

# OSAWATOMIE CITY COUNCIL

## AGENDA

June 12, 2008

7:00 p.m., Memorial Hall

1. Call to order
2. Roll Call
3. Pledge of Allegiance
  
4. 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. Approve Minutes of May 8 and May 22 City Council Meetings
  - B. Approve June 12 Agenda
  - C. Appropriation Ordinances 08-09& 08-01
  
5. Comments from the Public; Presentations  
*Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor.*
  
6. Public Hearings – none
  
7. Unfinished Business
  - A. Ordinance Annexing Property near the Osawatomie State Hospital
  - B. Approve Change Order No. 6 for Sewer Improvement Grant
  - C. Approve Invoices for Sewer Improvement Grant – Request No. 25
  
8. New Business
  - A. Appointments
  - B. Consider Approval of Fireworks Stands & City Fireworks Display
  - C. Ordinance Granting Special Use Permit to Operate a Bed and Breakfast Facility at 1300 Parker
  - D. Resolution Certifying Legal Authority to Apply for Housing Resources Corporation (KHRC) Grant and Authorizing the Mayor to Sign and Submit All Such Applications
  - E. Approval of Interlocal Agreements Between City and Property Owners Participating in KHRC Grant
  - F. Ordinance to Revise and Update Zoning Regulations
  - G. Ordinance Amending Zoning Map
  - H. Consider Setting Condemnation Hearing for 1120 Third Street
  - I. Consider Setting Condemnation Hearing for 1140 Fourth Street
  - J. Waiving the GAAP Requirements for 2007
  - K. Waiving the GAAP Requirements for 2008
  
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session
13. Adjournment

*COUNCIL MEETING & WORK SESSION – June 27, 2008*

REGULAR MEETING – July 10, 2008

Osawatomie, Kansas. May 8, 2008. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 6:00 p.m. Council members present were Dalton, Hunter, Kaempfe, Klein, LaDuex, Maichel, and Walmann. Absent was McGee. Also present were City Manager Glendening and City Clerk Elmquist. Visitors were Harry & Gert Vess, Ruby Law, Cynthia Lewis Shirley McCoach, David & Mary Stocksen, Vivien Hunter, Robert Kerr, Stanton & Virginia Adams, Amy Barenklan, June Ross, Paul & Ann Dimoush, Mark & Tammy Goddard, Grady Atwater, Todd Arehart, Joe Martin, Jim Katzer, Leah Smith, Patricia Schack, Amy Barenklau, Bill Johns, Marvin Brim, and Brian McCauley.

CONSENT AGENDA. Approval of the Minutes of April 10 and April 24 Meetings, approval of May 8 Agenda, and approval of Appropriation Ordinances 08-07 & 08-08. Motion made by Maichel, seconded by Hunter to approve minutes of April 24 Meeting, May 8 Agenda, and Appropriation Ordinances 08-07 & 08-08. Yeas: All.

Approval of Minutes of April 10 Meeting. Motion made by LaDuex, seconded by Hunter to approve minutes as amended. Yeas: All.

Public Participation; Presentations:

Virginia Adams, 29880 W. 344<sup>th</sup> Terrace, presented a handout from her and neighbors. Apologized that she harshly spoke at the last meeting but does not apologize for what she meant. Also apologized for laughing at the City Manager. Mayor Dudley said City Manager Glendening and City Attorney Wetzler will look at the information from the handout and their attorney.

Cindy Lewis, 32741 Old Kansas City Road, Paola, spoke regarding the rezoning on the agenda. Her and her neighbors feel there is a more appropriate use of the land. The new structure would be in a residential/agricultural area. The new building would be seen directly out her front door.

Amy Barenklau, 32774 Osawatomie Road, said that the rezoning doesn't directly affect her and knows she doesn't have a vote on the Council, as she lives 1100 feet from the property being considered for re-zoning. Supports growth but has to be controlled.

Wetzler arrived at 6:15 p.m.

Re-zoning to C-2 Business Park is not allowed according to the City's regulations. County has to sign off on. At a minimum requested this item be returned to the Planning Commission and get all the necessary items.

Bill Johns, 302050 Midway Drive, said he is within the 1,000 feet. That type of business would have a lot of junk. The Council should review the zoning regulations and make sure all steps are applied.

Marvin Brim, 32669 Osawatomie Road, said this business would be east of his house. There would be a lot of noise and problems. It is the wrong spot.

Gert Vess, 34801 High Drive, said the annexation would be a hardship on them..

Ann Demusch, owner of Mid-Way Drive-In, wanted to know what kind of business would go in the business park.

Manuel Villarreal, 29965 344<sup>th</sup> Terrace, has concerns about their lifestyle. They burn their pastures and hunt on their property. Asked not to be annexed.

Public Hearings: None

Unfinished Business:

ANNEXATION OF PROPERTY NEAR THE OSAWATOMIE STATE HOSPITAL. City Manager Glendening addressed the three issues Adams brought up previously. First, nothing is set with the sewer lines; hoping developer will pay for. Feels the City should apply for funding now available. The work would begin within five years. Feels City should pick up the 10% match. Not opposed to finding any monies to help fund the sewer lines. Second, not sure how Overland Park is phasing in property taxes. Third, the zoning issue. Livestock is not allowed on any acreage less than three acres. Would address fire arms and open burning. City Manager Glendening explained that just because of the new codes doesn't mean their homes would have to be brought up to codes; new construction would have to meet codes. City would deal with dangerous structures and condemnations. Mayor Dudley polled the Council. Yeas: Dalton, Hunter, and LaDuex. Undecided: Klein and Maichel. Jim Katzer, 34225 High Drive asked if the City could annex his land. It is listed in the County as agricultural. Told the City Manager he could go check it. City Manager Glendening said it is listed, yes. But it was not listed as agriculture until probably two or three months ago. Kratzer said that's exactly right. But he didn't know the City was going to annex it until two or three months ago. But that doesn't mean he wasn't using it as agriculture. He didn't know this, he didn't know it was listed as rural residential; he's only lived there a couple of years. So he had it switched to agriculture. Said he'll fight the City on that.

Took a 5 minute brake.

APPROVE CHANGE ORDER NO. 5 FOR SEWER IMPROVEMENT GRANT. The change order creates an increase of \$46,420.32. Motion made by LaDuex, seconded by Hunter to approve Change Order No. 5 for Sewer Improvement Project. Yeas: Dalton, Hunter, Kaempfe, Klein, LaDuex, and Walmann. Nay: Maichel.

APPROVE INVOICES FOR SEWER IMPROVEMENT GRANT – REQUEST #25. Motion made by LaDuex, seconded by Maichel to approve Request #25. Yeas: All.

New Business:

APPOINTMENTS

KMEA Board of Directors

Director #2 – Karen LaDuex

Tourism Committee

Steve Clark

Motion made by LaDuex, seconded by Hunter to approve the appointments. Yeas: All.

OPTION AGREEMENT FOR NORTHLAND. Sunflower Funding, LLC. is interested in developing all pad sites lying south and west of 343rd Street. The option agreement's basic terms are: 1) price for option and purchase of land is \$100.00, 2) option is only good through October 1, 2008, and 3) option may only be exercised upon the successful execution of a master development agreement for the property. City Attorney Wetzler said this option gives the developer an opportunity to proceed. Motion made by Walmann, seconded by Hunter to approve the agreement with Sunflower Funding, LLC. Yeas: All.

ORDINANCE TO REZONE PROPERTY NORTH AND WEST OF 29654 W. 327<sup>TH</sup> STREET. The Planning Commission held a public hearing April 16, 2008 regarding an application from Scott Taylor to rezone 57 acres of land west of the Miami County Airport from Agriculture to Business Park. Taylor, owner of Metro Excavating, would move his business there. Upon receiving public comment, the Planning Commission failed to make a recommendation for or against the application. In accordance with the Zoning Regulations, such inaction is to be treated as a denial. Therefore, it will require a  $\frac{2}{3}$  majority vote to approve this rezoning application. The land lies within the airport overlay district and would either remain as agricultural or would be developed for business purposes. None of the 15 items required for consideration of a rezoning application can be answered to the detriment of the application. City Manager recommended approval of the rezoning. Motion made by LaDuex, seconded by Walmann to approve Ordinance No. 3640. Yeas: Dalton, Hunter, Kaempfe, Klein, LaDuex, Maichel, and Walmann.

REPEAL OF HICKORY VALLEY REPLAT #1. The Resolution repeals the simple motion made by the Governing Body April 12, 2007 and ratifies the original approved Plat of Phase 1 of Hickory Valley. Motion made by Hunter, seconded by LaDuex to approve Resolution No. 597. Yeas: All.

CAPITAL IMPROVEMENTS PLAN FOR 2009-2014. The CIP is essentially the same as the 2008-2013 CIP, with some minor changes and the elimination of the CIP projects that were funded during the 2008 budget year. This will be discussed at the May 22 meeting.

Council Members' Concerns/Issues:

Maichel: Introduced the Chamber of Commerce Director Joe Martin. Attended last meeting and was very impressed with the board. The Chamber is hurting financially and hanging on by a thread. City Manager Glendening said they will have fundraisers this summer in conjunction with other activities. Would like nuisances listed on the Police Department reports. Several constituents concerned with health issues with some of the flood homes that have been abandoned. City Manager Glendening said letters have been sent to owners and a lot of the houses have been turned over to financing companies.

Klein: If the annexation is approved he will loose business. The owners would be financially hit. It is a bad decision financially but a good decision to help constituents. A citizen has a dog that looks like a pit-bull and the ordinance states that if a dog looks like one, it is banned. She would like to see it changed to dangerous dogs, not certain breeds.

Dalton: At the high school scholarship banquet, the senior recipients were announced. His family awarded three scholarships in his daughter's name. The citizenship scholarship went to Tom O'Barto. Ethan Bailey and Jenna Wendt also received scholarships.

Mayor Dudley announced that the Governing Body scholarship went to Dylan Manchester.

LaDuex: The Economic Development Committee is working hard. Glad to see progress on the sewer lines and streets.

Hunter: The Tourism Committee held Railroad Days in April. It was very successful. The Economic Development Committee has some exciting thing in the works.

Kaempfe: Appreciates the leadership given by City Manager Glendening and LaDuex, and also Mayor Dudley. The May Gala was nice that Sarah Glendening put together.

Maichel said that the Miami County Disaster Assistance is wrapping up.

Mayor's Report:

Attended the John Brown Park Spring Cleanup. Trees were donated in the memory of loved ones. Volunteers included PRIDE and the boy scouts.

The Police Department detectives solved the murder case and arrests have been made.

Dalton announced the Rachel Dalton Memorial Golf Tournament is May 17.

City Manager's Report:

Zoning Map and Zoning Regulations. A public hearing will be scheduled to discuss the map as well as proposed changes to the zoning regulations. The first change is to the overlay areas for singlewide trailers. Last week notified that the City's new flood insurance rate maps (FIRM) were approved by FEMA. The Planning Commission and City Council must adopt the new FIRM as well as some minor changes to the City's floodplain management regulations. Recommended adopting the model regulations as provided by FEMA and the Kansas Department of Agriculture as opposed to making the minor adjustments required in our current regulations. Failure to make the changes or adopt the map within six months would put the City's participation in the National Flood Insurance Program (NFIP) at risk. The proposed floodplain management regulations, Chapter 17 of the City's zoning regulations, have been approved by the State Department of Agriculture.

2008 Sewer Project. Work continues to move forward on the sewer project. All of the work on the sewer project that will be overlapped by the street project has been completed. Bates Utility estimates that approximately 40% of the contract is complete.

New Swings for John Brown Park. The swings were delivered today. The City will schedule as soon as possible the removal of the old wooden swings in the front of the park and communicate with the Buckman family on continuing the memorial for Mr. Buckman to the new swing set.

Comparison of 2007 and 2008 Summer Electric Bills. Jerry McKenzie, with Maximus presented a report to the City Council in March on the City's electric rates. At that time the recommendations were to reduce the rates in October by 4% (residential) and 8% (commercial). Staff did a comparison on a "average" residential electric bill and an "average" commercial electric bill from the summer of 2007 and a hypothetical 2008 bill.

	<u>2007</u>	<u>2008</u>	<u>Difference</u>
Residential Summer	\$411	\$331	-\$80
Sm. General Summer	\$126	\$116	-\$10
Lg. General Summer	\$10,914	\$10,548	-\$366

*\*Table was based on ONE MONTH of actual usage at last year's summer rates versus the new "equalized" rates and assumes all other factors remained the same.*

EXECUTIVE SESSION. Motion made by Walmann, seconded by Hunter at 9:02 p.m. to recess into executive session for matters relating to employer-employee negotiations for a period of 5 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 9:10 p.m. No action taken.

Motion made by Hunter, seconded by Walmann to adjourn. Yeas: All.

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Ann Elmquist, City Clerk

Osawatomie, Kansas. May 22, 2008. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:31 p.m. Council members present were Hunter, Kaempfe, LaDuex, Maichel, and McGee. Absent were Dalton, Klein and Walmann. Also present were City Manager Glendening City Attorney Wetzler and City Clerk Elmquist. Visitors were Vivien Hunter Jim Ross, Stanton & Virginia Adams, Shirley McCoach, Adam & Patricia Schack, David & Mary Stocksen, Jim & Marva Katzer, Ben Maimer, Grady & Cinda Atwater, Bob & Gert Vess, John & Harriett Shaw, Tom & Ibbey Burgin, and DuWayne Tewes.

APPROVAL OF AGENDA. Added approval of agreement with Governmental Assistance Services to prepare four Kansas Housing development grants, bricks from Street Project, remaining flood homes, and Councilmembers announcement. Motion made Motion made by LaDuex, seconded by Hunter to retain Donna Crawford with GAS. Yeas: All.

APPOINTMENTS – BUILDING CODE BOARD OF APPEALS.

Kevin Bradley, James Rice, and John Wendt as Chairman  
Chris Troxel will serve as an alternate for when there is a conflict of interest

Motion made by Maichel, seconded by Hunter to approve the appointments. Yeas: All.

CAPITAL IMPROVEMENT PLAN. Motion made by Hunter, seconded by LaDuex to adopt the CIP as presented. Yeas: All.

APPROVE AGREEMENT WITH GOVERNMENTAL ASSISTANCE SERVICES TO PREPARE FOUR KANSAS HOUSING DEVELOPMENT GRANTS. The agreement would retain GAS to prepare and submit the grants. The fee would be \$12,800. Motion made by LaDuex, seconded by Hunter the agreement to retain Donna Crawford with GAS. Yeas: All.

BRICKS FROM STREET PROJECT. Ben Maimer said there has been discussion about replacing the asphalt in the park with the bricks from the street projects so there would be more historic value to the park. Council consensus was to keep the bricks.

REMAINING FLOOD HOMES. City Manager Glendening said that Senate Bill No. 2926 permits KDOT to assist flood affected areas by demolishing flood homes. At the June 12 meeting will begin the condemnation process.

COUNCILMEMBER'S ANNOUNCEMENT. McGee said that when she ran for office, she was telecommuting but now is putting in 55-60 hours per week and driving to the city. She doesn't have the time to do her job properly by doing research, etc. so she is prepared to make informed decisions. McGee announced that she resigned with troubled emotions, effective immediately.

Motion made by Hunter, seconded by LaDuex to adjourn. Yeas: All.

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Ann Elmquist, City Clerk

# Record of Ordinances

ORDINANCE NO. 8-09

DATE WARRANTS ISSUED:  
May 31, 2008

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
Payroll 05/09/08			81,460.91
Payroll 05/23/08			85,805.84
FICA 05/09/08			6,015.46
FICA 05/23/08			6,347.87
KPERS			8,744.81
Crawford Sales	Budweiser	31271	511.75
LDF Sales	Miller Lite	31272	96.60
Reserve Account	postage meter	31273	1,200.00
Suddenlink	internet	31274	59.95
BG Consultants, Inc.	street improvements 05-3571 No. 12	31275	7,060.75
Rural Water District #1	services	31276	117.72
Rural Water District #3	service ETI	31277	15.00
Suddenlink	internet	31278	198.80
Yamaha Motor Corporation	cart rental	31279	1,020.00
City of Osawatomie	petty cash reimbursement	512	2,033.82
Aetna	health insurance POS	31280	3,934.85
Aetna	health insurance HMO	31281	23,515.79
Delta Dental of Kansas	dental insurance	31282	2,983.80
John Brown Jamboree Committee	allocation	31283	2,500.00
Kansas City Wilbert Vault	grave openings	31284	1,050.00
KMEA - EMP1	electricity, transmission	31285	18,959.38
L & K Services	refuse	31286	28,458.44
Vision Service Plan	vision insurance	31287	827.24
Brad Waggoner	pro shop	31288	673.71
AT&T	RTU's	31289	216.06
City of Osawatomie	utilities	31290	9,564.73
Hajoca Olathe	saddle	31291	74.61
Kansas City Power & Light	services	31292	715.71
Kansas Dept of Revenue	sales tax	31293	13,797.83
Kansas Gas Service	power plant	31294	25.01
New Horizon Farm & Home Co-op	fuel	31295	5,022.13
Visa	lodging - Mayors Convention	31296	288.42
Crawford Sales	Budweiser	31297	322.65
CIT Technology Fin. Service, Inc.	copier lease	31298	315.28
Diversified Supply	building - final payment	31299	10,523.00
EMBARQ	RTU's	31300	236.56
First Option Bank	bucket truck	31301	1,798.99
John Deere Credit	equipment lease	31302	2,043.12
Kansas Gas Service	services	31303	4,210.07
KMEA - Nearman	electricity	31304	21,646.93





# Record of Ordinances

ORDINANCE NO. 8-10

DATE WARRANTS ISSUED:  
June 12, 2008

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
ABCcreative	remove & install swing set	31327	2,782.00
ACS-Firehouse Software	software support renewal	31328	312.50
Airgas Mid South Inc.	oxygen cylinder	31329	34.97
Allenbrand-Drews & Associates, Inc.	new NPP area	31330	1,120.00
Altec Parts	pneumatic cylinder, parts	31331	166.61
American Safety Utility Corporation	voltage test kit	31332	441.37
Arlan Company, Inc.	pool chemicals, chairs	31333	2,656.10
Auten Pharmacy	first aid supplies	31334	17.53
Beckman Motors, Inc.	handle	31335	3.50
Best Western Ottawa Inn	lodging - homicide investigation	31336	364.28
BG Consultants, Inc.	street improvements phase I	31337	4,033.50
Blue Valley Tractor & Supply, Inc.	tire & wheel assembly	31338	126.90
Board of Police Commissioners	alert system user charges	31339	28.85
Bollings Bargain Bonanza	envelopes, zip ties, supplies	31340	89.94
Bowes Automotive Products	filters, clamps	31341	87.05
Brewer's Automotive Repair	battery, tubes, repairs	31342	627.92
Void		31343	-
Void		31344	-
Void		31345	-
Void		31346	-
Brown's Hardware	supplies	31347	1,066.38
C & C Merchants	paper goods, supplies	31348	525.80
Carrot-Top Industries, Inc.	flag - Cabin	31349	177.95
Carrothers Construction Co. LLC	swimming pool filter tank repairs	31350	8,550.00
Certifion Corporation	entersect police online	31351	79.00
Champion Brands	oil, cleaners, filters	31352	938.09
Cloverleaf, Inc.	playground border timbers	31353	437.50
Coleman Equipment, Inc.	starter kits, parts	31354	408.17
Community Wholesale Tire, Co.	tires	31355	262.50
Dean's	repair badge	31356	22.50
Electronically Speaking	batteries, supplies	31357	77.93
Elliott Insurance Inc. - Paola	bond - Treasurer	31358	100.00
Evco Wholesale Food Corp.	fruit drinks, supplies	31359	546.31
Excell Diamond Blade	diamond blades	31360	477.00
The Family Center	carburetor, parts	31361	233.73
Richard M. Fisher, Jr. LLC	court appointed attorney	31362	400.00
Five A Farm & Lawn, LLC	pesticides, weedeater head	31363	59.99
Gerken Rental Paola	portable restrooms	31364	714.85
Golf Ball Pauls, Inc.	range balls	31365	205.18
Grass Pad, Inc.	turf	31366	169.80

## Record of Ordinances

DATE WARRANTS ISSUED:  
June 12, 2008

Page No. 2

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Greeley Farm Implement Co.	relay	31367	64.60
Green Country Solis, Inc.	mulch	31368	198.00
Hajoca Olathe	ball valve, clamps	31369	2,059.72
Helena Chemical Co.	fertilizer	31370	881.00
Heritage Tractor, Inc.	mower blade, parts	31371	230.51
Hertz Equipment Rental Corp.	marking flags	31372	54.10
Hewlett-Packard Co.	scanner	31372	319.42
Holliday Sand and Gravel Co.	sand	31374	137.09
Holman Hansen & Colville, PC	City Attorney	31375	5,795.43
Huber & Associates, Inc.	enterpol annual maintenance	31376	4,750.00
Hunt Martin Materials	rock	31377	497.28
J & J Metal Products Company	corrugated pipe	31378	942.00
Kansas Animal Health Dept.	animal shelter license	31379	200.00
KDHE	wastewater permit	31380	320.00
Kansas Electric Coop. Inc.	repair & calibration of regulator	31381	626.21
Kansas One Call Concepts	locates	31382	96.90
Kansas State Treasurer	training funds	31383	705.00
Killough Construction Inc.	asphalt	31384	650.00
Kincaid Ready Mix	concrete	31385	645.75
Kriz-Davis Co.	electrical supplies	31386	1,686.52
KS Federal Surplus Property	tires	31387	400.00
Lacal Equipment, Inc.	seal kit, parts	31388	598.36
League of Kansas Municipalities	personnel	31389	75.00
Louisburg Ford	van rental - Grady Sampler Festival	31390	275.96
Lowenthal Singleton Webb & Wilson	progress billing on audit	31391	5,600.00
Matrix Research Laboratories, Inc.	end zone paint, pesticide	31392	1,233.67
Miami County Internet Onramp, Inc.	internet	31393	19.95
Miami Veterinary Clinic	exam, vaccinations for Bruno	31394	457.70
Miami County Health Department	hepatitis B:	31395	80.00
Miami County Medical Center	medical treatment - prisoner	31396	891.75
Miami County Register of Deeds	map copies	31397	124.00
Miami County Solid Waste	old playground equipment	31398	17.50
Miami County, Kansas	community video & commercial spots	31399	306.39
Miami Lumber Co.	lumber	31400	10.78
Void		31401	-
Moon's IGA	paper goods, supplies	31402	922.20
National Sign Company, Inc.	signs	31403	329.70
Navrat's Office Products	notary stamps	31404	51.00
Navrat's	fishing, camping books	31405	425.25
Void		31406	-
NPG Newspapers	ads	31407	1,058.04
Oil Patch Pump & Supply, Inc.	adapter, coupling	31408	2.75
Olathe Winwater Works	water line supplies	31409	928.40
OMB's Express Police Supply	trousers	31410	416.89
Osa High School Yearbook	ad	31411	30.00





(Published in the Osawatomie Graphic, June \_\_\_\_\_, 2008) 1t

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;

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

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 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 \_\_\_\_\_ day of June 2008.

APPROVED AND SIGNED by the Mayor.

(SEAL)

\_\_\_\_\_  
Philip A. Dudley, Mayor  
City of Osawatomie

ATTEST:

\_\_\_\_\_  
Ann Elmquist, City Clerk

**SKETCH OF AREA ANNEXED**



# Change Order

No. 6

Date of Issuance: 5-30-08 Effective Date: 5-30-08

Project: 2007 Sanitary Sewer Improvements	Owner: City of Osawatomie, KS	Owner's Contract No.: 05-309L
Contract: 2007 Sanitary Sewer Improvements	Date of Contract: 9-26-07	
Contractor: Bates Utility Company, Inc., 841 Westwood Industrial Park Drive, Weldon Springs, MO 63304		Engineer's Project No.: 05-309L

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description: See Attached *summary of additional work*. This additional work is for value engineering work performed on a time and material basis for point repairs referenced in Change Order No. 2

Attachments: (List documents supporting change): \_\_\_\_\_

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:  \$ <u>4,591,615.42</u>	Original Contract Times: <input type="checkbox"/> Working days x Calendar days Final completion (days or date): <u>365 calendar days</u> Ready for final payment (days or date): _____
[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. _____:  \$ _____	[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order:  \$ <u>4,069,293.99</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>per contract</u> Ready for final payment (days or date): _____
[Increase] [Decrease] of this Change Order:  \$ <u>+30,590.68</u>	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u>N/A</u> Ready for final payment (days or date): _____
Contract Price incorporating this Change Order:  \$ <u>4,099,884.67</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>per contract</u> Ready for final payment (days or date): _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____
Approved by Funding Agency (if applicable): _____		Date: _____

# Change Order Instructions

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## **A. GENERAL INFORMATION**

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

## **B. COMPLETING THE CHANGE ORDER FORM**

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

**Bates Utility Company, Inc.**  
841 Westwood Industrial Park Drive  
Weldon Spring, MO 63304  
(636) 939 - 5628  
Fax (636) 939 - 5615

**Date:** 5-19-08  
**Owner:** City of Osawatomie  
**Project:** 2007 Sanitary Sewer Improvements  
**CDBG No.** 06-PF-536

**Description of Work:** **Change Order 6**  
**Summary page of completed force account work between April 29, 2008**  
**and May 19, 2008**

**Labor**  
Sub-Total \$9,057.75  
Mark up (55%) \$4,981.76  
Total Labor **\$14,039.51**

**Material**  
Sub-Total \$4,373.24  
Mark up (15%) \$655.99  
Total Material **\$5,029.23**

**Equipment**  
Sub-Total \$8,080.74  
Mark up (15%) \$1,212.11  
Total Equipment **\$9,292.85**

**Subcontractor**  
Sub-Total \$450.00  
Mark up (15%) \$67.50  
Total Sub **\$517.50**

**Other**  
Sub-Total \$455.00  
Mark up (0%) \$0.00  
Total Other **\$455.00**

**Misc.**  
Sub-Total \$1,231.95  
Mark up (2%) \$24.64  
Total Other **\$1,256.59**

**Total Cost** **\$30,590.68**

**Contractor:** Bates Utility Company, Inc.

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

**Engineer:** BG Consultants, Inc.

By:  Date: 12-30-08

**Owner:** City of Osawatomie

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



**CITY OF OSAWATOMIE**  
 439 Main Street  
 PO Box 37  
 Osawatomie, KS 66064  
 913-755-2146

Agenda Item 7.C.

**SEWER IMPROVEMENTS PROJECT**  
**CDBG GRANT # 06-PF-536**  
**PAYMENT REQUEST**  
**June 12, 2008**  
**Payment Request No. 25**

<b>Claimant</b>	<b>Description</b>	<b>Document Number</b>	<b>Amount</b>
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049	administration	6/1/08	\$ 1,356.60
BG Consultants, Inc. 1405 Wakarusa Drive Lawrence, KS 66049	correction to Pay Request No. 23 <small>actual invoice \$19,007.73; approved \$16,057.55</small>	3/19/08	\$ 3,215.61
BG Consultants, Inc. 1405 Wakarusa Drive Lawrence, KS 66049	engineering inspection	5/19/08	\$ 30,010.65
Bates Utility Company, Inc. 841 Westwood Ind. Park Dr. Weldon Spring, MO 63304	construction	App #7 04/30/08	\$ 384,541.91
	<b>TOTAL</b>		<b>\$ 419,124.77</b>

Approved for payment by the Osawatomie City Council this 12th day of June, 2008.

\_\_\_\_\_  
 Philip A. Dudley, Mayor

NEW BUSINESS

8.A. Appointments

VACANCIES:	<i>Recommendations</i>
Board of Zoning Appeals	Growth Area
Planning Commission	Growth Area
Tourism Committee	1 position

8.B. Consider Approval of Fireworks Stands & City Fireworks Display

The following fireworks vendors are requesting approval of the Council:

D & T Fireworks 1309 6 <sup>th</sup> Street	Daniel Gaikowski former Home Center property
Dale & Jo's Discount Fireworks 1306 6 <sup>th</sup> Street	Dale Shay former Quality Oil
Eddie's Discount Fireworks 504 Oscar	Eddie Shay west of Dr. Barden's office on East Main
J & C Fireworks 125 E. Main	Charles Brand east of Ardella's Wellness Center
Moon's Discount Fireworks 701 6 <sup>th</sup> Street	Mike Moon southwest corner of parking lot
City 4 <sup>th</sup> of July Display Lynn Dickey Field	Jeff Wilson & others

The City Clerk recommends approval contingent upon receipt of remaining required documents.

(Published in the Osawatomie Graphic, June 12, 2008) 1t

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE PERTAINING TO THE SPECIAL USE PERMIT  
TO OPERATE A BED AND BREAKFAST FACILITY IN A R-1  
SINGLE FAMILY RESIDENTIAL DISTRICT

WHEREAS, Manly and Vicki Willis, are requesting a Special Use Permit to operate a Bed and Breakfast Facility in a R-1 Single Family Residential District, and

WHEREAS, the property is located at 1300 Parker Avenue, Osawatomie, Kansas, and

WHEREAS, the current zoning of the property is the City's R-1 Single Family Residential District, and

WHEREAS, the Osawatomie Planning Commission held a public hearing on the proposed Special Use Permit on May 28, 2008, in accordance with City and State zoning laws. The Planning Commission recommends approval with no conditions for the Special Use Permit.

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

SECTION ONE: A special use permit is granted to Manly and Vicki Willis to operate a Bed and Breakfast facility at 1300 Parker Avenue, Osawatomie, Kansas, with no restrictions.

SECTION TWO: The special use permit will be operated on the following described real estate, situated in Osawatomie, Miami County, Kansas, to-wit:

TR BEG 30N SE/C NW4 W149 N630 E149 S230 E45 S400 W45 TO POB

SECTION THREE: 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, Miami County, Kansas, a majority being in favor thereof, this 12<sup>th</sup> day of June, 2008.

APPROVED AND SIGNED by the Mayor.

(SEAL)

\_\_\_\_\_  
Philip A. Dudley, Mayor

ATTEST:

\_\_\_\_\_  
Ann Elmquist, City Clerk

THE CITY OF OSAWATOMIE, KANSAS

RESOLUTION NO. 598

RESOLUTION CERTIFYING LEGAL AUTHORITY  
TO APPLY FOR THE 2008 KANSAS  
HOUSING RESOURCES CORPORATION (KHRC) GRANT UNDER THE KANSAS  
DEVELOPMENT GRANT PROGRAM AS SET OUT BY SENATE BILL NO. 417  
AND AUTHORIZING THE MAYOR  
TO SIGN AND SUBMIT ALL SUCH APPLICATIONS.

WHEREAS, The City Osawatomie, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City Osawatomie, Kansas, intends to submit applications for assistance from the 2008 Kansas Development Grant Program to be administer by the Kansas Housing Resources Corporation (KHRC).

THE APPLICANT hereby certifies that the City of Osawatomie, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and that the applicant meets the eligibility guidelines as set out by the program and Senate Bill No. 417 THE APPLICANT hereby authorizes the Mayor of Osawatomie, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the 2008 Kansas Housing Resources Corporation Grant as set out by Senate Bill No. 417.

THE APPLICANT hereby certifies that they will provide at least 10% of the total grant requested for Infrastructure construction and 50% of the total grant requested for construction of residential dwellings.

APPROVED BY THE GOVERNING BODY OF THE CITY OSAWATOMIE, KANSAS, this 12th day of June, 2008.

APPROVED \_\_\_\_\_  
Philip A. Dudley, Mayor

ATTEST \_\_\_\_\_  
Ann Elmquist, City Clerk

(SEAL)

THE CITY OF OSAWATOMIE, KANSAS

The applicant agrees that, if approved, this application with the attached Resolution No. 598 will become a part of the agreement for activities and services authorized under the Kansas Housing Resources Corporation (Kansas Housing Development Grant) as set out by Senate Bill No. 417.

Signature

,Mayor

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Philip A. Dudley

(Published in the Osawatomie Graphic, June \_\_\_\_\_, 2008) 1t

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO REVISE AND UPDATE THE CITY OF OSAWATOMIE'S ZONING REGULATIONS BY REPEALING CHAPTER 17 OF THE ZONING REGULATIONS AND INCORPORATING BY REFERENCE NEW FLOODPLAIN MANAGEMENT REGULATIONS BASED ON THE MODEL RECOMMENDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE KANSAS DEPARTMENT OF AGRICULTURE AND TO REVISE CHAPTER 6-2.C OF THE CITY'S ZONING REGULATIONS REGARDING SINGLEWIDE TRAILER OVERLAY AREA(S).**

WHEREAS, in accordance with Kansas Statute, the City of Osawatomie currently regulates and manages floodplain zoning development through its floodplain zoning regulations found in Ordinance No. 3576, Chapter 17; and

WHEREAS, in accordance with state and federal law, all such floodplain zoning regulations must be approved by the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and must coordinate with the requirements and regulations of the National Flood Insurance Act of 1968 as amended; and

WHEREAS, the Chief Engineer of the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program and the officials of the Federal Emergency Management Agency (FEMA) Region VII have recommended that as a result of the adoption of the digital flood insurance rate maps, the City of Osawatomie also revise its floodplain management zoning regulations and adopt new regulations based upon the recommended model floodplain management regulations;

WHEREAS, the City of Osawatomie's Planning Commission has met and recommended the new floodplain management regulations as well as the elimination of certain overlay areas where singlewide trailers are permitted;

WHEREAS, upon the recommendation of the Osawatomie Planning Commission, the City Council has determined that is in the best interest of Osawatomie to revise and update the Osawatomie floodplain management zoning regulations and singlewide trailer overlay areas;

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

SECTION 1: That Chapter 17 of Ordinance No. 3576 is hereby repealed.

SECTION 2: That the City of Osawatomie’s Zoning Regulations as incorporated by reference in Ordinance No. 3576 is hereby amended by incorporating by reference, a new “Chapter 17: Floodplain Management” which is attached hereto and marked as “Attachment A”. Pursuant to the provisions of K.S.A. 12-3009, 12-3010 and 12-3301, there is hereby incorporated by reference for the purpose of providing floodplain zoning regulations within the City of Osawatomie, Kansas, all of the zoning regulations contained in that document thereafter known and referred to as “**Chapter 17: Floodplain Management**” which is based upon and modeled after the Model Floodplain Management Ordinance as approved and recommended by the Federal Emergency Management Agency Region VII and the Kansas Department of Agriculture, Division of Water Resources, Floodplain Program.

No fewer than three copies of the Zoning Regulations for the City of Osawatomie, Kansas, shall be marked or stamped “Official Copy as incorporated by Ordinance No. \_\_\_\_\_ of the City of Osawatomie, Kansas,” and such copies shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours.

SECTION 3: AMENDMENT TO SECTION 6-2.C OF THE CITY OF OSAWATOMIE’S ZONING REGULATIONS. Section 6-2.C of the city’s zoning regulations is hereby amended to read as follows:

- “6-2.C. Single wide or double wide mobile homes not meeting the standards of 5-7E can be located in the overlay areas described as follows:
  - 1.) All of blocks 3, 4, and 5 of Chestnut’s Addition;”

SECTION 4: 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 \_\_\_\_\_ day of June, 2008.

APPROVED AND SIGNED by the Mayor.

\_\_\_\_\_  
Philip A. Dudley  
Mayor

(SEAL) 2

ATTEST:

\_\_\_\_\_  
Ann Elmquist, City Clerk

(Published in the Osawatomie Graphic, June \_\_\_\_\_, 2008) 1t

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE MAKING AMENDMENTS TO THE ZONING MAP AND INCORPORATING BY REFERENCE AN OFFICIAL MAP.

WHEREAS, the Planning Commission has heretofore, as provided by law, given public notice of a hearing concerning changes in the zoning map; and

WHEREAS, after the public hearing, the Planning Commission has submitted recommendations to the City Governing Body; and

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

SECTION ONE: The zoning map of the City of Osawatomie, Kansas, as amended hereby and as recommended by the Planning Commission, shall be filed in the office of the City Clerk, marked "Official Copy as Incorporated by Ordinance No. \_\_\_\_\_" adopted by the City Council on the 12<sup>th</sup> day of June, 2008.

SECTION TWO: REPEALED. Ordinance No. 3542 is hereby repealed. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

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 \_\_\_\_\_ day of June, 2008.

APPROVED AND SIGNED by the Mayor.

(SEAL)

ATTEST:

\_\_\_\_\_  
Ann Elmquist  
City Clerk

\_\_\_\_\_  
Philip A. Dudley  
Mayor

(Published in the Osawatomie Graphic, June 18, 2008)2t

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS, AT WHICH THE OWNER, HIS OR HER AGENT, LIENHOLDERS OF RECORD, OCCUPANTS AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID CITY AND DESCRIBED HEREIN MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Osawatomie, Kansas, did on the 12<sup>th</sup> day of June, 2008, file with the Governing Body of said City, a statement in writing that the structure, hereinafter described, is unsafe and dangerous.

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

That a hearing will be held on the 14<sup>th</sup> day of August, 2008, before the Governing Body of the City of Osawatomie at 7:00 p.m., at Memorial Hall, 411 11<sup>th</sup> Street, Osawatomie, Kansas at which the owner, his or her agent, any lienholders of record, any occupant and any other parties in interest, as that term is defined by law, of the structure located at:

Lots 10 and 11, Block "C", County Clerk's Addition to the City of Osawatomie, Miami County, Kansas, commonly known as 1120 3<sup>rd</sup> Street

may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered demolished.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published and shall give notice of the aforesaid hearing in the manner provided by law.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 12th day of June, 2008, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

(SEAL)

\_\_\_\_\_  
Philip A. Dudley, Mayor

ATTEST:

\_\_\_\_\_  
Ann Elmquist, City Clerk

City of Osawatomie, Kansas

STATEMENT OF ENFORCING OFFICER

To: The Governing Body of Osawatomie, Kansas.

Re: Statement of Dangerous Structure

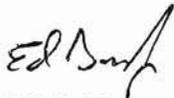
Date: June 04, 2008

The following Described structure is in a dangerous or unsafe condition:

- (a) Miami County Parcel ID: 1711104011027000
  - Lot size: 142 X 200
  - One frame House 1200 Sq. Ft. (Build 1920 – Remodel 1999)
  - One frame detached Garage 18 X 20
  - One frame detached Garage 20 X 20
  - Utility Shed 10 X 12
  - Wood Deck 12 X 20 Back Porch
  - Wood Deck 04 X 05 Front Porch
- (b) Address: 1120 3<sup>rd</sup> Osawatomie, KS 66064
- (c) Owner: Wells Fargo Bank NA
  - 3476 Stateview Blvd
  - Fort Mill, SC 29715
- (d) Occupant(s): Vacated after flood

The property is found to be dangerous and unsafe because of the following conditions:

- No enter made (house secured)
- Yard not being maintained
- Flood water level was about 4 feet above floor
- Inside walls have mold visible from windows
- All electrical wiring, plumbing, water heater, HVAC, need replaced
- House vacant for over 11 months with no repairs
- No demolition has taken place since the flood



Ed Bridges  
Building Inspector  
Osawatomie, Kansas

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE GOVERNING BODY OF THE CITY OF OSAWATOMIE, KANSAS, AT WHICH THE OWNER, HIS OR HER AGENT, LIENHOLDERS OF RECORD, OCCUPANTS AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID CITY AND DESCRIBED HEREIN MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, the enforcing officer of the City of Osawatomie, Kansas, did on the 12<sup>th</sup> day of June, 2008, file with the Governing Body of said City, a statement in writing that the structure, hereinafter described, is unsafe and dangerous.

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

That a hearing will be held on the 14<sup>th</sup> day of August, 2008, before the Governing Body of the City of Osawatomie at 7:00 p.m., at Memorial Hall, 411 11<sup>th</sup> Street, Osawatomie, Kansas at which the owner, his or her agent, any lienholders of record, any occupant and any other parties in interest, as that term is defined by law, of the structure located at:

Lots 11 and 12, Block 1, of Ida May Sinkey's Addition, a subdivision in the City of Osawatomie, Miami County, Kansas, commonly known as 1140 4<sup>th</sup> Street

may appear and show cause why such structure should not be condemned as an unsafe or dangerous structure and ordered demolished.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published and shall give notice of the aforesaid hearing in the manner provided by law.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 12th day of June, 2008, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

(SEAL)

\_\_\_\_\_  
Philip A. Dudley, Mayor

ATTEST:

\_\_\_\_\_  
Ann Elmquist, City Clerk

City of Osawatomie, Kansas

STATEMENT OF ENFORCING OFFICER

To: The Governing Body of Osawatomie, Kansas.

Re: Statement of Dangerous Structure

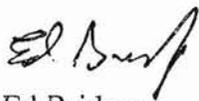
Date: June 04, 2008

The following Described structure is in a dangerous or unsafe condition:

- (a) Miami County Parcel ID: 1711103026016000  
Lot size: 100 X 131.5  
One frame House 912 Sq. Ft. (Build 1920 – Remodel 1994)  
One frame detached Garage 20 X 22
- (b) Address: 1140 4th Osawatomie, KS 66064
- (c) Owner: Douglas/Constance Harrison  
203 E. Miami  
Paola, KS 66071
- (d) Occupant(s): Vacated after flood

The property is found to be dangerous and unsafe because of the following conditions:

- No entry made (house secured)
- Yard not being maintained
- Detached garage in need of repairs (windows, doors, roof)
- Crawl space under house contains water, mildew & mold
- Flood water level was about 2 feet above floor
- Visible from windows, walls have mold and flooring coming up
- Front porch in need of repairs (flooring coming up)
- House vacant for over 11 months with no repairs
- No demolition has taken place since the flood
- All electrical wiring, plumbing, water heater, HVAC, need replaced



Ed Bridges  
Building Inspector  
Osawatomie, Kansas

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION WAIVING THE GAAP REQUIREMENTS OF  
K.S.A. 75-1120A(a) FOR THE YEAR ENDED 2007.

WHEREAS, the City of Osawatomie, Kansas, has determined that the financial statements and financial reports for the year ended 2007 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Governing Body or the members of the general public of the City of Osawatomie; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Osawatomie, Kansas, in regular meeting duly assembled this 12th day of June, 2008 that the Governing Body waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Osawatomie for the year ended 2007.

BE IT FURTHER RESOLVED that the Governing Body shall cause the financial statements and financial reports of the City of Osawatomie to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 12th day of June, 2008, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

---

Philip A. Dudley  
Mayor

(SEAL)

ATTEST:

---

Ann Elmquist  
City Clerk

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION WAIVING THE GAAP REQUIREMENTS OF  
K.S.A. 75-1120A(a) FOR THE YEAR ENDED 2008.

WHEREAS, the City of Osawatomie, Kansas, has determined that the financial statements and financial reports for the year ended 2008 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Governing Body or the members of the general public of the City of Osawatomie; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Osawatomie, Kansas, in regular meeting duly assembled this 12th day of June, 2008 that the Governing Body waives the requirements of K.S.A. 75-1120a(a) as they apply to the City of Osawatomie for the year ended 2008.

BE IT FURTHER RESOLVED that the Governing Body shall cause the financial statements and financial reports of the City of Osawatomie to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 12th day of June, 2008, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

---

Philip A. Dudley  
Mayor

(SEAL)

ATTEST:

---

Ann Elmquist  
City Clerk



**CITY OF OSAWATOMIE**  
439 Main Street  
P.O. Box 37  
Osawatomie, Kansas 66064  
913-755-2146  
FAX: 913-755-4164

## **CITY OF OSAWATOMIE**

### **CITY MANAGER'S REPORT**

June 12, 2008

#### **UPDATE ON LEVEE REPAIR:**

The bidding process is closed on repairs to the city's levee structure. The Corps has awarded the contract for the levee repair work to Cutting Edge Trucking out of Louisburg. The contract provides for the work to be completed no more than 106 calendar days from the date the notice to proceed is issued. Weather permitting, the work is not expected to take the full amount of time, but knowing the uncooperative nature of our weather, the Corps provided the contractor with this amount of time, with the belief that it is sufficient to ensure the work could be completed.

#### **PLANNING COMMISSION RECOMMENDATIONS ON CITY ZONING MAP, ZONING REGULATIONS, AND SPECIAL USE PERMIT FOR 1300 PARKER:**

On this council meeting agenda are ordinances to approve a new zoning map (copies to be provided at the council meeting), a special use permit for a bed and breakfast facility at 1300 Parker, and approve certain changes to the city's zoning regulations. The changes are as previously discussed, which are a complete rewrite of Chapter 17: Floodplain Regulations and minor changes to Chapter 6: Two Family Residential – pertaining to the overlay areas for singlewide trailers. The map reflects the recommended change of eliminating 3 of the 4 overlay areas and reducing in size, the 4<sup>th</sup> overlay area. If this change were to be approved, all currently occupied singlewide trailers would be permitted to remain where they are, but if they are vacant for more than six months, or are destroyed as defined in Chapter 3 relating to non-conformances of our zoning regulations, they must be removed. The planning commission held public hearings on these issues on May 28, 2008 and recommend favorably all three issues to the city council.

#### **NORTHLAND UPDATE –**

I continue negotiations with Sunflower Funding, LLC on the Master Development Agreement for the approximately 40 acres we have optioned with them in the Northland. Additionally, on May 30, 2008, Janet McRae and I traveled to Kansas City, MO to meet with a large developer who is interested in the 3 parcels on the west side of US 169. We will continue discussions with them as well, and hopefully get a second party working on moving the Northland Development forward. As you will recall, all of the parcels identified on the western 3 parcels were tentatively marked as either light industrial or heavy industrial. I would encourage the council to keep an open mind about the possibility of reconsidering some of the uses for these parcels. I would like to see a better mix if at all possible.

#### **JENSEN DRIVE OVERPASS RE-DECK:**

Progress continues (albeit slowly) on the re-deck of the Jensen Drive Overpass. Weather permitting, it is anticipated to be opened again to traffic by mid-Summer.

**2008 STREET IMPROVEMENTS:**

The weather has been most uncooperative with our street projects. Thus far, 1<sup>st</sup> Street and Walnut have been demolished and portions of 1<sup>st</sup> Street have received fly ash treatment. The soil must be drive enough to support the equipment to grade and till the fly ash in to the base. Once that is complete and the base has been given a day or so to set up, the first course of asphalt can be laid. This first course will be 2" thick. A day or so after the first course of asphalt is laid, the curbs and gutters will be poured and it is likely then that other street demolition will begin. The contractor has 120 working days (which is different than calendar days) to complete the project.

**2008 SEWER PROJECT:**

Work continues to move forward on the sewer project. On this agenda is Change Order #6 which is an increase of \$30,590.68, for additional point repairs. It needs to be approved by the City Council. Once Change Order #6 is approved, Pay Request #7 should be approved in the amount of \$384,541.91. The original contract amount was \$4,591,615.42, incorporating all change orders approved thus far (including # 6), we are at: \$4,397,683.50. This is a positive difference of: \$193,931.08.

**ANNEXATION OF LAND BY STATE HOSPITAL:**

At the public hearing for the annexation of land by the state hospital, it was suggested that a dialogue about the issue be continued until the May 8<sup>th</sup> meeting, with action scheduled for the June 12<sup>th</sup> meeting. This process is not a requirement of state statutes as the public hearing (which is required) was formally closed at the last meeting. While the meeting is open to all interested parties, I would recommend that those affected by the proposed annexation identify one or two individuals to speak on their behalf if this discussion is to be opened up to public participation.

**CONDEMNATION OF 2 FLOOD HOUSES:**

Also on this agenda are two resolutions setting public hearings for condemnation of two flood houses. This is the first step in the process of taking down the structures. Once the public hearing is held, a resolution ordering the demolition or repair of the structures will need to be adopted. This second resolution provides the owner 30 days to comply with the resolution and if they do not, the resolution authorizes staff to solicit bids for the work to be done. The price of the work is then placed on the property tax rolls as a special assessment. The process takes a minimum of 60 days to comply with all of the notice periods and additional time to solicit bids and perform the work in the event the owners do not comply. Originally, there were four houses listed, but one of those has been gutted already, and the second one has taken over by the finance company, who at this time is deciding whether they will demolish the house or rebuild it. They have been given a very extensive list of requirements that will need to be met if they decide to rebuild it, not the least of which is testing of the structural support members to ensure they are dry and coating with a pre-approved material to ensure that any mold that may have grown on the members since the flood is encapsulated to ensure it will not spread.

**STORM DAMAGE RECEIVED AT CITY OWNED PROPERTY:**

We are still assessing damages sustained at various city facilities. The damages we sustained are believed to be caused by wind, hail and lightning. Facilities believed to have received damages include: fire station/electric warehouse, south lift station, ball park scoreboard, north lift station, swimming pool, and various vehicles. We continue to evaluate our facilities and document any damages we believe were incurred. Our insurance company was notified immediately after the storm left the area and our agent came down immediately to assist us in getting the paperwork moving forward. Obviously all insurance proceeds we receive will go to repair or replace the damages incurred.

**CONTRACT WITH L & K FOR SOLID WASTE REMOVAL SERVICES:**

Our contract with L & K is up this year and I would recommend that we renew the contract with them for 5 additional years with the stipulation that we address a couple of minor issues we've had since the contract was initially entered in to. If there are no objections to moving forward with this, I will contact Larry Smith and address the issues we've had with L & K and notify them we wish to renew the contract. The alternative is to open the service up and take bids from all interested contractors. Either way, I am certain the new contract will need to have a clause built in to address fuel prices.

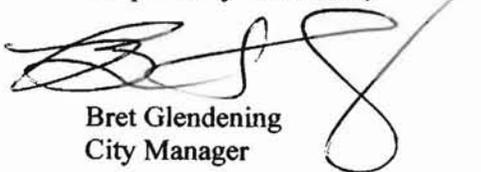
**ECO@HOME PUBLICATION FOR ENERGY EFFICIENCY:**

Kansas Municipal Utilities (KMU) has provided us with two copies of a new publication titled "ECO@HOME". It is a publication designed to provide end users of all forms of energy, options to reduce their usages. This is a bi-monthly publication and also provides information on recycling, environmentally friendly products, etc. It is the belief of KMU that at some point, there may be mandatory efficiency and usage issues for municipal utilities to address and if utility companies can show through programs such as this that we are being proactive, we may be able to fend off some of the mandates. In any event, this is an additional service we can provide to our customers if you so desire. The estimated cost is 40 cents per publication if we order them and have them available for pick up at city hall or other areas, or the publication company can mail them directly to our customers at an additional cost of approximately 25 cents per mailing. Final costs are not known yet, these are only estimates. The city currently has approximately 2,400 accounts. To provide this service for pick up only at various locations, the cost would be: \$5,760. To mail directly to each account holder, the price would increase to approximately: \$10,080. If there is interest in providing this publication to our customers, I will bring final numbers back as soon as they are available.

**EMPLOYEE HEALTH INSURANCE:**

After reviewing premium quotes for the renewal of the city's health insurance plan, myself, as well as two employees representing the union and two employees representing non-union employees met and reviewed the options for health insurance. We are recommending changing to a different HMO and a different PPO plan, albeit with the same company, Aetna. The recommended plans continue to provide a fair and equitable amount of coverage at a cost to the city that is in line with what we are currently paying. I have attached to the City Manager's report, the current health insurance plans, as well as what we will be renewing to. A motion to authorize me to bind the city to a one year contract with Aetna for the new plans would be appreciated.

Respectfully Submitted,



Bret Glendening  
City Manager





## Osawatomie Police Department

Monthly Report May 2008

Page 1

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	<u>Current Month</u>	<u>Year to Date</u>
Escorts	3	45
Warrant attempts/arrests	10	50
Traffic Stops/investigation	48	386
Investigate Person	2	7
DUI	8	17
Non-Injury Accident	12	79
Injury Accident	1	9
Assist EMS	13	129
Fire	1	13
Fights	6	28
Prowler	3	5
Domestic Violence	11	24
911 Misdialed	3	23
Animal at large	37	228
Animal Bite	4	11
Animal Missing	8	50
Animal Welfare	7	54
Assist Outside Agency	11	78
Bank Alarm	3	6
Burn Permit	11	135
Business Alarm	3	21
Burglary	4	19
Criminal Damage to Property	9	47
Child In need of Care	5	19
Carbon Monoxide Check	0	6
Civil Stand By	7	29
Citizen Complaint	119	440
Citizen Inquiry	74	305
City Services	39	130
Drug Cases	5	24
Disturbance	33	85
Deliver Message	3	13
Extra Patrol Request	13	44
Forgery	2	12



## Osawatome Police Department

Monthly Report May 2008

Page 2

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	<u>Current Month</u>	<u>Year to Date</u>
Fine Payment to Dispatch	15	83
Found Property	8	30
Finger Print (employment)	1	4
Gas Drive Off	6	12
HAZMAT	0	1
K9 Training Event	0	10
K9 Deployment	0	7
Loud Music Complaint	16	51
Murder	0	1
Motorist Assist	9	54
Medical Alarms	0	4
Missing Child	2	6
Missing Person	0	2
Open Door (Building Check)	4	24
Pedestrian Checks	0	14
Residential Alarms	0	2
Reckless Driver	0	4
Repossessions (notifications)	1	7
Runaway	0	0
Sexual Assault/Sex Crimes	2	12
Suspicious Activity	26	113
State Hospital Walk Away	0	4
Theft	20	106
Telephone Harassment	6	32
Unattended Death	0	0
Vehicle Lock Out	28	135
Violation of Protective Order	1	9
Verbal Dispute	1	1
Check Welfare	13	43
<b>Incidents cleared by Arrest</b>	13	64
<b>Total Citations Issued for the Month</b>	34	250
<b>Nusciance Issues addressed</b>	110	N/A

**Last Case # assigned in May: 08-2953. 604 Numbers assigned.**



## Osawatomie Police Department

Monthly Report for May 2008

Page 3

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### Miles driven (Patrol Units)

	<u>Miles</u>	<u>Mileage Total</u>
Unit 1 (2007 Crown Victoria)	3,958	44,902
Unit 3 (2004 Blazer)	1,346	92,276
Unit 4 (2003 Crown Victoria)	1,949	141,000

### **Notes:**

Officers completed use of force decision making training using a simulator.

Unit 3 offline for repairs most of the month

Alumni activities were completed with no major incidents

Officer Willemsen is halfway through the academy, ranking near top of the class

\* Statistics based on dispatch entries, not final investigation decisions.

\*\* Some duplication has been detected, error at this time believed to be less than 5% of total.