

OSAWATOMIE CITY COUNCIL
SPECIAL MEETING
WORK SESSION / MEETING AGENDA
April 24, 2008
7:00 p.m., Memorial Hall

PUBLIC HEARING – 7:00 p.m. per public notice

1. Annexation of Property near the Osawatome State Hospital

REGULAR MEETING – 7:30 p.m.

A. Call to Order

B. Roll Call

C. Approval of Agenda

1. Ordinance Approving Annexation of Houses by Osawatome State Hospital
2. Ordinance to Rezone Property East of Rohrer Heights Subdivision from R-1 to R-3
3. Ordinance to Rezone Property North of 1618 Parker from R-1 to R-3
4. Appointment of Representatives for KDOT Transportation Plan
5. Consider Contract to Employ BG Consultants, Inc. as City Engineer
6. Executive Session – Consultation with City Attorney which would be deemed privileged in the attorney-client relationship

D. Adjournment of Regular Meeting

ORDINANCE NO. _____

AN ORDINANCE ANNEXING LAND TO THE CITY OF
OSAWATOMIE, KANSAS.

WHEREAS: the following described land is located in Miami County, Kansas; and

WHEREAS: the following described land meets one or more of the conditions prescribed by
KSA 12-520(a)(1-6); and

WHEREAS: the governing body of the City of Osawatomie, Kansas finds it advisable to annex
such land;

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

SECTION ONE: That the following described land, meeting the conditions for annexation
prescribed in KSA 12-520(a)(1-6), is hereby annexed and made a part of the City of Osawatomie, Kansas:

All that part of the Southwest Quarter of Section 1, and all that part of the Northwest
Quarter of Section 12, all being in Township 18, Range 22, Miami County, Kansas,
described as follows: All of the West Half of the South West Quarter of said Section 1,
lying West of the Westerly right-of-way line of U.S. 169 Highway as now established,
and all of the Southeast Quarter of the Southwest Quarter of said Section 1, lying West of
the Westerly right-of-way line of U.S. Highway 169 as now established, and all of the
North Half of the Northwest Quarter of said Section 12, lying West of the Westerly right-
of-way line of U.S. Highway 169 as now established.

SECTION TWO: EFFECTIVE DATE. That this ordinance shall be effective from and after its
passage, approval, and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this
24th day of April , 2008.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley, Mayor
City of Osawatomie

(SEAL)

ATTEST:

Ann Elmquist, City Clerk

SKETCH OF AREA ANNEXED



CITY OF OSAWATOMIE, KANSAS
Report Setting Forth Plans For Extension of Services to Annexed Property
(Pursuant to KSA 12-520 *et seq*)
February 14, 2008

INTRODUCTION

In accordance with KSA 12-520b, the following information is provided.

The City Council of the City of Osawatomie, Kansas, (“the City” or “Osawatomie”) has expressed its desire to annex land that “lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%” due to the fact that several large tracts of land have been annexed in the last few years, the land identified herein is surrounded by one or more tracts within the corporate limits of the City of Osawatomie. The general location of the land to be annexed is south of K-279, east of Osawatomie Road, west of US-169, and north of the Eastgate Shopping Center in Osawatomie, Kansas.

The City expects growth to continue moving south from Johnson County into Miami County, including the area to be annexed. Due to the City’s Northland Development moving forward and the land to be annexed being completely surrounded by the corporate limits of the City, it is in the best interest of the land to be annexed and for the City to control the land use and development of these properties.

The purposes of this report, made in compliance with statutory requirements, are twofold: first, to provide information to assist the City in its determination of the advisability of the annexation and, second, to provide persons affected by the annexation with a full and complete statement of the City’s intentions regarding the provision of services as well as the estimated fiscal impact.

PURPOSE AND RATIONALE FOR PLAN FOR EXTENSION OF SERVICE

There are four principal reasons the City is proposing this annexation:

- First, the City anticipates growth towards the north. With the Northland Development continuing to move forward, it is crucial to have a harmonious city limits line as opposed to the current corporate limits which includes an island of unincorporated residential property. Without annexation, the extension of urban services cannot be appropriately planned.
- Second, providing sanitary sewer is in the best interests of the environment, particularly since this area is in such close proximity to the Marais des Cygnes River.
- Third, the public will be served by eliminating confusion regarding jurisdictional lines, especially where it pertains to providing public services in territorial remnants. Residents will benefit from the City police patrol as well as street maintenance, snow removal services, building inspection, fire protection, and zoning. Therefore, existing and future development will be better served by City services and is more appropriately suited to incorporation within the City than being served by Miami County.
- Fourth, the proposed annexation will make the City limit lines more uniform and harmonious. The straight and harmonious nature of City boundaries is a recognized condition set out in K.S.A. 12-520 for purposes of unilateral annexations. The current City limit lines are irregular, with these parcels remaining as islands surrounded by tracts within the City. Several of the recent consent annexation tracts nearby are considering residential subdivisions and commercial development.

STREET CONDITIONS

Osawatomie Road provides access to the majority of homes and will continue to serve as a main thoroughfare in the future, connecting the proposed annexation area to the Northland Development. Upon annexation, Osawatomie Road (and all other public roads in the area) will become a City street(s) and maintained as such. No extension(s) of road infrastructure is planned, but will be provided as needed and financed through special assessments.

DRAINAGE STRUCTURES

Drainage structures and ditches that are already in place will be maintained at current or enhanced levels, depending on additional development of the area.

SANITARY SEWER SERVICE

Presently, the city has no sewer infrastructure in the area proposed for annexation. Sanitary sewer lines will be installed after annexation and upon establishment of a sewer district by those being annexed.

WATER SERVICE

Miami County Rural Water District #1 currently provides water service and will continue to do so after annexation.

GAS AND ELECTRICAL SERVICE

Kansas Gas Service and Kansas City Power & Light provide gas and electricity and will continue to do so upon annexation.

POLICE AND FIRE PROTECTION

The Osawatomie Volunteer Fire Department would serve the proposed annexation area. Upon annexation, the same level of protection will be provided as it is at present by the Rural Fire District, within the corporate territory of the City of Osawatomie. The City of Osawatomie's Police Department will provide patrol service to the proposed annexation area.

SOLID WASTE DISPOSAL

Responsibility for solid waste disposal currently rests with the individual property owners. Upon annexation, the city's contracted solid waste provider will provide regular service to the area.

PARKS AND RECREATION

There are no parks or recreation facilities in the subject area. Present park and recreation facilities in the City are adequate to meet the needs of residents in the land to be annexed.

SCHOOLS

The Osawatomie School District serves the area and no will not be impacted by the annexation.

OTHER SERVICES

Other services will be available to the area, including code enforcement, municipal court, street signing, infrastructure maintenance, cable TV, phone, etc.

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SUMMARY OF PLAN FOR SERVICES

<u>Service</u>	<u>Existing in City</u>	<u>Proposed for area</u>	<u>Timing</u>	<u>Financing</u>
Sewer Mains	Yes	Yes	Upon establishment of Sewer district	Special Assessment and KDHE financing if available
Sewer Laterals	Yes	Yes	Upon establishment of Sewer district	Special Assessment/Owner
Water Main	Yes	No	In place. Miami Co. RWD #1	RWD
Water Laterals	Yes	No	Upon petition	Owner
Local Streets	Yes	Yes	In place/Immediate	City at large
Street Lights	Yes	Yes	As needed	KCP&L
Police Protection	Yes	Yes	Immediate	City at large
Fire Protection	Yes	Yes	Immediate	City at large
Park Sites	Yes	No	Immediate	City at large
Code Enforcement	Yes	Yes	Immediate	City at large
Refuse Collection	Yes	Yes	Available now	Contracted service
Storm Sewer	Yes	No	When warranted by development	Special assessment/owner
General Gov't Services	Yes	Yes	Immediate	City at large
Municipal Court	Yes	Yes	Immediate	City at large
Planning Services	Yes	Yes	Immediate	City at large

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7. **Present cost, methods and adequacy of governmental services and regulatory controls in the area;** Costs to provide public services to the area (with the exception of sanitary sewer) are expected to be negligible. All services provided to the area will be of the same level as those services currently provided to existing areas of Osawatomie. Residents shall determine for themselves when sanitary sewer will be provided through the creation of a sewer benefit district. City staff will assist them in this process. Electricity, natural gas, and water will continue to be provided at their current levels by their current providers.
8. **Proposed cost, extent and the necessity of governmental services to be provided by the city proposing annexation and the plan and schedule to extend such services;** A very rough estimate of the cost to provide sewer service to the entire area is: \$468,000. This is based on estimates we received to extend sewer out to West Parker and the prices per linear foot of those materials. No cost for water service will be incurred because that service is provided by Miami County RWD #1. No additional cost for fire protection will be incurred since the area is served by the Osawatomie Volunteer Fire Department. Zoning and building inspection services are already provided through the city's interlocal agreement with Miami County establishing our growth area.
9. **Tax impact upon property in the city and the area;** The following aggregate information is provided regarding valuations and tax information: (This information does not include any mill levies that will be eliminated as a result of this annexation)

Appraised Value:	\$3,070,050
Assessed Value:	\$353,055.75
Estimated Taxes:	\$18,788.92
Average:	\$481.77
Largest Increase:	\$1,479
Smallest Increase:	\$3

All parcels except the most southern two are in Valley Township. The most southern two parcels are in Osawatomie Township. Levies for libraries and rural fire districts will be dropped as well, which will reduce the average increase in tax bills by \$43.00. On average, the net increase will then be \$438.77.

10. **Extent to which the residents of the area are directly or indirectly dependent upon the city for governmental services and for social, economic, employment, cultural and recreational opportunities and resources;** All residents of the proposed annexation area are entitled to the same privileges and rights as others within the corporate city limits. Residents of the area to be annexed presently utilize many of the services Osawatomie's economy has to offer and utilize public services as well.
11. **Effect of the proposed annexation on the city and other adjacent areas, including, but not limited to, other cities, sewer and water districts, improvement districts, townships or industrial districts and, subject to the provisions of K.S.A. 12-521a, and amendments thereto, fire districts;** The annexation of the subject property will result in a net loss of valuation to Valley and Osawatomie Townships as well as the rural fire district and the library levy in the amount of the appraised value of the property and the accompanying tax unit change. No impact on the rural water district is anticipated. No change in fire district service will be incurred other than a change from Rural to City protection.
12. **Existing petitions for incorporation of the area as a new city or for the creation of a special district;** There are no pending petitions for consent annexation or new city incorporations in the area.
13. **Likelihood of significant growth in the area and in adjacent areas during the next five years;** The most likely growth in the area will be residential. The lack of water in large volumes inhibits commercial growth in the area.
14. **Effect of annexation upon the utilities providing services to the area and the ability of those utilities to provide those services shown in the detailed plan;** There is no impact to utilities servicing the area. The provision of sewer service to the area will be determined by the affected land owners but will not affect the City's ability to provide reliable and safe sewer service. The addition of this land will not noticeably impact the City of Osawatomie's sanitary sewer utility.
15. **Economic impact on the area;** The installation of the sewer system in the area will raise the property value of the proposed land slightly. The provision of sewer service and annexation will increase the property values of surrounding properties.
16. **Wasteful duplication of services;** No wasteful duplication of services is anticipated.

(Published in the Osawatomie Graphic, _____, 2008) 1t

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY IN THE CITY OF OSAWATOMIE, KANSAS FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-3 (GARDEN APARTMENT DISTRICT); AMENDING THE ZONING MAP INCORPORATED BY REFERENCE IN ORDINANCE NO. 3542, AND AMENDMENTS THERETO.

WHEREAS, after due and lawful notice the Osawatomie Planning Commission on April 9, 2008 held a public hearing, and recommended approval of the request to rezone from R-1 (Single Family Residential District) to R-3 (Garden Apartment District); and

WHEREAS, the Governing Body may (1) approve such Planning Commission recommendation, (2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or (3) may return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

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

SECTION ONE: That the zoning district classification for the following described property, situated in the City of Osawatomie, Miami County, Kansas, to-wit:

All that part of Northwest Quarter of Section 10, Township 18 South, Range 22 East, in the City of Osawatomie, Miami County, Kansas, described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 10; thence North 89 degrees 51 minutes 14 seconds East along the South line of said Quarter Section and the apparent center line of Parker Avenue, 821.39 feet to the Point of Beginning of this tract; thence North 00 degrees 22 minutes 45 seconds East 290.00 feet; thence South 89 degrees 51 minutes 14 seconds West, 101.79 feet; thence North 00 degrees 22 minutes 45 seconds East along East boundary line of "ROHRER HEIGHTS", a subdivision in said city and state, 500.00 feet; thence North 89 degrees 51 minutes 14 seconds East, 159.15 feet; thence South 01 degrees 17 minutes 26 seconds West, 544.68 feet; thence North 89 degrees 51 minutes 14 seconds East, 179.00 feet; thence South 00 degrees 56 minutes 58 seconds West, 245.50 feet to a point on said center line and the South line of said Quarter Section; thence South 89 degrees 51 minutes 14 seconds West along said line, 225.25 feet to the Point of Beginning. Containing 3.11 acres, more or less.

is hereby changed from R-1 (Single Family Residential District) to R-3 (Garden Apartment District).

SECTION TWO: That the Zoning Map adopted by Ordinance No. 3542 is hereby amended to reflect the rezoning, as set forth in Section One.

SECTION THREE: EFFECTIVE DATE. This Ordinance shall take effect and be in force from 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 24th day of April, 2008.

APPROVED and signed by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

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is hereby changed from R-1 (Single Family Residential District) to R-3 (Garden Apartment District).

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APPROVED and signed by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

CONTRACT TO EMPLOY CITY ENGINEER

Agreement made, effective on the _____ day of _____, 2008 by and between the City of Osawatomie, a municipal corporation, acting by and through its authorized officers, and located in the County of Miami, State of Kansas, referred to as "City", and BG Consultants, Inc.. of Lawrence, Kansas, referred as "Engineer".

The parties agree as follows:

SECTION ONE NATURE OF EMPLOYMENT

City retains and employs, pursuant to the authority conferred by it and its authorized officers of the City of Osawatomie Kansas, such BG Consultants, Inc. to act, under the title of City Engineer, as the Engineer for the City and to render to City and its authorized officers all engineering advice for the City and to represent City and its authorized officers in all related matters upon the City or any of its authorized officers request.

SECTION TWO ACCEPTANCE OF EMPLOYMENT

Engineer accepts the employment as set forth in this agreement and will render to the best of Engineer's ability the services described in and during the continuance of this agreement. As a partner and experienced municipal engineer, Brian P. Kingsley, P.E. will personally supervise the City Engineering services. He is the point of contact. The Engineer reserves the right to appoint such special assistants and consultants as necessary to assist in the employment with the City. However, the Engineer will not proceed with any service(s) without prior approval, request or instructions from the City.

SECTION THREE COMPENSATION

As compensation for civil services to be rendered by Engineer under and pursuant to this agreement, City will pay to Engineer the current standard hourly rates as discounted. BG Consultants does annual employee evaluation and reviews in December of each year and minimal salary adjustments take place in January of each year. The City will be provided with a discounted hourly rate schedule annually.

BG Consultants, Inc. will not charge mileage to the City. Direct expenses for printing, plots and etc. will be calculated at minimal rates. The engineering staff will be available to discuss problems or possible projects at no charge.

**SECTION FOUR
TERMINATION**

This agreement may be terminated at any time after signing, on 30 days written notice from either party to the other party that Engineer's employment under and pursuant to this agreement is to be so terminated.

**SECTION FIVE
GOVERNING LAW**

This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Kansas.

**SECTION SIX
ENTIRE AGREEMENT**

This agreement constitutes the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding on either party except to the extent incorporated in this agreement.

**SECTION SEVEN
MODIFICATION OF AGREEMENT**

Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if in writing signed by each party or an authorized representative of each party.

**SECTION EIGHT
PARAGRAPH HEADINGS**

The titles to the paragraphs of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify or aid in the interpretation of the provisions of this agreement.

IN WITNESS WHEREOF, each party to this agreement has caused it to be executed at Osawatomie on the _____ day of _____, 2008.

Mayor, City of Osawatomie Kansas

BG Consultants, Inc./Engineer

ATTEST:

City Clerk of Osawatomie, Kansas

Notary

**CITY ENGINEERING CONTRACT ATTACHMENT
BG CONSULTANTS HOURLY RATES FOR 2008**

<u>POSITION</u>	<u>PER HOUR</u>	<u>DISCOUNTED</u>
PRINCIPAL	\$165.00	\$118.00
ASSOCIATE	\$150.00	\$112.00
PROJECT ENGINEER III	\$132.00	\$105.00
PROJECT ENGINEER II	\$120.00	\$93.00
PROJECT ENGINEER I	\$100.00	\$85.00
SENIOR DESIGN ENGINEER	\$120.00	\$87.00
DESIGN ENGINEER	\$95.00	\$77.00
ASSISTANT DESIGN ENGINEER	\$75.00	\$65.00
ARCHITECT	\$160.00	\$117.00
PROJECT ARCHITECT	\$120.00	\$87.00
ASSISTANT ARCHITECT	\$74.00	\$64.00
TECHNICIAN II	\$82.00	\$72.00
TECHNICIAN I	\$72.00	\$63.00
SENIOR CONSTRUCTION INSPECTOR	\$84.00	\$69.00
CERTIFIED CONSTRUCTION INSPECTOR	\$70.00	\$59.00
CONSTRUCTION INSPECTOR	\$64.00	\$53.00
SENIOR PROJECT SURVEYOR	\$150.00	\$102.00
PROJECT SURVEYOR	\$110.00	\$94.00
GPS SURVEYOR	\$90.00	\$74.00
3-MAN SURVEY CREW	\$155.00	\$116.00
2-MAN SURVEY CREW	\$120.00	\$98.00
CAD SYSTEM AND OPERATOR	\$90.00	\$75.00
CLERICAL	\$50.00	\$45.00

Note: These rates are subject to a small annual adjustment due to salary adjustments.

Special Note: "Discounted" rates are only applicable for
City Engineering Contracts