned or leased property within or without the City limits of the City of Osawatomie, Kansas, except as provided for in this article.

(a) Special purpose vehicles, may be operated upon the public highways, streets, roads and alleys within the corporate limits under the of the city as provided ~~for in this article~~, except as follows:

- (1) No special purpose vehicle may be operated upon U.S. Highway-169, Osawatomie Road, Plum Creek Road, Old Kansas City Road, 343rd Street, 335th Street, or any public highway, street, road and alley with a posted speed limit in excess of 30 miles per hour, however, that the provisions of this subsection shall not prohibit a special purpose vehicle from crossing any public highway,

street, road or alley unless otherwise prohibited by state law.

(2) No golf cart shall be operated on any public highway, street, road, or alley between sunset and sunrise.

~~(3) No all terrain vehicle may be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motorcycles under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.~~

~~(4)~~(3) No work-site utility vehicle or micro-utility truck shall be operated upon any public highway, street, road or alley between sunset and sunrise unless such vehicle is equipped with lights and reflectors as required for motor vehicles under Article 17 of Chapter 8 of the Kansas Statutes Annotated (K.S.A), and amendments thereto.

~~(5)~~(4) No ~~golf cart or~~ work-site utility vehicle with a maximum speed of 25 miles per hour or less, or any golf cart, shall be operated on any public highway, street, road or alley within the corporate limits of the city unless such vehicle displays a slow moving emblem on the rear of the vehicle. Such slow moving emblem shall be mounted and displayed in compliance with K.S.A. 8-1717, and amendments thereto.

~~(6)~~(5) No micro-utility truck shall be operated on any public highway, street, road or alley unless such truck complies with the equipment requirements under Article 17 of Chapter 8 of the K.S.A., and amendments thereto.

(b) In addition to any equipment required by this ordinance, all special purpose vehicles shall be equipped with at least one rear view mirror.

(c) All special purpose vehicles shall comply with noise and muffler requirements as set forth in K.S.A. 8-1739, and amendments thereto.

14-603. Operator Requirements; Owner Duties; Insurance; Penalty.

~~(a) Every person under the age of 18 shall be required to wear a helmet if operating or riding an all terrain vehicle.~~

~~(b)~~(a) All persons are required to wear seatbelts in all special purpose vehicles if originally equipped by the manufacturer.

~~(c)~~(b) Every person operating a special purpose vehicle on the public highways, streets, roads and alleys of the city shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

~~(d)~~(c) No person shall operate a special purpose vehicle on any public highway,

street, road or alley within the corporate limits of the city unless such person has a valid, unrestricted, driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

~~(e)~~(d) Every owner of a special purpose vehicle shall provide liability coverage in accordance with the most current adopted Standard Traffic Ordinance, and amendments thereto, and the Kansas Automobile Injury Reparations Act, K.S.A. 40-3101, et seq., and amendments thereto.

~~(f)~~(e) All provisions of the most current adopted Standard Traffic Ordinance with regards to liability insurance, and amendments thereto, including penalty provisions, shall be applicable to all owners and operators of special purpose vehicles.

14-604. Registration; Fee; Application; Inspection; Penalty.

(a) Before operating any special purpose vehicle on any public highway, street, road or alley within the corporate limits of the city, the vehicle shall be registered with the city and display a valid registration decal or tag affixed and displayed in such a manner as to be clearly visible from the rear of the vehicle.

(b) Application for registration of a special purpose vehicle shall be made by the owner, or owner's agent, in the office of the Police Department. The application shall be made upon forms provided by the city and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the vehicle to be registered (including make, model and serial number).

(c) An annual one-time registration fee for a special purpose vehicle shall be established by the annual fee resolution, but shall not be less than twenty-five dollars (\$25.00) and shall be for all or any part of a calendar year, with no prorated fees for a partial year.

(d) Proof of insurance, as required in this article, shall be furnished at the time of application for registration.

(e) The registration decal or tag issued hereunder is not transferrable. In the event of sale or other transfer of ownership of a vehicle licensed under the provision of this section, the existing registration decal or tag and the right to use the numbered decal or tag shall expire, and the decal or tag shall be removed by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his possession.

(f) In the event a registration decal or tag is lost, stolen or destroyed, it is the responsibility of the owner and must be re-registered with a full registration fee before the special purpose vehicle may be operated on a public road.

(g) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such registration decal or tag during the time in which the same is operative.

(h) It shall be unlawful for any person to:

(1) Operate, or for the owner thereof knowingly to permit the operation, upon a public highway, street, road or alley within the corporate limits of the city a special purpose vehicle which is not registered and which does not have attached thereto and displayed thereon the registration decal or tag assigned thereto by the city.

(2) Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended or altered.

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~~(2) A violation of this subsection (2) shall constitute an unclassified misdemeanor punishable by a fine of not less than \$50.00 and forfeiture of the item. A mandatory court appearance shall be required of any person violating this subsection.~~

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(3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.

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(4) Remove, conceal, alter, mark or deface the license number plate, plates or decals or any mark of identification upon any special purpose vehicle. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.

(5) Carry or display a registered number plate or plates or registration decal upon any special purpose vehicle not lawfully issued for such vehicle.

(6) Any person convicted of a violation of any provision of this section, shall for the first conviction thereof be punished by a fine of not more than \$100.00; for a second such conviction within one year thereafter, such person shall be punished by a fine of not more than \$200.00; upon a third or subsequent conviction within one year after the first conviction, such person shall be punished by a fine of not more than \$300.00.

14-605 All-Terrain Vehicles, Pocket Bikes and Motorized Scooters Prohibited.

The operation of all-terrain vehicles, pocket bikes, and motorized scooters on the streets, roads, alleys or public property within the corporate limits of the City of Osawatomie is prohibited, unless specifically authorized for a City sponsored event or City permitted special event.

14-606 Penalty.

Unless specifically provided for herein, a violation of this section shall be deemed an ordinance traffic infraction. Upon an entry of a plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with ~~Article 20 of~~ the Standard Traffic Ordinance as currently adopted by the city, and amendments thereto, or such other similar provisions as the city may then have in effect.

14-607 Exemptions.

(a) Special purpose vehicles which are owned, leased or operated by the City or other governmental entities that are being operated for the purpose of maintaining roads, right of ways or for other specific purpose as required in the performance of a job are exempt from the restrictions of this article, except for equipment and lighting restrictions in Section 14-602 and insurance and operator requirements in Section 14-603.

(b) Special purpose vehicles which are owned or leased by golf courses, ~~or golf carts owned by private individuals, when used when involved in the or the purpose of~~ loading and unloading of golf equipment on streets immediate adjacent to the golf course are exempt from the ~~equipment, registration and insurance provisions of restrictions of~~ Sections 14-602, 14-603 and 14-604 of this article, ~~not related to equipment or lighting.~~

Section 2. The Code of the City of Osawatomie is hereby amended to create a new Article 10 in Chapter 12 to read as follows:

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ARTICLE 10. LEVEES AND DAMS

12-1001. Unlawful Uses.

It shall be unlawful for any person to drive any vehicle, permit grazing of livestock, to dig or remove dirt or make any excavation, to plow, furrow, or cause ruts or tracks in or on the ground, to hunt birds or animals or to discharge firearms, to camp, to picnic, to erect signs or billboards, to interfere with or cause destruction to any fence, gate, levee and dike, or to deposit litter of any kind on land acquired by the City for levee and flood protection purposes.

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12-1002. Same; Penalty.

Any person found guilty of violating the provisions of this article shall be punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

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Section 23. EXISTING ARTICLES AND SECTIONS REPEALED. Chapter 14, Article 6 in its entirety of the Code of the City of Osawatomie as adopted prior to the passage of this Ordinance are hereby repealed.

PROPOSAL TO REVIEW THE CITY OF OSAWATOMIE UTILITY BILLING SYSTEM

EMG, INC IN PARTNERSHIP WITH UTILITY DATA
INTEL, LLC

November 20, 2015

OVERVIEW

Project Background and Description

The City of Osawatome (Utility) provides electric, water, waste water and solid waste services for it citizens. To fund these services they send a combined utility bill to their customers.

Utility billing systems and their supporting processes are inherently complex and can result in unbilled or miss-billed accounts that are difficult to find. The need to review the billing system for errors and omissions becomes more evident as utilities across the United States, large and small, discover billing errors that have resulted in, sometimes, significant revenue increases for the utility.

Recognizing the potential for billing errors and omission and as a matter of due diligence good management practice, Osawatome desires to have their billing system reviewed for billing errors and omissions to ensure all customers are paying their fair and proper amounts for the services being provided.

Project Need and Consultants Qualifications

Complex processes and billing operations can result in utility accounts to not be billed or be billed incorrect amounts. Unbilled accounts are especially difficult to identify because of the underground, hidden nature of some of the services provided. These errors and omissions can result in less revenue to support the operation, maintenance and replacement of assets causing an undue rate burden on properly billed customers.

EMG, in partnership with Utility Data Intel (Consultants), proposes to provide a comprehensive billing system review by extracting the billing data and identifying errors and omissions in all billed accounts and identifying accounts that are not being billed. EMG is expert in electric and services and rates and Utility Data Intel is expert in water and wastewater services and rates.

PROJECT SCOPE

The primary project objective is to ensure that all customers receiving utility services are properly billed for services provided.

Basic Services

We propose to perform the following services:

- Consultants will electronically merge and compare billed customers with County property records and other property record information as available and identify non-billed users and improperly billed users.
- Consultants will review rates applied to all Utility customers for the current and previous year to ensure proper rates were and are applied to customers and identify customers, customer classes or other instances where rates were not properly applied or anomalies are observed.
- Consultants will investigate and identify meter consumption errors and other meter related error.

Additional Services

Consultants will provide analytical reports based on the information and data gathered. These services are not guaranteed and have no impact on the pricing or fees paid to the Consultants.

CITY PROVIDED RESOURCES

Osawatomie will provide or authorize the Consultants to access the following:

- A copy of the utility billing system data files. All historical records can be provided but at least the 3 previous years and the current year should be provided.
- As available, access to or copies of GIS layers and boundaries for the utility services areas to include sewer mains, laterals, tap connections, pump stations, water mains, water towers, electric and water meter locations, transformers, transmission lines, mains and distribution loops.
- Current and previous rates as authorized by the appropriate board or commission and their effective dates. Detailed rate class breakdowns.
- Customer class information and any special considerations given for customers or customer classes.
- The Utility will need to investigate each billing error identified by Consultants to confirm the error.

DELIVERABLES

- A list of properties where services are provided but are currently not billed.
- A list of properties where rates, charges or fees are not properly applied to a customer account or there are billing irregularities that are negatively impacting Utility revenue.
- Identify properties that, in the Consultants opinion, are likely under-billed because the water meter is running slow. A slow water meter will negatively impact both water and wastewater revenue.
- Analytical reports as prepared and data is available to build analytical reports.
- Summary document of other discovered data or areas of concern that may impact Utility revenue related to the services provided.

AFFECTED PARTIES

It is not anticipated that Consultants will visit any location or Utility customer. Should the need arise to visit a field site, the Consultants will obtain permission prior any field visits.

HIGH-LEVEL TIMELINE/SCHEDULE

Consultants anticipates a preliminary report will be completed one month from receipt of the information listed above. The preliminary report is not comprehensive but provides validation of analytical processes applied to the Utility's billing system.

Consultants anticipate that a comprehensive review will be completed within two months after the preliminary report but "findings" will be reported to the Utility as they are discovered.

PRICING

Consultants will receive 50% of the additional revenue actually collected by the Osawatomie Utility for a period of one year. If no additional revenue is discovered for the Utility, the Consultants will not receive a fee.

Consultants will identify, on a form agreed to by the Utility, all items Consultants find that will increase revenue for the Utility. Utility will sign each form agreeing that additional revenue will be generated and that they intend to collect the revenue. Osawatomie Utility has the final determination if a revenue source should be collected or not. Payments to the Consultants are based on that revenue actually collected on accounts not being billed or the actual increase to the Utility of accounts that were under-billed or miss-billed.

Signed _____

Title _____

REFUSE RATES FOR 2016

FEE W/ 2 % INCREASE

FEE W/ 2 % INCREASE

	Current	Admin Fees	Total	Increase %	Inc. Amt	Total	Admin Fee	Total	Admin Fee	Total	Fuel %	Fuel Amount	Total	Admin Fee	TOTAL	
Resid.	17.20	-0.50	16.70	2%	0.33	17.03	0.65	17.68	-0.65	17.03	0%	0.00	17.03	0.65	17.68	
1 x 2	17.10	-0.50	16.60	2%	0.33	16.93	0.65	17.58	-0.65	16.93	0%	0.00	16.93	0.65	17.58	
1 x 5	39.81	-0.50	39.31	2%	0.79	40.10	0.65	40.75	-0.65	40.10	0%	0.00	40.10	0.65	40.75	
2 x 2	31.41	-0.50	30.91	2%	0.62	31.53	0.65	32.18	-0.65	31.53	0%	0.00	31.53	0.65	32.18	
2 x 5	76.47	-0.50	75.97	2%	1.52	77.49	0.65	78.14	-0.65	77.49	0%	0.00	77.49	0.65	78.14	
3 x 2	42.94	-0.50	42.44	2%	0.85	43.29	0.65	43.94	-0.65	43.29	0%	0.00	43.29	0.65	43.94	
3 x 5	105.29	-0.50	104.79	2%	2.10	106.89	0.65	107.54	-0.65	106.89	0%	0.00	106.89	0.65	107.54	
2 yd	4 x 2	61.86	-0.50	61.36	2%	1.23	62.59	0.65	63.24	-0.65	62.59	0%	0.00	62.59	0.65	63.24
	4 x 4	98.13	-0.50	97.63	2%	1.95	99.58	0.65	100.23	-0.65	99.58	0%	0.00	99.58	0.65	100.23
	4 x 5	122.33	-0.50	121.83	2%	2.44	124.27	0.65	124.92	-0.65	124.27	0%	0.00	124.27	0.65	124.92
4 yd	4 x 6	146.52	-0.50	146.02	2%	2.92	148.94	0.65	149.59	-0.65	148.94	0%	0.00	148.94	0.65	149.59
	5 x 2	98.13	-0.50	97.63	2%	1.95	99.58	0.65	100.23	-0.65	99.58	0%	0.00	99.58	0.65	100.23
	5 x 4	194.88	-0.50	194.38	2%	3.89	198.27	0.65	198.92	-0.65	198.27	0%	0.00	198.27	0.65	198.92
6 yd	5 x 5	243.26	-0.50	242.76	2%	4.86	247.62	0.65	248.27	-0.65	247.62	0%	0.00	247.62	0.65	248.27
	5 x 6	291.65	-0.50	291.15	2%	5.82	296.97	0.65	297.62	-0.65	296.97	0%	0.00	296.97	0.65	297.62
	6 x 2	146.52	-0.50	146.02	2%	2.92	148.94	0.65	149.59	-0.65	148.94	0%	0.00	148.94	0.65	149.59
8 yd	6 x 4	291.65	-0.50	291.15	2%	5.82	296.97	0.65	297.62	-0.65	296.97	0%	0.00	296.97	0.65	297.62
	6 x 5	363.07	-0.50	362.57	2%	7.25	369.82	0.65	370.47	-0.65	369.82	0%	0.00	369.82	0.65	370.47
	6 x 6	436.75	-0.50	436.25	2%	8.73	444.98	0.65	445.63	-0.65	444.98	0%	0.00	444.98	0.65	445.63
haul own	7 x 2	194.88	-0.50	194.38	2%	3.89	198.27	0.65	198.92	-0.65	198.27	0%	0.00	198.27	0.65	198.92
	7 x 4	388.40	-0.50	387.90	2%	7.76	395.66	0.65	396.31	-0.65	395.66	0%	0.00	395.66	0.65	396.31
	7 x 5	485.13	-0.50	484.63	2%	9.69	494.32	0.65	494.97	-0.65	494.32	0%	0.00	494.32	0.65	494.97
rural	581.88	-0.50	581.38	2%	11.63	593.01	0.65	593.66	-0.65	593.01	0%	0.00	593.01	0.65	593.66	
haul own	1.30	-0.50	0.80	2%	0.02	0.82	0.65	1.47	-0.65	0.82	0%	0.00	0.82	0.65	1.47	
rural	17.20	-0.50	16.70	2%	0.33	17.03	0.65	17.68	-0.65	17.03	0%	0.00	17.03	0.65	17.68	