

**OSAWATOMIE CITY COUNCIL
AGENDA**

December 11, 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 November 13 City Council Meeting
 - B. Approve December 11 Agenda
 - C. Appropriation Ordinances 08-21 & 08-22
5. Comments from the Public; Presentations
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor*
6. Public Hearings
 - A. 2008 Budget Amendment
 - B. Neighborhood Revitalization Program
7. Unfinished Business
 - A. Adoption of 2008 Budget Amendment
 - B. Approving Ordinance Adopting Neighborhood Revitalization Program
 - C. Approve Change Order No. 13 for Sewer Improvement Grant
 - D. Approve Invoices for Sewer Improvement Grant – Request No. 31
 - E. Approve Pay Request No. 6 for 2007 Street Improvement Project
 - F. Approve Pay Request No. 2 for 2008 Street Improvement Project
 - G. Approve Pay Request No. 4 for Housing Development Grant Program
 - H. Review Request for Proposals for Banking Services
 - I. Charter Ordinance Establishing Storm Water Utility
 - J. Approve Ordinance Adopting Financial Policies
 - K. Ordinance Adopting Municipal Codes
8. New Business
 - A. Appointments
 - B. Approve 2009 Cereal Malt Beverage Licenses
 - C. Resolution Adopting Annual Fees
 - D. Resolution Declaring Corporate City Limits
 - E. Meeting & Work Session December 18
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Sessions
 - a. Consultation with City Attorney which would be deemed privileged in the attorney-client relationship
 - b. Preliminary discussions relating to the acquisition of real property
13. Adjournment

REGULAR MEETING – January 8, 2009

Record of Ordinances

ORDINANCE NO. 8-21

DATE WARRANTS ISSUED:
November 30, 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 11/07/08			78,344.12
Payroll 11/21/08			85,160.94
FICA 11/07/08			5,756.69
FICA 11/21/08			6,274.40
KPERS			8,484.71
Miami County Leadership	leadership class	32207	250.00
Olathe Tractor & Equipment Co.	rebuilt kits for steering columns	32312	395.62
Aetna (POS)	health insurance	32313	27,735.36
Kansas City Wilbert Vault	grave opening	32314	2,850.00
EMBARQ	RTU's	32315	236.56
Kelly & Deanna Holliday	sell back cemetery spaces	32316	150.00
Macek's Auto Body, Inc.	repair Crown Vic	32317	3,705.13
Osawatomie Public Library	tax appropriation	32318	839.68
Osawatomie Recreation Commission	tax appropriation	32319	1,257.75
Suddenlink	internet	32320	59.95
Vision Service	vision insurance	32321	772.76
City of Osawatomie	petty cash reimbursement	1107	4,013.56
Beachner Grain	hay bales, supplies	32322	269.90
City of Osawatomie	utilities	32323	14,549.20
Delta Dental of Kansas	dental insurance	32324	2,831.01
Ron Harrison	repair sign at Hickory Valley	32325	720.00
Lybarger Oil Inc.	fuel	32326	5,040.41
Miller Paving & Construction	construction	32327	466,920.57
Suddenlink	internet	32328	78.90
Western Communications, Inc.	reissued check 32306	32329	60.00
L & K Services, Inc.	refuse	32330	27,846.31
AT&T	RTU's	32331	216.06
George K. Baum & Company	financial advisor	32332	7,337.50
City of Osawatomie	differed comp	32333	600.00
Financial Printing Resource, Inc.	official statement printing & distribution	32334	750.00
KDHE Bureau of Water	water certification	32335	25.00
Kansas Attorney General	review of bond issue	32336	148.50
Kansas Dept. of Revenue	sales tax	32337	9,191.17
Kansas State Treasurer	registration of bonds	32338	3,368.75
Kansas Secretary of State	KS Register-notice of bond sale	32339	126.00
Standard & Poor's	CUSIP services	32340	415.00
Visa	lodging - City Manager	32341	1,346.94
Brad Waggoner	Pro Shop	32342	161.75
Dean Inscore	installed fence	32343	2,461.00
Aetna (POS)	health insurance	32344	28,663.74

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DATE WARRANTS ISSUED:
November 30, 2008

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
CIT Technology Fin. Serv., Inc.	copier lease	32345	315.28
Delta Dental	dental insurance	32346	2,927.21
Dollar General	paper goods	32347	108.51
EMBARQ	services	32348	2,189.78
EMBARQ	long distance	32349	416.01
First Option Bank	bucket truck	32350	1,798.99
John Deere Credit	equipment lease	32351	2,043.22
Kansas Dept of Agriculture	application for diversion permit	32352	800.00
Kansas City Power & Light	services	32353	923.80
Kansas Gas Service	services	32354	2,338.88
Kansas Gas Service	power plant	32355	24.52
KMEA - GRDA	electricity, transmission	32356	90,821.93
KMEA - Hydro	hydroelectric	32357	4,046.66
KMEA - Nearman	electricity, transmission	32358	25,539.98
KMEA - EMP	transmission	32359	9,956.65
Postmaster	utility billing	32360	1,000.00
Quality Tree Service	trimmed trees from power lines	32361	5,000.00
Sprint	service	32362	24.99
Suddenlink	internet	32363	59.95
T-Mobile	cell phones	32364	316.93
Vision Service Plan	vision insurance	32365	798.50
Wal-Mart Community	supplies	32366	348.17
City of Osawatomie	petty cash reimbursement	1108	1,320.97
			952,535.87
GO	125,871.28		
WT	38,941.01		
EL	174,663.65		
Emp Bn	60,528.81		
Refuse	27,946.31		
Library	7,349.94		
Rec	4,889.15		
RF	1,469.83		
Ind	2,461.00		
St Imp	543.74		
Sewer	15,137.52		
Rec Bn	138.46		
GC	13,138.95		
Trsm	389.90		
Cap St	479,066.32		
	952,535.87		

Record of Ordinances

ORDINANCE NO. 8-22

DATE WARRANTS ISSUED:
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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
Airgas Mid South, Inc.	oxygen cylinder, clear lenses	32367	65.82
Allenbrand-Drews & Assoc., Inc.	City boundary & legal description	32368	2,750.00
American Boiler & Mechanical	inspect & repair boilers	32369	3,826.12
Apparatus Services, LLC	adjusted pump packing, mileage	32370	299.00
Asphalt Sales Company, Inc.	asphalt	32371	460.06
Associates in Family Care	physical - Stuteville	32372	142.00
Beckman Ford, Inc.	parts	32373	1,095.72
BG Consultants, Inc.	St. Imp., Northland, Woodland Hills	32374	4,989.50
Board of Police Commissioners	alert system user charges	32375	29.72
Bob's Sales & Service	recharge fire extinguishers	32376	108.50
Bollings Bargain Bonanza	set trailer lights	32377	16.95
Brewers Automotive Repair	batteries	32378	165.90
Void		32379	-
Void		32380	-
Void		32381	-
Brown's Hardware	supplies	32382	453.90
Certifion Corporation	entersect police online	32383	79.00
Champion Brands LLC	oil, supplies	32384	1,274.70
Comm-Tronix	radio	32385	290.00
Cross-Midwest Tire Co.	tires	32386	480.00
Cummins Central Power, LLC	water pumps	32387	181.06
Donna & Viola's Shirts	vest - animal control	32388	36.00
Electronically Speaking	batteries, supplies	32389	268.22
Elliott Insurance	notary bond	32390	100.00
Employee Screening Services	drug & alcohol testing	32391	274.60
Environmental Laboratories, Inc.	analytical services	32392	252.00
Family Center	carburetor, parts	32393	385.71
Richard M. Fisher, Jr. LLC	court appointed attorney	32394	200.00
Five A Farm & Lawn LLC	mower blade, chain saw	32395	126.14
Galls	vest, gloves	32396	429.13
Gerken Rental	portable restroom, gloves	32397	122.00
GNC Enterprises, Inc.	chain oil	32398	160.89
Goodyear Wholesale Tire Centers	tires	32399	340.62
Gould & Goodrich	holster	32400	85.51
Grainger	caps	32401	56.00
Hajoca Olathe	manhole riser ring	32402	150.86
HD Supply Waterworks, LTD	pump, hose	32403	381.29
Hogeye, Inc.	coin souvenirs	32404	175.00
Holman Hansen & Colville, P.C.	municipal matters, city prosecutor	32405	3,956.56
Hoover's Upholstery	recover seat	32406	187.50

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Hunt Martin Materials	rock	32407	414.25
Inland Truck Parts Company	brake drum,, parts	32408	1,970.94
J.P. Cooke Company	dog tags	32409	43.82
Johnson's Creative Concepts	think Osawatomie brochures	32410	720.00
Kansas Electric Coop., Inc.	safety meeting	32411	1,300.00
Kansas One Call Concepts	locates	32412	52.44
Kansas State Treasurer	training funds	32413	339.00
Killough Construction, Inc.	asphalt	32414	432.06
Kincaid Ready Mix	concrete	32415	1,018.38
Kriz Davis Co.	electric line supplies	32416	1,477.70
League of Kansas Municipalities	regional supper, service awards	32417	181.89
Louisburg Tractor Boyz	bearings	32418	41.68
Lowenthal Singleton Webb & Wilson	final billing on 2007 audit	32419	3,610.00
Miami County Internet Onramp, Inc.	internet	32420	19.95
Miami County Sheriff's Office	prisoner care	32421	520.00
Miami County, Kansas	convention & visitors assoc.	32422	250.00
Miami Lumber	lumber	32423	169.72
Void		32424	-
Moon's IGA	supplies	32425	312.11
N.J.A.T.C.	freight - books	32426	9.61
Navrat's	desktop organizers	32427	198.00
Void		32428	-
NPG Newspapers	subscription, ads	32429	1,592.32
O'Reilly Auto Parts	spout, handle	32430	13.97
Ochsner Hare & Hare	professional services	32431	1,975.62
Oil Patch Pump & Supply, Inc.	valve ball, supplies	32432	207.43
Olathe Tractor and Equipment	seals	32433	36.30
Olathe Winwater Works	adapters	32434	110.00
OMB's Express Police Supply	trousers, shirt, supplies	32435	365.50
Osawatomie Pet Clinic	exam, leashes	32436	143.00
Pace Analytical	analytical charges	32437	50.00
Pepsi Cola	water, gatorade	32438	83.13
Praxair Distribution, Inc.	welder gun	32739	225.00
Precision Glass	windows repaired	32440	180.06
Quill	office supplies	32441	219.45
Red Bud Supply, Inc.	rubber gloves	32442	163.19
G.S. Robins and Company	hypochlorite	32443	7,770.86
Rural Water District #1	services	32444	109.32
Rural Water District #3	ETI water	32445	15.00
Schendel Pest Services	pest control	32446	196.68
Schwaab, Inc.	pre-inked date stamps	32447	114.88
Glen E. Sharp, II	court appointed attorney	32448	200.00
Siemens Water Technologies, Corp.	bioxide	32449	7,389.90
Stanion Wholesale Electric Co.	electric supplies	32450	598.82
Staveley Services	freight	32451	7.65

**Notice of Budget Hearing for Amending the
2008 Budget**

The governing body of
Osawatomie
will meet on the 11th day of December, 2008, at 7 p.m. at Memorial Hall for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Hall
and will be available at this hearing.

Summary of Amendments

Fund	2008 Adopted Budget			2008 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
Library	3.123	64,412	76,197	95,566
Recreation	4.163	85,882	101,415	156,393
Industrial Rev.	0.567	11,690	17,500	30,720
Ins. Proceeds			14,147	30,000
Tourism			10,600	17,500
Disaster			0	30,000

Signature

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ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE NO. 3471 AND 3540, IMPLEMENTING A NEW NEIGHBORHOOD REVITALIZATION PLAN, AND DESIGNATING A REVITALIZATION AREA, ALL AS PROVIDED FOR IN K.S.A. 12-17,114 ET SEQ., THE NEIGHBORHOOD REVITALIZATION ACT.

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

SECTION ONE: Hearing.

The Governing Body of the City of Osawatomie pursuant to Notice of Public Hearing did hold a public hearing on December 11, 2008 to hear and consider public comment on the Neighborhood Revitalization Plan as required by K.S.A. (1994 Supp.) 12-17,117(b).

SECTION TWO: Adoption of New Neighborhood Revitalization Plan.

There is hereby incorporated by reference for the purpose of establishing the Neighborhood Revitalization Act Plan the document entitled "Neighborhood Revitalization Program for the City of Osawatomie." The document shall be marked or stamped "Official Copy as adopted by the Code of the City of Osawatomie" and which there shall be attached a copy of this section. Said official copy shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. All departments of the city shall be supplied with copies of such rules and regulations as may be deemed necessary.

SECTION THREE: Repeal of Existing Neighborhood Revitalization Plan.

The Governing Body of the City of Osawatomie does hereby repeal ordinances numbered 3471 and 3540 effective as of December 31, 2008.

SECTION FOUR: Effective Date.

This ordinance shall take effect on January 1, 2009.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 11th day of December, 2008.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist

NEIGHBORHOOD REVITALIZATION:

BEFORE THE GOVERNING BODY OF THE
CITY OF OSAWATOMIE, MIAMI COUNTY, KANSAS:

In the matter of adoption of a Neighborhood Revitalization Plan:

REVITALIZATION PLAN

The Governing Body of the City of Osawatomie, Miami County, Kansas pursuant to the Kansas Neighborhood Revitalization Act, KSA 12-17,114 et seq., does hereby adopt a Neighborhood Revitalization Plan (herein referred to as the "plan") for the City of Osawatomie as follows:

FINDINGS

Pursuant to KSA 12-17,116, the Governing Body finds as of December 11, 2008:

- (a) The City of Osawatomie's economic indicators reflect a population of 65% low and moderate household incomes in the community;
- (b) Population by age is a helpful indicator for planning and community needs. A significant portion of the Osawatomie households, 13% are over 65 years of age while the other cities in the immediate area have a greater portion of the households in the 35-44 years of age range;
- (c) The City of Osawatomie has a total of 1,807 households. The number of households with income over \$50,000 total 423 which represents 23% of all household incomes in the city. The households with incomes of \$20,000 to \$35,000 totals 27% of the community, while 25% of the households earning incomes are over 65 years of age;
- (d) Osawatomie's residential development has been dominated by the single-family home. Residential construction is almost entirely single-family. Much of the housing in Osawatomie is older, built in the WWII era with little growth in residential development since then. The growth that has taken place has been largely in mobile homes or manufactured housing. Approximately 11% of all residential units in the city are mobile homes;
- (e) The market value of single-family homes in Osawatomie is largely in one category. The average market value for homes, including mobile homes, is \$72,869. There are very few homes in Osawatomie that have a market value over \$100,000, in fact, less than 10%;
- (f) The population of Osawatomie has been stagnant. The total population in general has ranged from 1960 to the present year, between 4,300 and 4,600. The shift of retail purchases from community businesses to the regional trade centers continues to impact the economic wellness of Osawatomie. The Miami County trade pull factor is .62 while Johnson County and Douglas County are .93 and 1.56, respectively;

Approved and signed by the Mayor
City Clerk

REVITALIZATION PLAN FOR THE CITY OF OSAWATOMIE

1. Legal Description of Area in Plan.

(a) A legal description of the real estate forming the boundaries of the area is as follows: All that part of Sections 10, 11, 12, and 14 Township 14 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas being more particularly described as follows. BEGINNING at the Southeast Corner of the Southeast Quarter of said Section 10; thence West along the South line of said Southeast Quarter, to a point on the extended centerline of Twelveth Street from the North; thence Northeasterly along said centerline and its extension, to a point on the centerline of Pacific Avenue from the West; thence Westerly along said centerline to a point on the centerline of Fourteenth Street; thence North along said centerline to a point on the centerline of Brown Avenue; thence West along said centerline, to a point on the West line of the Southwest Quarter of said Section 10; thence North along said West line, to the Southwest Corner of Smith Subdivision III to the City of Osawatomie; thence Continuing North along said West line and along the West line of said Smith Subdivision III, to the Northwest Corner of the Southwest Quarter of said Section 10, said point being on the centerline of Parker Avenue; thence East along the North line of said Southwest Quarter, and centerline of Parker Avenue, to a point on the extended West line of Smith Subdivision I to the City of Osawatomie, Kansas; thence North along the West line and its extension of said Smith Subdivision I, a distance of 335.0 feet, to the Southeast Corner of Lot 41 of said Smith Subdivision I; thence West 150.0 feet along the South line of Lots 41 through 39 of said Smith Subdivision I, to the Southwest Corner of said Lot 39; thence North 270.0 feet along the West line of Lots 39 and 38 of said Smith Subdivision I, to the Northwest Corner of said Lot 38; thence continuing North along the extension of the West line of said Lots 39 and 38, a distance of 130.0 feet; thence East 150.0 feet to a point on the West line of Lot 31 and 130.0 feet North of the Southwest Corner of Lot 33 of said Smith Subdivision I; thence North along the West line of said Smith Subdivision I and its extension, to a Point on the South bank of the Marais Des Cygnes River; thence Easterly along said South bank to a point on the East line of the Northeast Quarter of Section 10, Township 18 South, Range 22 East, and Eighth Street; thence Continuing Easterly along said South bank, to a point on the West line of the Northwest Quarter of Section 12, Township 18 South, Range 22 East, thence South along said West line to the Southwest Corner of the Northwest Quarter of said Section 12; thence East along the South line of said Northwest Quarter to a point on the Westerly Right-Of-Way line of Kansas Highway No. 169; thence Southwesterly along said Westerly Right-Of-Way line to a point on the North bank of Pottawatomie Creek; thence Northwesterly along said North bank, to the East line of the West One-Half of the Northwest Quarter of Section 14, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas; thence North along said East line to the Northeast Corner of the West One-Half of the Northwest Quarter of said Section 12; thence West along the North line of said Northwest Quarter to the point of BEGINNING.

Maps depicting the existing corporate limits covered by this plan have been prepared and are on file in the office of the County Appraiser of Miami County, attached to this plan, and the same are adopted as a part of the plan by reference.

2. Assessed Valuation. The existing (2007 tax roll) assessed valuation of the real estate included in the plan, listing land and building values separately, is as follows:

Land –
Buildings –
Total –

3. Names and Addresses of Owners. A list of the names and addresses of the owners of record of the real estate included within the plan constitutes a part of the records in the office of the County Appraiser of Miami County, and such list is adopted in and made a part of this plan by reference. The County Appraiser will verify names and addresses of the owners at the time of application.

4. Zoning Classifications. The existing zoning classifications and zoning district boundaries and the existing land uses within the area included in the plan are as set forth in the official zoning maps, records, resolutions, and ordinances of the City of Osawatomie.

5. Municipal Services. The plan does not include any proposals for improving or expanding municipal services as described in KSA 12-17,177(a)(5) and, if any proposals for any such improvements or expansions of municipal services are hereafter proposed by the Governing Body, then any such proposal will be prepared and considered independently of this plan.

6. Real Property Eligible. Generally speaking, all property annexed into the city of Osawatomie as of the effective date of this plan lying within the following boundaries shall be eligible for participation: South of the Marais des Cygne levee system and North of the Pottawatomie Creek levee system, East of 12th Street. Additionally, all property annexed into the city of Osawatomie as of the effective date of this plan lying North of Brown Avenue and South of Parker Avenue and West of 12th Street shall be eligible for participation in the plan. Additionally, all properties located along 14th, 15th, and Charles Street, North of Parker Avenue shall also be eligible to participate in this plan. All property highlighted on the attached map is considered eligible for participation in the Osawatomie Neighborhood Revitalization Plan.

7. Criteria for Eligibility; Procedure to Complete Application to Qualify.

- (a) The criteria to be used by the Governing Body to determine what specific real property is eligible for revitalization and for property tax increment rebates is as follows:
 - i. Construction of an improvement must have begun on or after January 1, 2009, the effective date of this plan.
 - ii. Construction must be completed and such fact reported to the County Appraiser no later than the second January 1st following the date on which the County Appraiser conditionally approved the application under Part II of the Application to Qualify and to Participate; otherwise the conditional approval will become null and void and the improvements, if any theretofore completed, will not be eligible to participate in the plan and rebate program. ANY work performed on a qualified parcel intended to be used in this program shall have a building permit issued prior to any work beginning, regardless of other city permitting rules AND shall have such work inspected and a certificate of occupancy issued within 3 months

of completion for such work to remain eligible in the program. If a certificate of occupancy is not received by the County Appraiser prior to May 10th, then the rebate will be forfeited for that year under the program and will continue to be forfeited until the respective year the certificate is received by the County Appraiser.

- iii. In order to qualify for revitalization, a parcel of real estate must have a minimum increase of \$15,000 in the County Appraiser's appraised value, directly resulting from a qualified construction and improvement, for a parcel of residential, recreational, commercial and/or industrial real estate in order to be eligible to receive a rebate.
- iv. All new construction and all improvements to existing property must comply with all zoning and building codes, rules, and regulations in effect at the time the improvements are made, AND;
 - v. To maintain its eligibility, such parcel must continue to remain in compliance with all zoning and building codes, rules, and regulations during the entire period of time the parcel remains eligible for rebates.
 - vi. Any parcel that is delinquent in the payment of any ad valorem property tax assessment or special assessment shall not be eligible for any rebate for that year. If the payment of any tax assessment or special assessment remains unpaid at the close of business on the last working day in October for that tax year, the property will be removed from eligibility in the tax rebate program entirely.
- vii. The owner of commercial or industrial property eligible for property tax increment rebates under any adopted neighborhood revitalization plan and also, eligible for property tax exemption under KSA 79-201a Second or any other existing ad valorem tax exemption law will be eligible to secure relief under only one such plan or law.
- viii. Eligibility for rebates are subject to the adoption and approval of a plan by each taxing district. See County Clerk for taxing districts who have adopted a neighborhood revitalization plan.
- ix. In the event of a transfer of ownership of a parcel during the eligible rebate period, such parcel and the new owner thereof shall remain eligible to apply for the rebate during the remainder of the time for which such parcel remains eligible for rebates.
 - x. Multiple qualified improvements to the same parcel completed within one calendar year shall be treated as one improvement.
- xi. In the event of multiple qualified improvements made to the same parcel in different or succeeding years, which meet the required minimum requirements in any given year, and therefore create an additional qualification for a period of eligibility for a rebate, the total rebate in any succeeding year will be calculated and determined after the initial qualified rebate is determined, and will be based upon the additional increase in the assessed value directly resulting from the succeeding qualified improvement.

xii. Rebates shall be payable only after Application is made and approved therefore pursuant to Sections 8, 9 and 10 of the Plan. Rebates approved for payment shall be made within 30 days of the June 5th Distribution.

b. In completing an Application to Qualify and to Participate, the applicant shall:

- i. Secure a building permit prior to filing application and provide a copy of the completed and approved application of the building permit to the County Appraiser.
- ii. Prior to commencement of construction, complete all parts of Part I of the application, sign and date the application, and file all copies thereof in the office of the County Appraiser.
- iii. Concurrently with filing the application with the County Appraiser, the applicant shall pay to the County Appraiser, a non-refundable application fee of \$150.
- iv. Within fifteen (15) working days following filing of the application, the County Appraiser will take action on the application and will complete Part II thereof. Immediately following completion of Part II, the County Appraiser shall deliver a true and correct copy of complete Parts I and II of the application to the County Clerk.
- v. When Parts I and II of the application are completed and filed in the Office of the County Clerk, the County Appraiser shall deliver a copy thereof to the owner by personal delivery or via US Mail, first class, postage prepaid.
- vi. As to any construction and improvement which is only partially completed as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the application, the owner shall report such fact in person to the County Appraiser and shall complete Part III(a) of the application. Such report shall be completed by the owner within fifteen (15) working days following January 1st. Failure to report partial completion of the construction within 15 working days to the Office of the County Appraiser shall eliminate the project from inclusion in the plan.
- vii. As to any construction and improvement which is reported by the owner pursuant to (vi) above as being only partially completed, the County Appraiser shall view, value, and appraise such partially completed construction and improvement as of the January 1st immediately following the County Appraiser's conditional approval under Part II of the application and such partially completed construction and improvement shall have taxes levied, assessed, and collected thereon in the usual and customary manner and the same shall not be eligible in the year of such levy and assessment as a partially completed construction and improvement for a rebate under the plan.
- viii. Within fifteen (15) working days after any construction and improvement is completed, the owner shall report such fact in person to the County Appraiser and shall complete Part III(b) of the application. Failure to

- report completion of the construction within 15 days to the office of the County Appraiser shall eliminate the project from inclusion in the plan.
- ix. Within fifteen (15) working days after the owner shall have completed Part III (b) of the application and filed the same with the County Appraiser, the County Appraiser shall conduct an on-site inspection of the construction and improvement completed on the parcel of real estate described in the application. In addition, the County Appraiser shall determine a preliminary increase in the appraised value of the parcel of real estate described in the application which is directly attributable to the construction and improvement described in Part I, II, and III of the application. If the inspection and appraisal cannot be completed within the designated period, the Appraiser shall make written notification to applicant, not later than 15 working days, of the extension. The notification of extension shall state the date of the extension deadline.
 - x. After June 15th and before August 1st of the first year that construction and improvement is completed on a parcel of real estate shall qualify for rebate, the County Appraiser shall make a final determination of the increase in the appraised value of the parcel of real estate which is directly attributable to the construction and improvement described in Parts I, II, and III of the application. The County Appraiser shall complete Part IV of the application and deliver a true and correct copy of the fully completed application to the County Clerk thereby certifying that the application and the construction and improvement completed pursuant thereto are now qualified to participate in the rebate program pursuant to the plan. The value attributable to the construction and improvement as determined by the County Appraiser for the initial rebate period shall be used as the increase in value of the remaining years of the plan. In the event that there is a reduction in appraised value in future years, the base value prior to construction and improvement shall not be reduced.
 - xi. In addition to complying with (x) above, if Part IV is approved by the County Appraiser, the County Appraiser shall also forthwith deliver a true and correct copy of the fully completed, fully approved application to the owner by personal delivery or via US Mail, first class, postage prepaid.
 - xii. If the owner is aggrieved by any act, action or omission by the County Appraiser pursuant to Parts II and/or IV of the application the owner, if possible, shall complete such remedial action, as shall be necessary to secure the required approval, then the owner may appeal the County Appraiser's decision to the Board and thence to the District Court using the procedures provided therefore in Section 9(b)(iii) of the plan as set forth herein below.
 - xiii. In completing an Application to Qualify and to Participate all actions required under this Section 7(b) shall be made and completed in person by the owner or the owner's agent or attorney unless the County Appraiser shall, in writing, authorize the application to be prepared and filed by the US Mail or by some other alternative method.

- c. The form attached hereto as Exhibit A and entitled “Application to Qualify and to Participate” is hereby approved and adopted for use in completing an application pursuant to this Section 7.

8. Content of Application for Rebate. The content of an application for rebate as authorized under KSA 12-17,118 is as set forth in the document which is attached hereto as Exhibit B and adopted as a part of the plan by reference.

9. Procedure for Applying for Rebate. The procedure for submission of an Application for Rebate of Property Tax Increments is as follows:

- a. Application for rebate forms completed for owners of each parcel of real estate approved for revitalization can be obtained from the County Appraiser.
- b. The taxpayer will complete the application for rebate, with assistance from the County Appraiser where necessary, and upon completion thereof, shall submit the same to the County Appraiser for their consideration and approval. The application for rebate forms must be accompanied by certification from the city stating the construction meets all zoning and building codes, rules, and regulations.
 - i. Upon the County Appraiser’s receipt of a completed application for rebate, the County Appraiser shall determine whether or not such application meets all of the criteria to qualify for a rebate under paragraphs (7) and (10) of the plan and the County Appraiser shall thereupon either approve or disapprove the application for rebate.
 - ii. If the County Appraiser approves the owner’s application for rebate, then the Appraiser shall file such application with the County Clerk as per (c) next below.
 - iii. If the County Appraiser disapproves the application, then the owner, if possible, shall amend the application as necessary to secure the approval of the County Appraiser and shall thereupon proceed to file the application with the County Clerk as per (c) next below, or if the County Appraiser will not approve the application, then the owner may appeal the County Appraiser’s decision to the Board. On the filing of any such appeal, the same shall be heard by the Board prior to the September 1st next following filing of any such appeal. If the Board likewise disapproves such application, then the taxpayer may appeal to the District Court in the manner authorized in KSA 60-2101.
- c. Following the filing of an approved application for rebate in the office of the County Clerk, the County Clerk shall thereupon proceed to process such application as a claim in the manner authorized and provided in KSA 12-105a and 12-105b.
- d. An application for rebate approved for payment as a claim pursuant to (a) through (c) above shall be paid by the County Treasurer, but such payment shall be made within thirty (30) days following the June 5th distribution of taxes by the County Treasurer pursuant to KSA 12-1678a(c) which follows the approval for payment of an application for rebate. Any parcel that is delinquent in the payment of any ad valorem property tax assessment or special assessment shall not be eligible for any rebate for that year. If the

payment of any tax assessment or special assessment remains unpaid at the close of business on the last working day in October for that tax year, the property will be removed from eligibility in the tax rebate program entirely.

- e. The application for rebate provided for in this Section 9 shall be made in person by the taxpayer or the taxpayer's agent or attorney unless the County Appraiser shall, in writing, authorize the application to be prepared and filed via the US Mail or some other alternative method.

10. Criteria to be Used When Considering Merit of Applications for Rebate. The standards or criteria to be used when reviewing applications for rebate for approval or disapproval thereof are as follows:

- a. The parcel must meet all criteria for eligibility as set forth in paragraph 7 above as of the date that the application for rebate is filed.
- b. The procedure for submission of an application for rebate as set forth in paragraph 9 above must have been fully and correctly complied with.
- c. All ad valorem taxes and special assessments levied against the parcel on which the rebate is sought must have been paid in full prior to filing of the application for rebate.
- d. The application for rebate must be filed on or before May 10th for the payment of all taxes for which the rebate is sought.
- e. The application for rebate must be accompanied by certification from the city stating the parcel currently meets all zoning and building codes, rules, and regulations.
- f. In the case of multiple owners of a property eligible for a rebate, absent a written agreement providing otherwise, the rebate will be made payable to all owners of record according to the County Treasurer's Tax Roll.

11. Maximum Tax Rebatable; Years of Eligibility.

Criteria for Commercial, Residential and Industrial Properties –

Rehabilitation, additions, and new construction in existing residential neighborhoods, residential districts and residential subdivisions as well as commercial and industrial properties for owner occupied structures only.

<u>Years of Eligibility</u>	<u>% of Property Tax Increment Rebatable</u>
Year 1	100%
Year 2	75%
Year 3	50%
Year 4	50%
Year 5	25%

Rehabilitation, additions, and new construction in existing residential neighborhoods, residential districts and residential subdivisions as well as commercial and industrial properties for non-owner occupied structures only.

<u>Years of Eligibility</u>	<u>% of Property Tax Increment Rebatable</u>
Year 1	70%
Year 2	50%
Year 3	50%
Year 4	50%
Year 5	30%

- a. The amount of the rebate is the resulting increase in the ad valorem tax, if any, which is directly attributable to the construction and improvement to the qualified parcel and to the increase in assessed valuation directly resulting there from, in any given year during the period of eligibility, calculated in accordance with the applicable percentage amounts as set forth in section 3 above.
- b. Seven and a half percent (7.5%) of the rebated tax on any given parcel, for any given year, shall be retained by Miami County for services rendered in connection with administration of the plan, subject however, to the condition that a minimum amount of \$50.00 shall be retained per rebate transaction.
- c. Property tax increment not rebated to the taxpayer in accordance the tables set forth above or retained by Miami County pursuant to (b) immediately above shall be distributed to the taxing district for whom the increment was collected.
- d. A parcel determined qualified for rebates shall be entitled to such rebates in decreasing percentage amounts for a period of five (5) years provided the property declared qualified shall continuously maintain such qualification.
- e. The increase in the ad valorem tax resulting from the qualified construction and improvement shall be paid over to the Neighborhood Revitalization Fund in accordance with the provisions of the NRA to be distributed as provided by law and this plan.

12. Duration of Plan; Continuation of Rebates on Qualified Property.

- a. Unless hereafter repealed prior thereto, this plan shall remain in full force and effect for a period of ten (10) years from and after January 1, 2009. The plan may also be extended by the Governing Body for additional periods of time.
- b. At any time during the period that this plan remains in effect, any owner of eligible real property may apply for revitalization of such real property pursuant to paragraph 7 of the plan. All real property and all improvements in the neighborhood revitalization district are eligible to apply for the tax rebate incentive plan in their classification.
- c. Unless otherwise provided by any law of the State of Kansas hereafter enacted, any and all real property which shall have qualified for revitalization and for rebates prior to the final termination date of the plan as provided in (a) and (b) above shall continue to be and remain qualified for rebates pursuant to paragraphs 8, 9, 10, and 11 of the plan notwithstanding the fact that other real property described in paragraph 1 above which has not theretofore qualified for participation under the plan will no longer be eligible to do so.

13. Severability and Administrative Corrections.

- a. If any clause, sentence, or section of this Neighborhood Revitalization Program is found to be invalid, it shall not affect the remaining provisions of the program.
- b. When in the event an administrative or clerical error is found to have been made on the part of any county or city staff member, the administrator(s) of this plan are hereby permitted to make such corrections as may be necessary. This section shall not be interpreted, or give authority to any administrator(s) of the plan, to make corrections or make changes to any application materials that are found to be in violation of this program which would ordinarily eliminate the applicant from the program.

14. Amendment or Repeal.

- a. This plan may at any time hereafter, in whole or in part, be amended, supplemented, or repealed using the procedures set forth in subparagraph (b) of this section. The plan shall be reviewed by a committee consisting of two members from each participating taxing entity every three years following adoption. The plan can be amended by a 2/3 majority vote of the Governing Body with the approval of all taxing entities.
- b. Prior to amending, supplementing, or repealing this plan, or any part thereof, the Governing Body shall first conduct a public hearing upon the feasibility of any such amendment or repeal after first publishing notice of any such hearing at least once each week for two (2) consecutive weeks in the Osawatimie Graphic. Such notice shall set forth the specific change or changes proposed, or a summary thereof, and shall advise of the time and place at which such proposed supplement, amendment or repeal shall be heard.

15. Definitions.

- a. When the words "applicant", "applicant for rebate", "owner" and "taxpayer" are used and referred to in the plan, the same where applicable, include the plural, as well as the singular.
- b. As used in this plan:
 - i. Applicant means and refers to each and every person filing an application pursuant to section 7 and section 9 of this plan. Such word also means and refers to "owner" and "taxpayer" as defined in this plan.
 - ii. Application means and refers to each and all applications which shall be filed pursuant to section 7 of this plan.
 - iii. Application for rebate means and refers to applications filed pursuant to section 8 and 9 of this plan.
 - iv. Board means and refers to the Governing Body or committee appointed by the Governing Body of the City of Osawatimie, Miami County, Kansas.
 - v. Construction and improvement means and refers to rehabilitation of and additions to existing buildings or new construction, or both, which are completed and qualified under the plan.
 - vi. County Appraiser means and refers to the County Appraiser or officer appointed by the County Appraiser of Miami County, Kansas.

- vii. County Clerk means and refers to the County Clerk or officer appointed by the County Clerk of Miami County, Kansas.
- viii. County Treasurer means and refers to the County Treasurer or officer appointed by the County Treasurer of Miami County, Kansas.
- ix. District Court means and refers to the District Court of Miami County, Kansas.
- x. Governing Body means and refers to the Governing Body of the City of Osawatomie, Miami County, Kansas.
- xi. Increment means and refers to that amount of ad valorem taxes collected from the parcel qualified under the plan which is in excess of the amount which was produced from such parcel and was attributed to the assessed valuation of such parcel prior to the qualification of the parcel under the plan and which is directly attributable to that part of the assessed valuation of the parcel directly resulting from revitalization of the parcel under the plan. The term “property tax increment”, where used in the plan, is synonymous with the word “increment” as defined herein.
- xii. NRA means and refers to the Kansas Neighborhood Revitalization Act as set forth in KSA 12-17,114 et. seq.
- xiii. Owner means the owner or lessor of real estate which is described in an application and in an application for rebate when filed pursuant to the plan. Owner also means and refers to “applicant” and “taxpayer” as defined in this plan.
- xiv. Parcel means and refers to the tract or piece or parcel of real estate which is described by County Appraiser parcel number and by legal description in the application and in the application for rebate.
- xv. Plan means and refers to this revitalization plan adopted pursuant to the NRA.
- xvi. Rebate means and refers to that part of the ad valorem property tax paid by a taxpayer on a parcel qualified under the plan that is attributable to the increase in the assessed valuation of the parcel which is directly attributable to revitalization and which is refundable to the taxpayer by a taxing district which has adopted a plan under the NRA.
- xvii. Revitalization means and refers to all construction and improvement completed on a parcel which is qualified under the plan.
- xviii. Taxpayer means and refers to the owner of a qualified parcel who pays the ad valorem property taxes levied and assessed thereon either directly to the County Treasurer, or through an authorized agent such as a mortgage company.
- xix. Taxing district means and refers to any and every unit of local government within the County of Miami which shall have adopted the City of Osawatomie plan and for whose use and purposes any property tax increment shall be hereafter levied and collected.

JOB NUMBER: 20893
 DATE: 5/19/08
 PREPARED FOR: CITY OF OSAWATOMIE

NRP LEGAL DESCRIPTION



CITY OF OSAWATOMIE

NRP LEGAL DESCRIPTION:

All that part of Sections 10, 11, 12, and 14 Township 14 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas being more particularly described as follows: BEGINNING at the Southeast Corner of the Southeast Quarter of said Section 10; thence West along the South line of said Southeast Quarter, to a point on the extended centerline of Twelfth Street from the North; thence Northeastly along said centerline and its extension, to a point on the centerline of Pacific Avenue from the West; thence West along said centerline to a point on the centerline of Fourteenth Street; thence North along said centerline to a point on the centerline of Brown Avenue; thence West along said centerline, to a point on the West line of the Southwest Quarter of said Section 10; thence North along said West line, to the Southwest Corner of Smith Subdivision II to the City of Osawatomie; thence Continuing North along said West line and along the West line of said Smith Subdivision III, to the Northwest Corner of the Southwest Quarter of said Section 10, said point being on the centerline of Parker Avenue; thence East along the North line of said Southwest Quarter, and centerline of Parker Avenue, to a point on the extended West line of Smith Subdivision I to the City of Osawatomie, Kansas; thence North along the West line and its extension of said Smith Subdivision I, a distance of 335.0 feet, to the Southeast Corner of Lot 41 of said Smith Subdivision I; thence West 150.0 feet along the South line of Lots 41 through 39 of said Smith Subdivision I, to the Southwest Corner of said Lot 39; thence North 270.0 feet along the West line of Lots 39 and 38 of said Smith Subdivision I, to the Northwest Corner of said Lot 38; thence continuing North along the extension of the West line of said Lots 39 and 38, a distance of 130.0 feet; thence East 150.0 feet to a point on the West line of Lot 31; and 130.0 feet North of the Southwest Corner of Lot 33 of said Smith Subdivision I; thence North along the West line of said Smith Subdivision I and its extension, to a point on the South bank of the Marais Des Cygnes River; thence Easterly along said South bank to a point on the East line of the Northeast Quarter of Section 10, Township 18 South, Range 22 East, and Eighth Street; thence Continuing Easterly along said South bank, to a point on the West line of the Northwest Quarter of Section 12, Township 18 South, Range 22 East; thence South along said West line to the Southwest Corner of the Northwest Quarter of said Section 12; thence East along the South line of said Northwest Quarter to a point on the Westerly Right-Of-Way line of Kansas Highway No. 169; thence Southwesterly along said Westerly Right-Of-Way line to a point on the North bank of Pottawatomie Creek; thence Northwesterly along said North bank, to the East line of the West One-Half of the Northwest Quarter of Section 14, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County, Kansas; thence North along said East line to the Northeast Corner of the West One-Half of the Northwest Quarter of said Section 12, thence West along the North line of said Northwest Quarter to the point of BEGINNING.

5/19/08
 DATE

TIMOTHY BLAIR HISELL
 PLS KANSAS #1136



If the signature across the surveyor's seal is not blue colored, then this plan should be assumed to be a copy, with alterations which are unauthorized, and deemed unenforced by the surveyor and shall not apply.

NRP ACREAGE
 1,001 ± acres
 SCALE: 1"=600'



CIVIL ENGINEERS
 LAND SURVEYORS - LAND PLANNERS

122 N WATER STREET
 OLATH, KANSAS 66061
 PHONE: (913) 764-1076 FAX: (913) 764-8635

Osawatomi																															
GENERAL						Change Order 1		Change Order 2		Change Order 4		Change Order 8		Change Order 11		Change Order 14															
Item No.	Description	Unit	Quantity	Unit Price	Price	Revised	CO	Revised	CO	Revised	CO	Revised	CO	Revised	CO	Revised	CO	Contract	Contract	Actual	Value of	Estimated	Change	Value of	Final	Contract	balance				
						Unit	Value	Unit	Value	Unit	Value	Unit	Value	Unit	Value	Unit	Value	Quantity	Price	Final	Work	Construction	Order 15	Change	Order 15	Contract	Quantity	change order			
1	Mobilization	ls	1.00	\$133,000.00	\$133,000.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$133,000.00	1.00	\$133,000.00	1.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00		\$0.00	
2	Clearing	ls	1.00	\$37,000.00	\$37,000.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$37,000.00	1.00	\$37,000.00	1.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00		\$0.00	
3	Seeding	ls	1.00	\$37,600.00	\$37,600.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$37,600.00	1.00	\$37,600.00	1.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00		\$0.00	
4	Staking	ls	1.00	\$35,000.00	\$35,000.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$35,000.00	1.00	\$35,000.00	1.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00		\$0.00	
Part A: Sanitary Sewer Main Improvements					\$242,600.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00														\$0.00
5	18" PVC	lf	16510.00	\$47.57	\$785,380.70	-941.00	-\$44,763.37	-430.00	-\$20,455.10	-1288.00	-\$61,270.16	-26.00	-\$1,236.82		\$0.00		\$0.00	13825.00	\$657,655.25	14057.52	\$668,716.23	13825.00	232.52	\$11,060.98	232.52	\$11,060.98		\$0.00		\$0.00	
6	10" PVC	lf	1009.00	\$47.26	\$47,685.34		\$0.00	-679.00	-\$32,089.54	-310.00	-\$14,650.80		\$0.00		\$0.00		\$0.00	20.00	\$945.20	6.00	\$283.56	20.00	-14.00	-\$661.64	-14.00	-\$661.64		\$0.00		\$0.00	
7	12" PVC	lf	358.00	\$43.39	\$15,533.62		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	358.00	\$15,533.62	358.36	\$15,549.24	358.00	0.36	\$15.62	0.36	\$15.62		\$0.00		\$0.00	
8	15" PVC	lf	12.00	\$66.67	\$800.04		\$0.00	-12.00	-\$800.04		\$0.00		\$0.00		\$0.00		\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	0.00	0.00	\$0.00	0.00	\$0.00		\$0.00		\$0.00
9	8" CIPP	lf	27785.00	\$27.87	\$774,367.95	941.00	\$26,225.67	430.00	\$11,984.10	2258.00	\$62,930.46	514.00	\$14,325.18		\$0.00		\$0.00	31928.00	\$889,833.36	31898.00	\$888,997.26	31928.00	-30.00	-\$836.10	-30.00	-\$836.10		\$0.00		\$0.00	
10	10" CIPP	lf	580.00	\$25.20	\$14,616.00		\$0.00	961.00	\$24,217.20		\$0.00		\$0.00		\$0.00		\$0.00	1541.00	\$38,833.20	2659.00	\$67,006.80	1541.00	1118.00	\$28,173.60	1118.00	\$28,173.60		\$0.00		\$0.00	
11	12" CIPP	lf	1435.00	\$31.00	\$44,485.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1665.00	\$51,615.00	1021.00	\$31,651.00	1665.00	-644.00	-\$19,964.00	-644.00	-\$19,964.00		\$0.00		\$0.00	
12	8" HDPE	lf	4599.00	\$113.41	\$521,572.59		\$0.00		\$0.00	-346.00	-\$39,239.86	-488.00	-\$55,344.08	-392.42	-\$44,504.35		\$0.00	3372.58	\$382,484.30	3421.36	\$388,016.44	3372.58	48.78	\$5,532.14	48.78	\$5,532.14		\$0.00		\$0.00	
13	10" HDPE	lf	596.00	\$174.99	\$104,294.04		\$0.00	-283.00	-\$49,522.17	-314.00	-\$54,946.86		\$0.00		\$0.00		\$0.00	-1.00	-\$174.99	0.00	\$0.00	-1.00	1.00	\$174.99	1.00	\$174.99		\$0.00		\$0.00	
14	Standard Manhole	ea	49.00	\$1,529.00	\$74,921.00	-3.00	-\$4,587.00		\$0.00	-2.00	-\$3,058.00		\$0.00		\$0.00	-1.00	-\$1,529.00	43.00	\$65,747.00	34.00	\$51,986.00	43.00	-9.00	-\$13,761.00	-9.00	-\$13,761.00		\$0.00		\$0.00	
14a	Standard Cleanout	ea	0.00	\$950.90	\$0.00		\$0.00	1.00	\$950.90		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$950.90	2.00	\$1,901.80	1.00	1.00	\$950.90	1.00	\$950.90		\$0.00		\$0.00	
15	Shallow Manhole	ea	12.00	\$1,529.00	\$18,348.00		\$0.00		\$0.00	-1.00	-\$1,529.00		\$0.00		\$0.00		\$0.00	11.00	\$16,819.00	14.00	\$21,406.00	11.00	3.00	\$4,587.00	3.00	\$4,587.00		\$0.00		\$0.00	
16	Drop Manhole	ea	7.00	\$1,529.00	\$10,703.00	-3.00	-\$4,587.00		\$0.00	-1.00	-\$1,529.00		\$0.00		\$0.00		\$0.00	3.00	\$4,587.00	7.00	\$10,703.00	3.00	4.00	\$6,116.00	4.00	\$6,116.00		\$0.00		\$0.00	
17	Extra Depth in Manhole	vf	159.00	\$50.66	\$8,054.94		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	124.02	\$6,282.85	100.36	\$5,084.24	124.02	-23.66	-\$1,198.62	-23.66	-\$1,198.62		\$0.00		\$0.00	
18	Connect to existing	ea	55.00	\$338.47	\$18,615.85		\$0.00		\$0.00	-2.00	-\$676.94	-2.00	-\$676.94	-1.38	-\$69.91		\$0.00	50.00	\$16,923.50	51.00	\$17,261.97	50.00	1.00	\$338.47	1.00	\$338.47		\$0.00		\$0.00	
19	Concrete Manhole Collar	ea	1.00	\$614.00	\$614.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$614.00	0.00	\$0.00	1.00	-1.00	-\$614.00	-1.00	-\$614.00		\$0.00		\$0.00	
20	16" Steel Casing	lf	40.00	\$233.05	\$9,322.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	40.00	\$9,322.00	40.00	\$9,322.00	40.00	0.00	\$0.00	0.00	\$0.00		\$0.00		\$0.00	
21	Remove and Replace Surface	sy	6438.00	\$50.96	\$328,080.48	-663.00	-\$33,786.48	-21.20	-\$1,080.35	-579.90	-\$29,551.70	-97.60	-\$4,973.70		\$0.00		\$0.00	5076.30	\$258,688.25	5907.77	\$301,059.96	5076.30	831.47	\$42,371.71	831.47	\$42,371.71		\$0.00		\$0.00	
22	R & R Surface AB-3	sy	2967.00	\$8.00	\$23,736.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	2501.00	\$20,008.00	2076.34	\$16,610.72	2501.00	-424.66	-\$3,397.28	-424.66	-\$3,397.28		\$0.00		\$0.00	
23	R & R Curb & Gutter	lf	639.00	\$15.02	\$9,601.78		\$0.00	-153.00	-\$2,298.06	-520.00	-\$7,810.40		\$0.00		\$0.00		\$0.00	166.00	\$2,493.32	144.72	\$2,173.69	166.00	-21.28	-\$319.63	-21.28	-\$319.63		\$0.00		\$0.00	
24	R & R Sidewalk	sy	28.00	\$89.75	\$2,513.00		\$0.00	-2.00	-\$179.50		\$0.00		\$0.00		\$0.00		\$0.00	26.00	\$2,333.50	16.60	\$1,489.85	26.00	-9.40	-\$843.65	-9.40	-\$843.65		\$0.00		\$0.00	
25	Flowable Fill	cy	11266.00	\$60.67	\$683,508.22	-1503.00	-\$91,187.01	-2191.00	-\$132,927.67	-2297.00	-\$139,358.99	-164.00	-\$9,949.88		\$0.00		\$0.00	5111.00	\$310,084.37	4157.35	\$252,226.42	5111.00	-953.65	-\$57,857.95	-953.65	-\$57,857.95		\$0.00		\$0.00	
25a	EXTRA BEDDING ENVELOPE	cy	0.00	\$34.00	\$0.00		\$0.00	1000.00	\$34,000.00		\$0.00		\$0.00		\$0.00		\$0.00	1000.00	\$34,000.00	1217.64	\$41,399.76	1000.00	217.64	\$7,399.76	217.64	\$7,399.76		\$0.00		\$0.00	
26	Flowable Fill Critical Area	cy	610.00	\$59.02	\$36,002.20		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	610.00	\$36,002.20	640.00	\$37,772.80	610.00	30.00	\$1,770.60	30.00	\$1,770.60		\$0.00		\$0.00	
27	4" Lateral	lf	3480.00	\$18.12	\$63,238.80	-351.00	-\$6,360.12	45.00	\$815.40	-162.00	-\$2,935.44	-40.00	-\$724.80	-60.00	-\$1,087.20		\$0.00	2922.00	\$52,946.64	2067.00	\$37,454.04	2922.00	-855.00	-\$15,492.60	-855.00	-\$15,492.60		\$0.00		\$0.00	
27a	6" LATERAL	lf	0.00	\$64.32	\$0.00		\$0.00	50.00	\$3,216.00		\$0.00		\$0.00		\$0.00		\$0.00	50.00	\$3,216.00	339.00	\$21,804.48	50.00	289.00	\$18,588.48	289.00	\$18,588.48		\$0.00		\$0.00	
28	8x6x4 Wye	ea	439.00	\$173.42	\$76,131.38	-22.00	-\$3,815.24	-2.00	-\$346.84	-17.00	-\$2,948.14	-8.00	-\$1,387.36	-12.00	-\$2,081.04		\$0.00	378.00	\$65,552.76	333.00	\$57,748.86	378.00	-45.00	-\$7,803.90	-45.00	-\$7,803.90		\$0.00		\$0.00	
28a	8x6x6 WYE	ea	0.00	\$182.24	\$0.00		\$0.00	6.00	\$1,093.44		\$0.00		\$0.00		\$0.00		\$0.00	6.00	\$1,093.44	51.00	\$9,294.24	6.00	45.00	\$8,200.80	45.00	\$8,200.80		\$0.00		\$0.00	
29	10x10x4 Wye	ea	11.00	\$666.27	\$7,328.97		\$0.00	-6.00	-\$3,997.62	-5.00	-\$3,331.35		\$0.00		\$0.00		\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	0.00	\$0.00	0.00	\$0.00		\$0.00		\$0.00	
30	12x12x4 Wye	ea	1.00	\$85.00	\$85.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$85.00	1.00	\$85.00	1.00	0.00	\$0.00	0.00	\$0.00		\$0.00		\$0.00	
31	Concrete Encasement	lf	96.00	\$138.75	\$13,320.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	96.00	\$13,320.00	136.00	\$18,870.00	96.00	40.00	\$5,550.00	40.00	\$5,550.00		\$0.00		\$0.00	
32	Monolithic Liner	vf	313.00	\$134.00	\$41,942.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	313.00	\$41,942.00	299.10	\$40,079.40	313.00	-13.90	-\$1,862.60	-13.90	-\$1,862.60		\$0.00		\$0.00	
33	Form Invert	ea	13.00	\$106.85	\$1,389.05		\$0.00																								

Osawatomie																				Change Order 1		Change Order 2		Change Order 4		Change Order 8		Change Order 11		Change Order 14													
GENERAL																																											
Item No.	Description	Unit	Quantity	Unit Price	Price	Revised Unit	CO Value	Contract Revised Quantity	Contract Revised Price	Actual Final Quantity	Value of Work Complete	Estimated Construction Quantity by Change Order	Change Order 15 Deviation	Value of Change Order 15 Deviation	Final Contract Quantity Adjustment	balance change order value																											
74	Wet Well Concrete Base	cy	8.30	\$284.34	\$2,360.02		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	8.30	\$2,360.02	8.30	\$2,360.02	8.30	0.00	\$0.00	0.00	\$0.00																	
75	5x8 ID Precast Valve Vault	ea	1.00	\$4,078.00	\$4,078.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$4,078.00	1.00	\$4,078.00	1.00	0.00	\$0.00	0.00	\$0.00																	
76	5x5 ID Precast Meter Vault	ea	1.00	\$3,368.00	\$3,368.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$3,368.00	1.00	\$3,368.00	1.00	0.00	\$0.00	0.00	\$0.00																	
77	12" PVC	lf	22.00	\$48.45	\$1,065.90		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	22.00	\$1,065.90	22.00	\$1,065.90	22.00	0.00	\$0.00	0.00	\$0.00																	
78	8" DIP Force Main	lf	121.00	\$65.83	\$7,965.43		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	121.00	\$7,965.43	151.00	\$9,940.33	121.00	30.00	\$1,974.90	30.00	\$1,974.90																	
79	8x90 DIP Bend	ea	3.00	\$300.00	\$900.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	3.00	\$900.00	3.00	\$900.00	3.00	0.00	\$0.00	0.00	\$0.00																	
80	10x10x8 DIP Bend	ea	2.00	\$510.00	\$1,020.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	2.00	\$1,020.00	2.00	\$1,020.00	2.00	0.00	\$0.00	0.00	\$0.00																	
81	8" Plug Valve	ea	3.00	\$850.00	\$2,550.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	3.00	\$2,550.00	3.00	\$2,550.00	3.00	0.00	\$0.00	0.00	\$0.00																	
82	10" Plug Valve	ea	4.00	\$1,200.00	\$4,800.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	4.00	\$4,800.00	1.00	\$1,200.00	4.00	-3.00	-\$3,600.00	-3.00	-\$3,600.00																	
83	8" Check Valve	ea	3.00	\$1,200.00	\$3,600.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	3.00	\$3,600.00	3.00	\$3,600.00	3.00	0.00	\$0.00	0.00	\$0.00																	
84	10" Mag Meter	ea	1.00	\$6,000.00	\$6,000.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$6,000.00	1.00	\$6,000.00	1.00	0.00	\$0.00	0.00	\$0.00																	
85	10x8 Reducing 90 Bend	ea	1.00	\$388.00	\$388.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$388.00	1.00	\$388.00	1.00	0.00	\$0.00	0.00	\$0.00																	
86	10" DIP Force Main	lf	125.00	\$63.17	\$7,896.25		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	125.00	\$7,896.25	115.00	\$7,264.55	125.00	-10.00	-\$631.70	-10.00	-\$631.70																	
87	10x10x10 Tee	ea	2.00	\$600.00	\$1,200.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	2.00	\$1,200.00	2.00	\$1,200.00	2.00	0.00	\$0.00	0.00	\$0.00																	
88	10x45 DIP Bend	ea	4.00	\$220.00	\$880.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	4.00	\$880.00	4.00	\$880.00	4.00	0.00	\$0.00	0.00	\$0.00																	
89	10x11 1/4 DIP Bend	ea	4.00	\$220.00	\$880.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	4.00	\$880.00	1.00	\$220.00	4.00	-3.00	-\$660.00	-3.00	-\$660.00																	
90	10x8 Restrained Reducer	ea	1.00	\$540.00	\$540.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$540.00	1.00	\$540.00	1.00	0.00	\$0.00	0.00	\$0.00																	
91	8 Restrained Coupling	ea	5.00	\$252.00	\$1,260.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	5.00	\$1,260.00	7.00	\$1,764.00	5.00	2.00	\$504.00	2.00	\$504.00																	
92	10 Restrained Coupling	ea	4.00	\$352.00	\$1,408.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	4.00	\$1,408.00	3.00	\$1,056.00	4.00	-1.00	-\$352.00	-1.00	-\$352.00																	
93	Gravel Surfacing	sy	227.00	\$17.67	\$4,011.09		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	227.00	\$4,011.09	227.00	\$4,011.09	227.00	0.00	\$0.00	0.00	\$0.00																	
94	Electric/Control Mounting Pad	ls	1.00	\$1,179.00	\$1,179.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$1,179.00	1.00	\$1,179.00	1.00	0.00	\$0.00	0.00	\$0.00																	
95	Industrial Chain link Fence	lf	138.00	\$60.00	\$8,280.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	138.00	\$8,280.00	138.00	\$8,280.00	138.00	0.00	\$0.00	0.00	\$0.00																	
96	Standard Manhole	ea	1.00	\$1,347.00	\$1,347.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$1,347.00	1.00	\$1,347.00	1.00	0.00	\$0.00	0.00	\$0.00																	
97	Extra Depth in Manhole	vf	9.00	\$50.00	\$450.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	9.00	\$450.00	9.00	\$450.00	9.00	0.00	\$0.00	0.00	\$0.00																	
98	Remove Abandoned Manhole	ea	1.00	\$447.00	\$447.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$447.00	1.00	\$447.00	1.00	0.00	\$0.00	0.00	\$0.00																	
99	Demolish Ex Lift Station	ls	1.00	\$8,032.00	\$8,032.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$8,032.00	1.00	\$8,032.00	1.00	0.00	\$0.00	0.00	\$0.00																	
100	Earlwork	ls	1.00	\$3,136.00	\$3,136.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$3,136.00	1.00	\$3,136.00	1.00	0.00	\$0.00	0.00	\$0.00																	
101	Connect to existing	ea	2.00	\$2,868.00	\$5,736.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	2.00	\$5,736.00	2.00	\$5,736.00	2.00	0.00	\$0.00	0.00	\$0.00																	
102	Dewatering	ls	1.00	\$7,500.00	\$7,500.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$7,500.00	1.00	\$7,500.00	1.00	0.00	\$0.00	0.00	\$0.00																	
103	Emergency Backfill Procedure	ls	1.00	\$2,552.00	\$2,552.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$2,552.00	0.00	\$0.00	1.00	-1.00	-\$2,552.00	-1.00	-\$2,552.00																	
Part D: Waterline Improvements					\$304,173.81		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$304,173.81		\$298,857.01		0.00		-\$5,316.80		\$0.00																
104	6" PVC	lf	699.00	\$27.05	\$18,907.95		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	699.00	\$18,907.95	699.00	\$18,907.95	699.00	0.00	\$0.00	0.00	\$0.00																	
105	5 1/4 Fire Hydrant	ea	2.00	\$1,746.50	\$3,493.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	2.00	\$3,493.00	2.00	\$3,493.00	2.00	0.00	\$0.00	0.00	\$0.00																	
106	10" Tapping Sleeve W/Valve Bx	ea	1.00	\$3,508.00	\$3,508.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$3,508.00	1.00	\$3,508.00	1.00	0.00	\$0.00	0.00	\$0.00																	
107	10x6 Reducer	ea	1.00	\$180.00	\$180.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$180.00	1.00	\$180.00	1.00	0.00	\$0.00	0.00	\$0.00																	
108	6x4 Reducer	ea	3.00	\$112.00	\$336.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	3.00	\$336.00	1.00	\$112.00	3.00	-2.00	-\$224.00	-2.00	-\$224.00																	
109	6x6x6 Tee	ea	2.00	\$400.00	\$800.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	2.00	\$800.00	3.00	\$1,200.00	2.00	1.00	\$400.00	1.00	\$400.00																	
110	6x90 Bend	ea	3.00	\$140.00	\$420.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	3.00	\$420.00	2.00	\$280.00	3.00	-1.00	-\$140.00	-1.00	-\$140.00																	
111	6" Gate Valve w/Box	ea	3.00	\$450.00	\$1,350.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	3.00	\$1,350.00	4.00	\$1,800.00	3.00	1.00	\$450.00	1.00	\$450.00																	
112	Concrete Encasement	lf	80.00	\$18.96	\$1,516.80		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	80.00	\$1,516.80	40.00	\$758.40	80.00	-40.00	-\$758.40	-40.00	-\$758.40																	
113	Water Service Connection	ea	11.00	\$358.55	\$3,944.05		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	11.00	\$3,944.05	12.00	\$4,302.60	11.00	1.00	\$358.55	1.00	\$358.55																	
114	3/4 HDPE Service Line	lf	254.00	\$0.25	\$63.50		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	254.00	\$63.50	319.00	\$79.75	254.00	65.00	\$16.25	65.00	\$16.25																	
115	Continuous Bore 1 1/4 HDPE	lf	224.00	\$14.86	\$3,328.64		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	224.00	\$3,328.64	208.00	\$3,090.88	224.00	-16.00	-\$237.76	-16.00	-\$237.76																	
116	Connect to existing water meter	ea	11.00	\$179.27	\$1,971.97		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	11.00	\$1,971.97	12.00	\$2,151.24	11.00	1.00	\$179.27	1.00	\$179.27																	
117	R & R Surface AB-3	sy	64.00	\$35.55	\$2,275.20		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	64.00	\$2,275.20	138.00	\$4,905.90	64.00	74.00	\$2,630.70	74.00	\$2,630.70																	
118	R & R Curb & Gutter	lf	25.00	\$45.00	\$1,125.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	25.00	\$1,125.00	15.00	\$675.00	25.00	-10.00	-\$450.00	-10.00	-\$450.00																	
119	Flowable Fill	cy	48.00	\$56.25	\$2,700.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	48.00	\$2,700.00	44.00	\$2,475.00	48.00	-4.00	-\$225.00	-4.00	-\$225.00																	
120	Connect to Existing Water Line	ea	4.00	\$717.00	\$2,868.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	4.00	\$2,868.00	2.00	\$1,434.00	4.00	-2.00	-\$1,434.00	-2.00	-\$1,434.00																	
121	Tracer Wire	lf	1000.00	\$0.15	\$150.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1000.00	\$150.00	900.00	\$135.00	1000.00	-100.00	-\$15.00	-100.00	-\$15.00																	
122A	CCTV VALUE ENGINEERING	ls	0.00	\$11,152.80	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$11,152.80	1.00	\$11,152.80	1.00	0.00	\$0.00	0.00	\$0.00																	
122B	SURPLUS MATERIAL ON SITE	ls	0.00	\$10,055.18	\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00		\$0.00	1.00	\$10,055.18	1.00	\$10,055.18	1.00	0.00	\$0.00	0.00</																		



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

SEWER IMPROVEMENTS PROJECT
CDBG GRANT # 06-PF-536 & RDA LOAN / GRANT
PAYMENT REQUEST
December 11, 2008
Payment Request No. 31 (RDA pay estimate 12/1/08)

Claimant	Description	Document Number	Amount
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049	administration	11/30/08	\$ 587.10
BG Consultants, Inc. 1405 Wakarusa Drive Lawrence, KS 66049	engineering design engineering inspection	11/15/08	\$ 14,073.00 \$ 9,089.39
Bates Utility Company, Inc. 841 Westwood Ind. Park Dr. Weldon Spring, MO 63304	construction	App #13 11/30/08	\$ 15,422.62
Bates Utility Company, Inc. 841 Westwood Ind. Park Dr. Weldon Spring, MO 63304	construction <i>final pay request</i>	App #14 12/31/08	\$ 144,138.40
Kansas State Treasurer	correction to Req #30	----	\$ (3,769,458.81) \$ 3,736,211.81
Holman Hansen & Colville PO Box 7490 Overland Park, KS 66211	review of POS and loan	11/13/08	\$ 237.50
	TOTAL		\$ 150,301.01

Approved for payment by the Osawatomie City Council this 11th day of December, 2008.

Philip A. Dudley, Mayor



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

**HOUSING DEVELOPMENT
 KHRC HOUSING DEVELOPMENT GRANT PROGRAM
 PAYMENT REQUEST
 December 11, 2008
 Payment Request No. 4**

Claimant	Description	Document Number	Amount
Woodco, Inc. PO Box 350 Republic, MO 65738	Public infrastructure for Appenfeller Drive (offsite)	ACP #4 11/30/08	\$ 96,241.72
Woodco, Inc. PO Box 350 Republic, MO 65738	Infrastructure for Woodland Hills apts. (sitework)	ACP #4 11/30/08	\$ 117,627.18
	TOTAL		\$ 213,868.90

Approved for payment by the Osawatomie City Council this 11th day of December, 2008.

Philip A. Dudley, Mayor



City of Osawatomie Request for Proposals for Banking Services

December 2008

INTRODUCTION:

The City of Osawatomie (hereinafter referred to as the city) is requesting competitive proposals from eligible financial institutions with full service branch operations located within the city’s corporate limits to act as the city’s depository institution for a period of five years, beginning on April 1, 2009 through April 1, 2014. Eligible institutions only include those with a full service office within the City of Osawatomie. It is the intent of the city to have one financial institution provide the banking needs for all of its accounts, but it does reserve the right to utilize other institution’s services when it is financially and administratively advantageous to do so.

The intent of this request for proposal is to provide all qualified local financial institutions an equal opportunity to submit proposals to handle the city’s bank accounts and services.

ANTICIPATED SCHEDULE:

The following schedule of events is provided for planning purposes but may be varied at the city’s convenience as required. Every effort will be made to adhere to the schedule.

<u>Event</u>	<u>Deadline</u>
Issue RFP	December 12, 2008
Questions for Clarification Due Date	January 12, 2009
Clarifications Issued	January 26, 2009
Receive Proposals	February 9, 2009
Selection of Finalists/Interviews (if necessary)	February 23, 2009
Award Date (Council Action Required)	March 12, 2009
Conversion Date	April 1, 2009

SUBMISSION INFORMATION

1. The proposals/bids are due by 5:00 P.M. on Monday, February 9, 2009. Any proposal that is not received before the deadline date and time will not be considered. The city reserves the right to accept or reject any and all proposals, and to waive technicalities or irregularities involving any proposal. All proposals become the property of the city upon submission and will not be returned. All proposals shall be submitted to:

**Ann Elmquist
 Attn: Banking Services RFP
 City of Osawatomie
 439 Main
 Osawatomie, KS 66064**

2. All proposals must be signed by a duly authorized individual.
3. Oral presentation may be required prior to selection; notification will be given if such meetings are required.
4. Information supplied in the proposal will be deemed to be correct and the city is entitled to rely on the proposal as to schedules and staff time involvement.
5. All proposals must be submitted in a sealed envelope or box on or before the time specified herein. No proposals shall be opened until after the time specified for proposal submission. No proposal will be opened if submitted after the time specified herein for submittal of proposals.

In the event the city receives a container that is not identifiable as a proposal, an authorized person within the city may open the container to determine the contents. If the contents are determined to be a proposal, the container will be resealed and the soliciting bank, opening date, and time will be noted on the outside of the container. The container will remain sealed and on file until the official time for opening.

SCOPE OF SERVICES:

Required Services – Services that must be provided by the selected financial institution. Except for non-substantial deviations or acceptable alternatives, all services listed in the section are mandatory.

Additional Services – Services not otherwise identified in this request for proposal that the bank may desire to offer to the city. Additional services may be offered to the city for free or at a cost specified in the proposal. The city will have the option of choosing which, if any, additional services it may want. Proposals are not required to address any additional services in order to be considered an acceptable proposal. However, final selection of the successful financial institution may be partly based on the desirability and price of the additional services offered.

REQUIRED SERVICES:

The following services are required for the city’s accounts:

A. Working Account:

1. This account serves as the city’s checking account. This account receives at least monthly transfers to it from the Cash Flow (NOW) account to cover the expenses of the city. Most city employees receive their bi-monthly payroll through direct deposit. Eventually, all city payroll will be made through direct deposit. The balance in this account varies. The 12 month average balance of this account is approximately \$256,000.
2. The city requires two lock-type bags for deposits.

B. Cash Flow (NOW) Account:

1. The city is a municipality under the laws of the State of Kansas, and, therefore, is limited in its investment scope. All interest earned will be retained within the individual instruments. Professional assistance toward the development and maintenance of an “investment strategy” in accordance with the city’s financial policies for this fund, and all city funds, is desired. The 12 month average balance of this account is approximately \$1,113,000.
2. All deposited checks that are returned will routinely be presented once for payment before they are sent back to the city and processed against the city’s account.

REQUIRED SERVICES FOR EACH ACCOUNT:

1. Statements-- The city requires monthly statements on all of its accounts. The cut-off for these statements will be the last day of each month. These statements should be delivered by bank courier not later than the 3rd working day after the end of the month.
2. Wire Transfer of Funds-- This service will be provided on the request of the city, via online wire requests (with return email confirmation to a second city staff person). The bank will be provided with written instructions to follow, to verify each wire request. Any money received directly at the financial institution by wire transfer of US Treasury, State of Kansas funds, or other financial institutions will be reported to the city immediately by email. The financial institution will then provide the city with a deposit slip or credit advice of the transaction.
3. Collateral-- Collateral for these above listed accounts will be held on a permanent basis by an independent third-party financial institution. Acceptable securities will be provided to meet the requirements of K.S.A. 12-1675 and K.S.A. 9-1402, as amended. A report of the current market value of these securities shall be provided to the

city monthly. Sufficient pledging, valued at market, shall be provided to ensure that city deposits are 100% secured at all times. The amount of pledging requirements would include the balance in each of the city accounts and all certificates of deposits with the financial institution. The total collateral required, not including investment, would need to be adequately greater than the average combined balance of the Working Account, and any Reserve Account(s), including the Cash Flow (NOW) Account.

4. Deposit of Funds-- Deposits made prior to 3:00 p.m. shall earn interest on the day of deposit. Direct deposit of funds from the federal or state governments or other banks shall be credited if received prior to 4:00 p.m. The credit memo shall indicate the source of funds. These deposits will also be available for investment the same day they are received by the bank. If your proposal does not follow the above criteria, please be specific on your reserve requirements and/or enclose a specific timetable for clearings and availability of uncollected funds.
5. Bank Charges-- Charges for services and supplies provided by the bank will be invoiced and not directly deducted from the city's bank accounts.
6. Investments-- The city reserves the right to invest in time deposits, demand accounts (money market), US Treasury bills or notes, government agencies or repurchase agreements through other financial institutions if such action is to the benefit of the city.
7. Interest Income-- Interest rates should be based on the benchmark rate of monthly average of the 91-day treasury bill rate not to go below the banks's normal savings account rate. Financial institutions are required to state in the proposal the benchmark's effective interest rate—specifically, the rate given to the city based on the number of basis points above or below the monthly average of the day treasury bill rate.
8. FDIC Insurance-- Any costs of FDIC insurance should be included in the overall costs of the contract. The city should not be charged separately on their bank statements or billed for FDIC insurance, but these costs can be recovered by the bank in the net interest rate offered to the city under Section 7 above.
9. Monthly Electronic Data-- The bank should provide a monthly electronic data set for each of the city's accounts containing information on all checks cleared by the bank. These data sets will be furnished for dates from the first day of the month through the last day of each month. The data sets will include information on "Check #'s Paid," "Date Cleared" and Amount". The cancelled checks or check images will be returned monthly in numerical sequence by check number on or before the fifth working day of the following month.
10. Internet Banking-- The city should have the ability to access its account information and to transact all normal banking functions via the internet. The bank should have security controls in place to prevent access to city information by unauthorized individuals. The controls should also allow for the city to use an approval process on transactions.
12. Checks-- The city will provide checks for each of the accounts.
13. Safekeeping Services-- The city may desire to purchase government securities through a recognized broker or other financial institution. The city may have the depository bank act as the city's custodian. Where collateral securities are pledged or where actual securities are purchased, the depository may control the securities via their own safekeeping (Trust) department and by delivery or book entry with the Federal Reserve Bank of Kansas City.
14. Access to Records-- The depository bank shall allow reasonable access to the City Manager or designee, the city's independent auditors, and any state or federal auditors to examine records relating to the use of city funds.

ADDITIONAL (OPTIONAL) SERVICES:

1. Software allowing the city to manage its accounts via computer is strongly preferred. The city prefers to have computer access (modem connection or Internet access) to its accounts, allowing the initiation of wire transfers,

stop payments, and account inquiries. Specify hardware and software requirements, as well as functionality and costs.

2. The city may request additional services not specifically mentioned in this RFP with a mutually agreeable fee to be charged by the bank. If the bank wishes to offer the city additional services not otherwise specified in this request for RFP, a description of these services, including unit costs, if any, should be included in the proposal.

REQUIRED INFORMATION IN PROPOSAL:

The following information is to be furnished as a part of the Request for Proposal:

1. Is the financial institution a member of the Federal Reserve System and insured by the FDIC?
2. State how and where the bank/local branch is chartered (federal or state). If chartered by a state, identify the state the bank/local branch is chartered under.
3. What is the cut-off time for the city to submit wire transfer and remote deposit information and have each processed on the same day?
4. What is the deadline to receive direct deposit payroll (ACH) information to insure that it will be credited to the employee's account first thing on payday (every other Friday)?
5. Is the financial institution audited by an independent CPA firm? Please provide a copy of the most recent audit report.
6. Provide resumes or brief summaries of qualifications of key personnel to be assigned to the account.
7. Please provide a description of previous and current customers with accounts which are similar in nature to those proposed herein, with particular attention given to public agency accounts. List references and phone numbers for each.
8. Indicate whether your institution will provide the following services and at which location these services will be handled:
 - Daily deposit of city funds
 - Processing of federal withholding of tax deposits
 - Receiving of customer utility payments
 - Certification of availability of funds for bond and interest payments to the State Treasurer's Office as requested by the city.
9. Provide interest rate history on your institution for both interest bearing checking accounts and public fund money market accounts for the last two years. How often are these rates reviewed for changes?
10. Will the fees quoted in the proposal remain firm during the entire contract period? If no, for what period of time will your fees remain firm? What is the criteria and frequency for adjusting your fees?
11. State that the proposal submitted shall be binding upon the financial institution for ninety (90) days from the submission date and that the individual signing the proposal is authorized to make such commitment.

FORMAT FOR SUBMISSION OF PROPOSAL:

In order to simplify the review process and obtain the maximum degree of comparison, proposals must be organized in a standard format. The following outline indicates organization which will provide information necessary for the processing of the proposal.

1. Title Page: Indicate the name of the institution, local address, telephone number, name of the contact person, and the date.

2. Table of Contents: Include a clear identification of the material by section and page number.
3. Letter of Transmittal: Limit the letter of transmittal to one or two pages. Briefly state the institution's understanding of the services to be performed and state the names of the persons who will be authorized to make representations for the institution. Also, state that the person signing the letter is authorized to bind the institution.
4. Profile and Qualifications of the Institution: State the location of the office (or offices) from which the various services are to be performed, identify the personnel who will work on the city's activity, and give the names and telephone numbers of client references for which similar services are provided.
5. Fees: Fee proposals should be submitted containing the estimated annual fee based on the projected activity shown.
6. Additional Section: Since the preceding sections are to contain only data that is specifically required, any additional or supplemental information considered essential to the proposal should be included in this section. If there is no additional data or information to present, state, "There is no additional data to be presented."

EVALUATION CRITERIA:

The City Manager will evaluate the proposals received, summarize and provide cost comparison sheets and a recommendation of award to the Mayor and City Council who will make the decision on which proposal will be awarded the city's banking services. The criteria to be used (but not limited to) will include the following considerations:

1. That the bank is chartered in the state of Kansas and is eligible to be a depository of the CITY's funds according to K.S.A. 9-1401.
2. Ability to provide required services as outlined herein.
3. Aggregate banking service cost, per identified activity.
4. Current financial position of the financial institution.
5. A list of key contact personnel for each division of the institution with whom the city may consult on various financial matters.
6. Completeness of proposal.
7. Additional Services provided or available.

COMPLIANCE WITH ALL GOVERNMENT LAWS

The bank shall remain informed of, and shall comply with, all applicable laws, ordinances, rules, regulations, and orders of the City, County, State, Federal, or any other public bodies, which apply to work performed under this agreement. The bank shall provide all necessary safeguards and protections as set forth by the United States Department of Labor, Occupational Safety, and Health Administration.

KANSAS ACT AGAINST DISCRIMINATION

1. The financial institution shall observe the provisions of the Kansas Act Against Discrimination and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, disability, national origin or ancestry;
2. In all solicitations or advertisements for employees, the financial institution shall include the phrase, "equal opportunity employer," or a similar phrase to be approved by the Equal Employment Opportunity Commission;

3. If the financial institution fails to comply with the manner in which the financial institution reports to the commission in accordance with the provisions of K.S.A. 44-1030 et seq., and amendments thereto, the financial institution shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency;
4. If the financial institution is found guilty of a violation of the Kansas Act Against Discrimination under a decision or order of the commission which has become final, the financial institution shall be deemed to have breached the present contract and it may be canceled, terminated or suspended, in whole or in part, by the contracting agency; and
5. The financial institution shall include the provisions of subsections (a)(1) through (4) in every subcontract or purchase order so that such provisions will be binding upon such subcontractor or vendor.

CONFLICT OF INTEREST

The respondent must certify that to the best of their knowledge or belief, that no employee of the city is financially interested, directly or indirectly, in the performance of the services in this RFP.

INSURANCE

The successful respondent shall be required to maintain and carry in force, for the duration of the contract, insurance coverage of the types and minimum liability limits as set forth in the attachment labeled "BANKING SERVICES – SPECIAL CONDITIONS - INSURANCE and INDEMNIFICATION REQUIREMENTS." A statement to the effect that the institution meets the insurance requirements must be contained in the response to the proposal.

HOLD HARMLESS

The respondent shall agree to protect, indemnify, and hold the city staff and governing body free and harmless from, and against, any and all losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities of every kind and character resulting from the error, omission or performance of the respondent's duties under any agreement resulting from award of the RFP. The respondent, further, shall agree to investigate, handle, respond to, provide defenses for and defend any such claims, etc., even if such claims are groundless, false or fraudulent.

RIGHTS RESERVED

The city reserves the right to reject any and all proposals, to waive any minor informality or irregularity in any proposal, and to make award to the response deemed most advantageous to the city.

LAW GOVERNING

All contractual agreements shall be subject to, governed by, and construed according to the laws of the State of Kansas.

NEGOTIATION

The city reserves the right to negotiate any and all elements of this proposal.

TERMINATION

Any contract derived from this RFP may be terminated by either party upon sixty (60) days advance, written notice to the other party. If any work in progress has not been completed as of the date of termination, then said contract may be extended upon written approval of the city until said work or services are completed and accepted.

BID SPECIFICATIONS

The city banking needs are unusual, and have not previously been bid (at least not in memory). Hence, no specific bid requirements (i.e., via 'bid sheet') are specified, other than in the above text. The city is open to any proposal which meets the general requirements herein described.

INQUIRIES

All inquiries concerning this RFP should be directed to Bret Glendening, City Manager by email only, at citymanager@osawatomieks.org. Inquiries that are informational in nature can be made at any time and responses to those inquiries will not be distributed to potential contractors. Any inquiries that affect all respondents will result in notification of all bidders of such information.

Deadline for email clarification questions is March 7. Clarifications will be emailed to all respondents on March 16.

CHARTER ORDINANCE NO. 12

A CHARTER ORDINANCE PARTIALLY EXEMPTING THE CITY OF OSAWATOMIE, KANSAS FROM THE PROVISIONS OF THE WATER POLLUTION ACT AS CONTAINED IN KSA 12-3101 ET SEQ. BY PROVIDING ADDITIONAL PROVISIONS RELATING TO THE ESTABLISHMENT, OPERATION, AND MAINTENANCE OF A STORMWATER UTILITY THEREBY ADDING CHAPTER 15, ARTICLE 9 TO THE OSAWATOMIE MUNICIPAL CODE.

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

SECTION ONE: There is hereby established a Stormwater Utility, the purpose of which is to assist the City in its responsibility for the operation, construction, maintenance, and repair of stormwater drainage system facilities to provide adequate systems of collection, conveyance, detention, treatment, and release of stormwater and the reduction of potential hazards to property and life resulting from stormwater runoff.

SECTION TWO: The City Manager shall be empowered to administer the Stormwater Utility and may delegate such duty and responsibility as is necessary to carry out the provisions of this chapter within the limits of the budget, directives, and storm drainage regulations adopted by the City Council for this utility, the City Manager or his designee shall have the following responsibilities:

- a. To develop a plan for construction, operation, reconstruction, repair and maintenance of the various facilities that make up the City's storm drainage system including but not limited to curbs and gutters, storm drain inlets, storm drain pipes, ditches, culverts, canals, detention basins, berms and levees;
- b. To develop a recommended five (5) year capital plan for needed improvements to existing facilities or new facilities;
- c. To carry out a program of work as adopted by the City Council;
- d. To enforce all regulations pertaining to stormwater including the retention of or discharge from private property;
- e. Review private systems as necessary to determine the compliance of such systems with this chapter;
- f. Advise the Mayor, City Council and staff on matters relating to this utility;
- g. Prepare and review a comprehensive drainage plan for the City;
- h. Review plans and approve, deny, inspect and accept extensions and connections to the system;

SECTION THREE: The City shall adopt an operating budget for each fiscal year. The operating budget shall set for each fiscal year the estimated revenues and the estimated costs for operations and maintenance extension, replacement, and debt service. The initial operating budget shall be for the fiscal year commencing January 1, 2010.

SECTION FOUR:

- a. The Governing Body hereby imposes a Stormwater Utility Fee to be charged to all Customers of the Stormwater Utility.
- b. The City Council shall annually, on recommendation of the City Manager, establish by resolution of the governing body the Stormwater Utility Fee to be charged to all customers of the Stormwater Utility. The governing body shall establish such fees in such amount as is deemed necessary to support the operation, maintenance, extension, replacement, improvement and debt service of the Stormwater Utility. The annual fees Annual fees to be paid by residential and nonresidential customers shall be established by separate resolution of the Governing Body or may be included as a part of the Osawatomie annual fee resolution.
- c. Any subsequent fee adjustments as are deemed necessary, by the Governing Body on recommendation of the City Manager shall be made annually in December during the annual review of the City of Osawatomie’s fee resolution.
- d. All accounts payable to the City for Stormwater Utility shall be included within the monthly billing for water and other services provided by the City; the bill is due and payable upon receipt. Those accounts not paid within fifteen (15) days shall be deemed delinquent and a penalty as prescribed by the City Council shall be assessed; the amount thereof shown on the face of the initial bill. For those accounts not paid in full on or before the twenty-fifth day of the month following the billing date, all accounts and charges currently owed shall become immediately due and shall be deemed delinquent.
- e. Service at other locations or new service to any address may be refused by the City until the previous delinquent account, as indexed against the new customer are paid in full; should officials of the City become aware of service to an existing account which is delinquent for nonpayment at another address, existing service may be terminated, upon compliance with the sections of the code pertaining to notice and opportunity for hearing.

SECTION FIVE:

- a. All Stormwater Utility fees collected shall be paid into an Enterprise Fund which is created to be known as the Stormwater Utility Fund. Such funds shall be used for the purpose of paying the costs of operation, construction, reconstruction, repair and maintenance of the stormwater facilities of the City and to carry out all other purposes of this utility. To the extent that the Stormwater Utility fees collected are insufficient to construct the needed stormwater drainage facilities, the costs of same may be paid from such funds as may be determined by the City Manager, but the City may order reimbursement of such fund if additional fees are thereafter collected. When the fund has surplus dollars on hand in excess of current needs, the surplus dollars shall be invested in accordance with any investment policies that may be in place, or put in place subsequent

to the adoption of this ordinance, to return the highest yield consistent with proper safeguards. Any interest earned on invested surplus dollars shall be placed in the Stormwater Utility Fund.

- b. The fees and charges paid and other income received shall not be used for general or other governmental or proprietary purposes of the City.
- c. Nothing in this chapter shall be so construed as to limit or restrict the planning, engineering, construction, reconstruction, repair, operation, or maintenance of stormwater facilities through other means including but not limited to other City fees and taxes, grants, special improvement districts, contributions from other agencies, interlocal cooperation agreements or private contributions.

SECTION SIX: This Charter Ordinance shall be published once each week, for two consecutive weeks in the Osawatimie Graphic, the official city newspaper.

SECTION SEVEN: This is a Charter Ordinance and shall take effect sixty-one (61) days after its final publication, but should a petition, signed by a number of electors of the city equal to not less than ten percent (10%) of the number of electors who voted at the last preceding regular city election, be filed in the office of the City Clerk, demanding that such ordinance be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon, as provide by Article 12, Section 5, of the Constitution of the State of Kansas.

PASSED AND ADOPTED by the Governing Body of the City of Osawatimie, Kansas, not less than two-thirds (2/3rds) of the members thereof voting in favor of said ordinance this 11th day of December, 2008.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

Ann Elmquist
City Clerk

Richard S. Wetzler
City Attorney

ORDINANCE NO. _____

AN ORDINANCE ADOPTING FINANCIAL POLICIES FOR THE CITY OF OSAWATOMIE, KANSAS; FURTHER REPEALING EXISTING LAWS OF THE CITY AND INCORPORATING BY REFERENCE THE “CITY OF OSAWATOMIE COMPREHENSIVE FINANCIAL POLICY”.

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

SECTION ONE: INCORPORATING FINANCIAL POLICY. There is hereby incorporated by reference for the purpose of establishing direction and guidelines for managing city finances, to protect public funds, and also provide the general public with information on the tools that the City uses to manage its finances, and titling as the “City of Osawatomie Comprehensive Financial Policy”.

SECTION TWO: This policy, entitled “City of Osawatomie Comprehensive Financial Policy”, was prepared in book form by the City of Osawatomie Governing Body under the date of December 11, 2008, and the same is hereby declared to be approved and incorporated by reference as if set out fully herein pursuant to K.S.A. 12-3001 et seq. and K.S.A. 12-3009 et seq.

SECTION THREE: No fewer than three copies of the Comprehensive Financial Policy marked “Official Copy as Incorporated by Reference by Ordinance No. _____” and to which there shall be attached a published copy of the ordinance, shall be filed with the City Clerk to be open for inspection and available to the public at all business hours.

SECTION FOUR: Any provision of this Ordinance which shall be declared invalid shall not affect the validity and authority of any other provisions of this Ordinance.

SECTION FIVE: REPEAL. Previous ordinances and any parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SIX: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 11th day of December, 2008.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF OSAWATOMIE, KANSAS, AUTHORIZED BY ORDINANCE NO. 3454 PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

Be it Ordained by the Governing Body of the City of Osawatomie, Kansas:

Section 1. The codification of ordinances of the City of Osawatomie, Kansas, authorized by Ordinance No. 3454 and K.S.A. 12-3014 and 12-3015, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the "Code of the City of Osawatomie, Kansas, 2008," is hereby adopted and ordained as the "Code of the City of Osawatomie, Kansas, 2008," and said codification shall become effective upon publication of no fewer than 10 copies of said code in book form.

Section 2. All ordinances and parts of ordinances of a general nature passed prior to December 11, 2008, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Osawatomie, Kansas, 2008," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

- (a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
- (b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
- (c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
- (d) Ordinances naming or changing the names of streets, avenues and boulevards;
- (e) Ordinances authorizing or directing public improvements to be made;
- (f) Ordinances creating districts for public improvements of whatsoever kind or nature;
- (g) Ordinances levying general taxes;
- (h) Ordinances levying special assessments or taxes;
- (i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
- (j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
- (k) Ordinances authorizing contracts;
- (l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
- (m) Ordinances relating to compensation of officials, officers and employees of the city;
- (n) Ordinances of a temporary nature;

Provided, That the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section.

Section 4. The arrangement and classification of the several chapters, articles, and sections of the code adopted by Section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

Section 6. If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Osawatomie, Kansas, 2008," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. This ordinance shall take effect and be in force from and after the publication of the "Code of the City of Osawatomie, Kansas, 2008," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Osawatomie, Kansas, this 11th day of December, 2008.

/s/ Philip A. Dudley, Mayor

ATTEST: /s/ Ann Elmquist, City Clerk

(SEAL)

NEW BUSINESS

8.A. Appointments

TERMS EXPIRING 12/31/08:

Board of Zoning Appeals	Mark Marquis
Old Stone Church	Grady Atwater
Planning Commission	Jim Adams – Growth Area Dean Inscore Mark Marquis
Recreation Commission	Marilyn Cook
Tourism Committee	Ben Maimer Vacant

8.B. Approve Cereal Malt Beverage Licenses for 2009

Cereal Malt Beverage licenses are expiring December 31, 2008. The following renewals need to be considered:

- Casey's General Store – East Main
- Casey's General Store – 6th & Parker
- Hayden & Hayden, LLC (Oz Mart)
- Moon's IGA
- Osawatomie Golf Course
- Pizza Hut
- Quick Stop
- Tailgators

RESOLUTION NO. _____

**A RESOLUTION REVISING THE
OSAWATOMIE FEE SCHEDULE AND
REPEALING EXISTING FEE RESOLUTIONS
NO. 592 AND 606.**

WHEREAS, a “comprehensive fee listing” promotes efficiency and expediency regarding City fees and charges; and

WHEREAS, the Governing Body shall at least annually review prior to the next fiscal year’s budget all fees and charges.

BE IT RESOLVED BY THE CITY OF OSAWATOMIE, KANSAS:

SECTION ONE: There is hereby incorporated by reference for the purpose of establishing fees for services the document entitled "Osawatome Fee Schedule". The document shall be marked or stamped "Official Copy as adopted by the City of Osawatome" and to which there shall be attached a copy of this section. Said official copy shall be filed with the city clerk and shall be open to inspection and available to the public at all reasonable hours. All departments of the city shall be supplied with copies of such fees as may be deemed necessary.

SECTION TWO: Resolution Numbers 592 and 606 and all fees that are in conflict with this Resolution regarding fees and charges are hereby repealed.

SECTION THREE: This Resolution shall take effect the 1st day of January, 2009.

PASSED AND APPROVED by the Governing Body of the City of Osawatome, Kansas this 11th day of December, 2008, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

OSAWATOMIE FEE SCHEDULE

Adopted 12/11/08; Resolution No. ____

Effective Date - January 1, 2009

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED	
		ADMINISTRATIVE:				
3-101	Code 1977	ALCOHOL & CEREAL MALT BEVERAGE				
		Alcoholic Consumption on Public Property	\$100.00 deposit	\$100.00 deposit	7/28/05	
		Cereal Malt Beverage	general retailer/consumption	\$100.00*	\$50.00 per calendar year *	12/13/07
			limited retailer/retail sales	\$50.00*	\$50.00 per calendar year *	
			* plus any state assessed costs/taxes			
			change location application fee		\$25.00	
			Occupational Tax – Retail Liquor sales off premises consumption	\$300.00	\$300.00 per year	
			Private Club License - Class A Club		\$250.00 per year	
			Private Entertainment Event		\$100.00	
			Ord 3254	Drinking Establishment License - Class B Club	\$100.00	\$250.00 per year
		Temporary Liquor License - by the drink		\$50.00 per day + state license	7/28/05	
Governing Body 11/10/05		BUILDING RENTALS				
		Auditorium				
		per day	\$100.00	\$125.00	12/14/06	
		deposit	\$100.00	\$100.00		
		microphone deposit	\$25.00	\$25.00	12/8/05	
		Memorial Hall				
		Monday - Friday	7:00 a.m. - 3:00 p.m.	\$35.00	\$40.00	12/13/07
			4:00 p.m. - midnight	\$45.00	\$50.00	"
			all day	\$55.00	\$60.00	"
		Saturday, Sunday, Holidays	7:00 a.m. - 3:00 p.m.	\$40.00	\$50.00	"
			4:00 p.m. - midnight	\$50.00	\$60.00	"
			all day	\$60.00	\$70.00	"
			Grandfathered organizations	\$25.00 per year	\$35.00 per year	
			deposit	\$100.00	\$100.00	
			Old Stone Church - Deposit Only	--	\$100.00	
			Golf Course Clubhouse			12/13/07
			winter rental	\$125.00 + salary	\$250.00 + salary	
			USD #367 & Chamber of Commerce	no rent/no deposit	no rent/no deposit	12/14/06
			Osawatomie Alumni Association		no rental charge	
	Benefit for someone with severe illness		no rental charge			

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED	
		CEMETERY SERVICES				
	Ord 3395	Opening & closing grave, reopening or disinterment	contractor's cost	contractor's cost		
		Single grave space	resident	\$100.00	\$150.00	12/14/06
			growth area	\$0.00	\$250.00	"
			non-resident	\$200.00	\$400.00	"
		Permit for setting monument	single/double/corner markers	\$30.00	\$40.00	"
			reset	\$0.00	\$40.00	"
			repair	no charge	no charge	"
		Burial Permit	during business hours	\$25.00	\$30.00	"
			after business hours	\$75.00	\$80.00	"
			Permit for disinterment	\$10 + cost + 10%	\$80.00	"
		Stone Setting Bond	\$300.00	\$300 w/liability ins of \$1M	"	
		FIREWORKS				
	Ord 3582	Permit for sale of fireworks	\$750.00	\$1,000.00	12/11/08	
		Permit for public display	none	none		
		MUNICIPAL COURT				
	Ord 3627	Court Cost - plus any state assessed costs	\$40.00	\$55.50 + State costs	6/14/07	
			Court Fines		fine schedule determined by Judge	
		OPEN RECORDS FEES				
		Copies	\$0.20	\$.60 per page	7/28/05	
		Research fee per employee	\$13/hr.	\$20.00 hr. w/ \$20.00 minimum		
		Utility Histories	150% of cost	\$25.00 + \$.60 per page	12/14/06	
		Letters of Credit	150% of cost	\$25.00	12/14/06	
		Maps, postage, manuals, misc.	manuals - \$10	150% of City cost including labor		
		SOLICITORS, CANVASSERS, PEDDLERS				
		License fee per person	\$10/day/person	\$30.00 per day per person	12/14/06	
		BUILDING, ZONING & NUISANCES:				
		BUILDING PERMITS				
	Ord 3577	Residential Structure - NEW OR ADDITIONS or Accessory Structures over 192 sq. ft. --all Square footages including unfinished basements & garages	\$.18/sq ft (annual increase of \$.03/yr)	\$.21 per sq. ft., minimum \$40 + UTILITIES as required	12/11/08	
			Residential Structure - REMODEL	\$.18 per sq. ft., \$40 MIN + \$40 PER UTILITY	\$.21 per sq. ft., \$40 MINIMUM + UTILITIES as required	12/11/08
		ALL NON-RESIDENTIAL & PUBLIC PROJECTS (OTHER THAN CITY) NEW, ALTERATIONS, OR ADDITIONS CONSTRUCTION VALUE LESS THAN \$300,000	\$.13 per sq. ft. MIN OF \$100 + \$40/UTILITY	\$.16 per sq. ft. MINIMUM OF \$100 + UTILITIES as required		

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
		ALL NON-RESIDENTIAL & PUBLIC PROJECTS (OTHER THAN CITY) NEW, ALTERATIONS, OR ADDITIONS CONSTRUCTION VALUE \$300,000 AND OVER		ADOPTED BUILDING CODE RATES	
		Residential Accessory Structures 192 SQ. FT. OR LESS			
		Residential/Commercial Less than 96 sq ft	\$40.00	\$30.00	12/13/07
		96 - 192 sq ft	\$40 + \$.18/sq ft	\$40 + \$.21/sq ft over 96 sq ft	12/13/07
		Agricultural All square footage	\$25.00	\$30.00	12/13/07
		Other Classifications			
		Re-roof/New Roof	\$25.00	\$30.00	
		Demolition	\$25.00	\$30.00	
		Electric Wiring			
		replacement (of existing wiring only)	\$25.00	\$30.00	12/13/07
		new structures (expansion of existing system)	\$40.00	\$50.00	
		Plumbing			
		replacement (of existing plumbing only)	\$25.00	\$30.00	12/13/07
		new structures (expansion of existing system)	\$40.00	\$50.00	
		Mechanical, Heating, Venting & AC			
		replacement (of existing HVAC only)	\$25.00	\$30.00	12/13/07
		new structures (expansion of existing system)	\$40.00	\$50.00	
		Fences	\$25.00	\$30.00	Not per IBC
		Concrete	\$25.00	\$30.00	
	Ord. 3577	Earthwork excavation or fill 18" or more	\$40 + actual cost	\$50 plus actual City cost	
		Towers, Generating Stations, & Generating Plants	Adopted Bldg. Code Rates	ADOPTED BUILDING CODE RATES	
		Reinspection		Same price as original permit	
		Decks	\$25.00	\$30.00	
		Signs	\$25.00	\$30.00	
		Structure moving fee - does not include all cost of required new structure permits	\$40 + cost - \$300 ...	\$50 + cost of City labor - \$500 in escrow prior to permit - total cost = actual City cost	12/13/07
		Street excavation fee per occurrence or street/curb damage fee (permit required for each occurrence)	\$300 escrow ...	\$1,000 escrow held up to 1 year 48 hr response to trigger escrow	
	Ord 3320	Oil or gas drilling permit fee	\$100.00	\$1,000.00	12/13/07
		Plan Review Fee - non-residential & public building - may include (but not limited to) all plans such as utility site plans, storm water plans, traffic flow plans, outside lighting plans, landscaping plans, building plans, etc.	5% of total cost in escrow - bldg permit - cost = actual City cost	\$250.00	
		Plan Review Fee - residential	\$ 1.00 per \$ 1,000 value	\$150	
		Working without building permit	double permit fee	triple permit fee	12/13/07

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
		CONTRACTOR REGISTRATION FEES			
	Ord 3577	All must present proof of required insurance			12/13/07
		General Builder or Limited Building Contractor - who shall engage in general contract work, except house moving	\$30.00	\$50.00 per calendar year	
		General Electrician or Electrical Contractor - who shall engage in more than one kind of electrical construction work	\$30.00	\$50.00 per calendar year	
		General Plumber or Plumbing Contractor - who shall engage in more than one kind of plumbing work	\$30.00	\$50.00 per calendar year	
		Mechanical Contractor - who shall engage in more than one kind of mechanical work	\$30.00	\$50.00 per calendar year	
		Tree Trimmers	\$30.00	\$50.00 per calendar year	12/13/07
		House Movers	\$30.00	\$50.00 per calendar year	
		Sign Hangers and Panel Posters	\$30.00	\$50.00 per calendar year	
		Optional Advertising Privilege (placement on contractor's list available at City Hall)		\$250.00 per calendar year	
		Operating without being registered		maximum \$500.00	12/14/06
		MOWING ASSESSMENT			
		each occurrence	varied charges	\$150.00/hr, 1 hr minimum (round up to next hour)	12/14/06
		ZONING			
	Ord 3577	All zoning requests will be fees plus actual City costs for publication, notifications, legal costs			7/28/05
		Rezoning – All districts			
		0 - 5 acres	\$150.00 + \$5.00	\$250.00	
		5.1 - 50 acres	per owner	\$300.00	
		50.1 and up		\$400.00	
		Special Use Permit – Initial Application			
		0 - 5 acres	\$100.00 + \$5.00	\$200.00	
		5.1 - 50 acres	per owner	\$300.00	
		50.1 and up		\$400.00	
		Land use permit		\$400.00	
		Board of Zoning Appeals Variances	\$300.00	\$150.00	2/9/06
		Appeals	\$150.00	\$300.00	
		Subdivision Application			
		Per lot, 10 or less	\$75 + \$5/lot	\$200.00 + \$5.00 per lot	12/14/06
		Per lot, 11 or more	\$75 + \$3.50/lot	\$200.00 + \$3.50 per lot	
		Preliminary Plat	\$600.00	\$300.00	
		Final Plat - not combined with preliminary plat		\$300.00	
		Lot Splits	\$75.00	\$150.00	

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
		PUBLIC SAFETY:			
		ADMINISTRATIVE			
		Fee for Police Responses to Party - including but not limited to:		Actual cost (may include but not limited to: Officer salaries, pro rate cost of equipment, cost of repairing City equipment or property, officer medical treatment, reasonable attorney fees, etc.	7/28/05
	Ord 3482	Adult entertainment licenses - plus investigation costs			12/13/07
		Business license	\$500.00 per year	\$1,000.00 per year	
		Manager's license	\$100.00 per year	\$250.00 per year	
		Entertainer's license	\$250.00 per year	\$1,000.00 per year	
		Server's license	\$50.00 per year	\$50.00 per year	
		ANIMALS			
	Ord 3393	Dog or Cat License			12/13/07
		sexually altered	\$6.00	\$7.00 per animal per year	
		unaltered	\$10.00	\$10.00 per animal per year	
		duplicate tag	\$2.00	\$2.50	
		Impoundment fee			
		1st impoundment	\$50.00	\$60.00	
		(within 24 months of 1 st)			
		2nd impoundment	\$75.00	\$85.00	
		(within 24 months of 1 st)			
		3rd impoundment	\$100.00	\$110.00	
		(within 24 months of 1 st)			
		4th impoundment & subsequent	\$200.00	\$210.00	
		Pickup fee	\$20.00	\$25.00	12/13/07
		Boarding fee	\$15.00 per day	\$20.00 per day	12/13/07
		Euthanize	\$20.00	\$50.00	
		Vaccination fee	\$10.00	\$15.00 per animal	
		Small Dead Animal Removal from private property (commercial operation)		\$30.00 per animal	12/14/06
		Small Dead Animal Removal from private property		\$25.00	12/14/06
		Large Dead Animal Removal from private property		Actual cost of removal	
		Animal Adoption, dog or cat		Same as above	
		license fee			
		Adoption fee	\$20.00 per animal	\$25.00 per animal	12/14/06
		Spay/neuter fee		\$100.00	12/14/06
		Vaccination fee	Same as above	Same as above	
		RECREATION:			
		BOAT FEES			
		Abandoned Boat Storage Fee		actual cost to City	
	Ord 3394	Non-motorized			7/28/05
		Senior citizen - 65 years or older	\$2.00 per year	No charge	

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED	
		residents	\$5.00 per year	\$7.50 per calendar year	12/13/07	
		non-residents	\$7.50 per year	\$20.00 per calendar year		
		Motors up to 2 horsepower	Senior citizen - 65 years or older	No charge		
		residents	\$5.00 per year	\$10.00 per calendar year		
		non-residents	\$7.50 per year	\$30.00 per calendar year		
		Motors over 2 horsepower	Senior citizen - 65 years or older	not allowed		12/13/07
		residents		\$20.00 per calendar year		
		non-residents		\$60.00 per calendar year		
		CAMPING FEES				
	Ord. 3277	Individuals	no hook-up	\$7.00	\$10.00 per day with 7-day limit combined with all City parks	12/13/07
			electric	--		
			air conditioning or heat	--		
		Organizations	no hook-up	\$7.00	\$10.00 per day with 7-day limit combined with all City parks	
			electric	--		
			air conditioning or heat	--		
		FISHING LICENSES				
	Ord 3394	Senior citizen - 65 years or older		\$2.00 per year	No charge	7/28/05
		Residents		\$7.50 per year	\$10.00 per year	12/14/06
		Non-residents		\$20.00 per year	\$25.00 per year	
		Under 16 years accompanied by adult		free	free	12/13/07
		Daily		\$1.50	\$2.00	
		Weekend (Friday - Sunday)		\$3.00	\$4.00	
		GOLF COURSE FEES				
	Ord 3552	Membership Dues (5% discount if paid before 1/15 of each year)				12/8/05
		Single		\$425.00	\$430.00	12/13/07
		Single with cart privileges		\$780.00	\$800.00	
		Couple		\$525.00	\$540.00	12/13/07
		Couple with cart privileges		\$980.00	\$995.00	"
		Family		\$655.00	\$680.00	"
		Family with cart privileges		\$1,275.00	\$1,300.00	
		Students (under 18 & living at home)		\$165.00	\$175.00	
		Youth (12 & under) Monday - Friday only		\$100.00	\$125.00	
		Green Fees for non-members				
		Monday through Thursday - 9 holes		\$13.00	\$14.00	12/13/07
		Monday through Thursday - 18 holes		\$19.00	\$20.00	"
		Friday through Sunday & Holidays - 9 holes		\$16.00	\$17.00	"
		Friday through Sunday & Holidays - 18 holes		\$22.00	\$23.00	"
		Twilight Rate - walking (M-Th after 4 / weekends after 5)		\$12.00	\$13.00	"
		Twilight Rate with cart (M-Th after 4 / weekends after 5)		\$22.00	\$23.00	"
		Senior Rate (M-Th)(no 9 hole rate)		\$16.00	\$17.00	"

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
		Winter Rate - walking	\$12.00	\$15.00	"
		Winter Rate with cart	\$22.00	\$23.00	"
		Winter Rate after 2:00 p.m.	\$18.00	\$19.00	"
		Supplemental green fee per round (maximum 18 holes per round)			
		Members	\$1.00	\$1.50 per round	12/14/06
		Non-members	\$2.00	included in green fees	
		Golf Carts			
		Cart Storage Rentals in the City Building	\$120.00	\$125.00 annual	
		Electricity Charge	\$150.00	\$155.00 annual	
		Private Cart Trail Fee	\$120.00	\$125.00 annual	
		Hauled Private Cart Trail Fee Annually	\$175.00	\$180.00 annual	
		Hauled Private Cart Trail Fee per Round	\$15.00	\$15.00 per time	
		Rental - 9 holes per player	\$6.50 per player	\$7.00 per player	12/13/07
		Rental - 18 holes per player	\$13.00 per player	\$14.00 per player	"
		SWIMMING POOL FEES			
		Tickets (book of 25)	\$15.00	\$25.00 AT GATE	12/13/07
		Children under 5 years old		free free	"
		Children 5-13 years old		1 ticket \$1.50	"
		14 & older		2 tickets \$2.50	"
		Pool rental (weekend only)	\$35.00 + \$.50 ...	\$50.00 + \$.50 per swimmer	"
		UTILITIES:			
		ADMINISTRATIVE			
		Customer utility service fee (connections & transfers)	\$15.00	\$20.00 + tax	12/13/07
	CM Memo	Utility Desposits			12/13/07
		Residential	\$100.00	\$200.00	
		Commercial - average of previous 12 mos or similar business	\$150.00 min	\$300.00	
		Rental Units - residential	\$100.00	\$200.00	
		Senior citizen housing	\$50.00	\$75.00	
		Tavern	\$250.00	\$300.00	
		Restaurant	\$1,000.00	\$1,000.00	
		Late charge for delinquent utility bills	3%	7% of amount billed	12/11/08
		Customer requested utility turn off or turn on - leaks/repairs		\$25 during business hours	
				\$75 after business hours	
		Reconnection charge for services disconnected for non-payment			
		during business hours	\$20 + tax	\$25.00 + tax	
		after business hours	\$40 + tax	STOP AFTER HOURS	
		Insufficient check charge for checks returned unpaid by a bank	\$30.00	\$40.00	
		ELECTRIC SERVICE RATES			

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
	Ord 3422	Residential			9/25/08
		Customer charge	\$10.00	\$10.00	
		First 100 kwh per month	\$0.156	0.150/kwh	
		Next 400 kwh per month	\$0.100	\$0.096/kwh	
		Next 1,000 kwh per month	\$0.079	\$0.076/kwh	
		All over 1,500 kwh per month	\$0.077	\$0.074/kwh	
			(Plus Energy Cost Adjustment charge)		
		Small General			9/25/08
		Customer Charge	\$15.00	\$15.00	
		First 100 kwh per month	\$0.137	\$0.126/kwh	
		Next 400 kwh per month	\$0.121	\$0.111/kwh	
		Next 1,500 kwh per month	\$0.103	\$0.095/kwh	
		Next 3,000 kwh per month	\$0.100	\$0.092/kwh	
		Next 5,000 kwh per month	\$0.088	\$0.081/kwh	
		All over 10,000 kwh per month	\$0.082	\$0.075/kwh	
			(Plus Energy Cost Adjustment charge)		
		Large General			
		Demand	\$5.81	\$5.35	9/25/08
	First 150 kwh per month	\$0.068	\$0.063/kwh		
	Next 150 kwh per month	\$0.062	\$0.057/kwh		
	All additional kwh	\$0.053	\$0.049/kwh		
	Customer Charge	\$75.00	\$75.00/mo		
	Minimum bill	demand + cc	demand + customer chg		
		(Plus Energy Cost Adjustment charge)			
	Outside City limits		50% over rates listed above	12/14/06	
	City Use				
	First 100 kwh per month	\$0.115	\$0.115 per kwh	10/12/95	
	All over 100 kwh per month	\$0.083	\$0.083 per kwh		
		(Plus Energy Cost Adjustment charge)			
	Energy Cost Adjustment Charge - weighted average of 3 most recent months	Same	Add 0.1 mill/kwh for each 0.1 mill over 50.0 mills or subtract for under 50.0 mills	7/28/05	
	Service Connection				
	Regular meter - residential & small commercial - 200 amps & less		\$500.00		
	Demand meter - 400 amps & more		\$750.00		
	Padmount transformer		cost + labor + 10%		
	Temporary Electric Hookup				
	rate	as applicable	as applicable		
	installation		\$100.00		
	deposit	as applicable	\$100.00		

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
	CM Memo	Security/Yard Lights			
		monthly rate	175 watt \$7.50	\$9.50 per month	12/14/06
			400 watt	\$20.00 per month	12/14/06
		installation	\$60.00	\$100 per light	
		pole	\$60.00	\$100 per pole	
		after hours repair		\$125/hr equipment charge + \$75/hour per employee	
		REFUSE SERVICE RATES			
	Ord 3533	Residential	\$14.62	\$15.04 per family unit	12/11/08
		Business		2x 4x 5x 6x	
		Class 1	\$14.54/--- \$33.74/---	\$14.96 --- \$34.73 ---	
		Class 2	\$26.64/--- \$64.74/---	\$27.42 --- \$66.66 ---	
		Class 3	\$36.39/--- \$89.12/---	\$37.46 --- \$91.77 ---	
		Class 4	\$52.40/\$83.06 \$103.53/\$123.99	\$53.95 \$85.53 \$106.62 \$127.69	
		Class 5	\$83.06/\$164.89 \$205.81/\$246.72	\$85.53 \$169.82 \$211.96 \$254.10	
		Class 6	\$123.99/\$246.72 \$307.13/\$369.44	\$127.69 \$254.10 \$316.32 \$380.50	
		Class 7	\$164.89/\$328.54 \$410.35/\$492.17	\$169.82 \$338.38 \$422.64 \$506.92	
		Fuel Surcharge - NOT included in rates - adjusts every 6 mos. Per contract	--	3% for ea. \$0.20 inc. in fuel over \$3	
		Collection outside City limits	no additional chg	50% over rates listed above	
		Customers hauling own refuse	\$1.00	\$1.18 per month	
		Rates include billing charge	Administrative fee \$.50	\$0.50	
		Residential rate includes monthly bulky item pickup fee	\$1.00	\$1.18	
		SEWER SERVICE CHARGES			
	Ord 3481	Volume charge based on metered water used during preceding December & January			11/12/99
		User charge	\$1.55	\$2.33 per month	12/14/06
		Net capital charge	\$14.50	\$21.75 per month	"
		Minimum monthly charge (user charge + net capital charge)	\$16.05	\$24.08 per month/housing unit	"
		Volume charge per 748 gallons of metered water	\$1.19	\$1.79 per month	"
		Outside City limits		50% over rates listed above	"

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
		Service to the State Hospital			
		User charge	\$1.55	\$2.33 per month	12/14/06
		Net capital charge	\$5,953.37	\$8,930.06 per month	"
		Minimum monthly charge (user charge + net capital charge)	\$5,954.92	\$8,932.39 per month	"
		Volume charge per 748 gallons of metered water	\$1.19	\$1.79 per month	"
		Extra Strength Sewage Surcharge	No charge	S=Vs x 0.00624 [\$.2364 (BOD-300) + \$.1734 (SS-350)]	7/28/05
		BOD		\$0.2364 per pound	
		Suspended Solids		\$0.1734 per pound	
	Ord 3496	Service Connection			12/13/07
		connection within existing districts	\$250.00	\$350.00	
		reconnection	\$50.00	\$50.00	
	Ord 3457	Amortization Assessment fee - outside the bounds of an assessed improvement district	\$1,000.00	\$1,000.00	5/14/98
		Private system inspection & permit fee - does not include regular plumbing permit fee		\$50.00	7/28/05
		WATER SERVICE RATES			
	Res 557	Residential			12/11/08
		First 1,500 gallons per month	\$11.62	\$12.08 minimum per housing unit	
		Next 2,200 gallons per month	\$.38/hundred gal	\$.40 per hundred gallons	
		Next 3,700 gallons per month	\$.33/hundred gal	\$.34 per hundred gallons	
		Over 7,400 gallons per month	\$.31/hundred gal	\$.32 per hundred gallons	
		Commercial			
		First 1,500 gallons per month	\$16.98	\$17.66 minimum	
		Next 2,200 gallons per month	\$.38/hundred gal	\$.40 per hundred gallons	
		Next 3,700 gallons per month	\$.33/hundred gal	\$.34 per hundred gallons	
		Next 67,400 gallons per month	\$.31/hundred gal	\$.32 per hundred gallons	
		Over 74,800 gallons per month	\$.26/hundred gal	\$.27 per hundred gallons	
		Outside City Limits		50% over rates listed above	12/14/06
		State Hospital and Rural Water Districts			
		First 7,500 Gallons, Minimum	\$32.71	\$34.99 per thousand gallons	
		Excess	\$2.35	\$2.51 per thousand gallons	
		Bulk Water Sales (at City Warehouse)			
		Per Thousand Gallons	\$4.40	\$4.58	12/11/08
		Per 100 Gallons	\$0.44	\$0.46	12/11/08
		State Water Protection Fee - State mandated	\$0.032	\$0.032 per thousand gallons	

CODE	ORD. #	DESCRIPTION	PREVIOUS FEE(S)	CURRENT FEE(S)	CHANGED
		New Service Connection - tap, service line & meter			
		3/4 inch meter or 5/8 inch meter	\$350.00	\$750.00	
		meter larger than 3/4 inch	time & material	time & material + \$750.00	
		Temporary Water Service			
		rate	bulk water	bulk water rate	
		installation		\$25 + installation cost	
		deposit		\$500 meter deposit	
		fire hydrant water meter deposit	\$1,200.00	\$1,200.00	

RESOLUTION NO. _____

**A RESOLUTION DECLARING THE ENTIRE BOUNDARY OF
THE CITY OF OSAWATOMIE, KANSAS.**

WHEREAS, the City of Osawatomie, Kansas, did by Ordinance Number 3641, duly adopt and extend and enlarge the corporate limits of said City during the year 2008, by adding certain territory thereto, and the Governing Body of said City does now desire to declare the entire boundary of said City, as required by KSA 12-517.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Osawatomie, Kansas:

SECTION ONE: That the entire boundary of the City of Osawatomie, Kansas, after this Resolution becomes effective, shall be and the same is hereby, declared to be as follows:

See Exhibit "A" hereto attached.

SECTION TWO: That the jurisdiction and authority of the City of Osawatomie, Kansas shall extend over and include all of the territory and tracts of land mentioned within the boundary, as described in Section One above, and said territory and tract of land henceforth shall be a part of the City of Osawatomie, Kansas, and be subject to the laws and ordinances of said city.

SECTION THREE: This Resolution shall be in full force and effect from and after its adoption.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas this 11th day of December, 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. _____ - Continued.

Page 2

Exhibit A

All that part of Sections 31, and 32, Township 17 South, Range 23 East, and that part of Sections 32,33,35, and 36, Township 17 South, Range 22 East, and that part of Sections 1, 2, 9, 10, 11, 12, 14, 22, and 23, Township 18 South, Range 22 East of the Sixth Principal Meridian, Miami County Kansas being more particularly described as follows: Commencing at the Northwest Corner of the Northeast Quarter of Section 32 Township 17 South, Range 23 East ; thence East or West, along the North line of said Section 32, to the Northwesterly line of US 169 Highway Right-of-Way said point being the POINT OF BEGINNING; thence Southwesterly, along said Northwesterly Right-Of-Way line, to the East line of the Northeast Quarter of Section 1 Township 18 South, Range 22 East, thence North, along the East line of said Northeast Quarter, to the Northeast Corner of said Northeast Quarter; thence West, along the North line of said Northeast Quarter, a distance of 963.70 feet, thence South parallel with the East line of said Northeast Quarter, a distance of 550.0 feet; thence West parallel with the North line of said Northeast Quarter, to the West line of said Northeast Quarter: thence North, along the West line of said Northeast Quarter, a distance of 550.0 feet, to the Northwest corner of said Northeast Quarter; thence West, along the South line of the Southwest Quarter of Section 36, Township 17 South, Range 22 East, to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 36; thence North, along the East line of the West One-Half of the Southwest Quarter of said Section 36, to the Northeast Corner of the West One-Half of said Southwest Quarter; thence East, along the South line of the Northwest Quarter of said Section 36, to the Southeast Corner of said Northwest Quarter: thence North, along the East line of said Northwest Quarter, to the Northeast corner of the South One-Half of said Northwest Quarter; thence West, along the North line of the South One-Half of said Northwest Quarter, to the Northwest Corner of the South One-Half of said Northwest Quarter; thence South, along the West line of said Northwest Quarter; to the Southwest Corner of said Northwest Quarter; thence East, along the North line of the Southwest Quarter of said Section 36, to the Northwest Corner of the East One-Half of Northwest Quarter of said Southwest Quarter; thence South, along the West line of the East One-Half of the Northwest Quarter of said Southwest Quarter to a point on the North line of the Southwest Quarter of said Southwest Quarter; thence West, along the North line of the Southwest Quarter of said Southwest Quarter, to the Northwest corner of the Southwest Quarter of said Southwest Quarter; thence West, along the North line of the South One-Half of the Southeast Quarter of Section 35, Township 17 South, Range 22 East, to the Northwest Corner of the South One-Half of the Southeast Quarter of said Section 35; thence South, along the West line of said Southeast Quarter, to the Southwest Corner of the South One-Half of said Southeast Quarter; thence West, along the North Line of Section 2, Township 18 South, Range 22 East, to the Northwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 2; thence South, along the West line of the Northeast Quarter of said Northwest Quarter, to the East line of Right-of-Way of the Main Line of Missouri Pacific Railway; thence Southwesterly, along said East Right-of-Way line, to the South line of the Northwest Quarter of said Section 2; thence East, along the South line of the Northwest Quarter of said Section 2, to the Northwest Corner of the Northeast Quarter of the Southwest Quarter of said Section 2; thence South, along the West line of the Northeast Quarter of said Southwest Quarter, to the Southwest Corner of the Northeast Quarter of said Southwest Quarter; thence East, along the South line of the Northeast Quarter of said Southwest Quarter, to the Southeast Corner of the Northeast Quarter of said Southwest Quarter; thence South, along the East line of said Southeast Quarter, to the Southeast Corner of the Southwest Quarter of said Section 2; thence South, along the East line of the Northwest Quarter of Section 11, Township 18, Range 22 East, to the the North bank of the Marais des Cygnes River , at low water mark; thence Southwesterly following the North bank of said River, to the West line of said Section 11; thence continuing Westerly, along the North bank of said River, to the West line of Section 10, Township 18, Range 22 East; thence Westerly, along the North bank of said River, to the West line of the East One-Half of the Northeast Quarter of Section 9, Township 18, Range 22 East; thence South, along the West line of the East One-Half of the Northeast Quarter of said Section 9; to the Southwest Corner of the East One-Half of the said Northeast Quarter, and to the South Right-of-Way line of John Brown Highway; thence West along the North line of the Southeast Quarter of said Section 9, and said South Right-of-Way line, to the Northwest Corner of said Southeast Quarter; thence South 70' feet, along the West line of said Southeast Quarter; thence East, Parallel with the North line of said Southeast Quarter, a distance of 460' feet; thence North 20' feet, Parallel with the West line of said Southeast Quarter; thence East 200' feet, Parallel with the North line of said Southeast Quarter, to the East line of the West One-Half of the Northwest Quarter of said Southeast Quarter; thence South, along the East line of the West One-Half of the Northwest Quarter of said Southeast quarter, to the Southeast Corner of the West One-Half of the Northwest Quarter of said Southeast Quarter; thence West, along the North line of the Southwest Quarter of said Southeast Quarter; thence South, along the West line of the Southwest Quarter of said Southeast Quarter, to a point on the North Right-of-Way line of the Missouri-Pacific Railroad; thence North 89 degrees 47 minutes 32 seconds East, 1149.0' feet, along said Right-of-Way line; thence South 00 degrees 12 minutes 28 seconds East, 55' feet, along said Right-of-Way line; thence North 89 degrees 46 minutes 37 seconds East, 23' feet, along said Right-of-Way line, to a point on the West line of a levee: thence East along said Right-of-Way to a point on the East line of a levee; thence along a curve to the left with a radius of 523.60 feet and an arc

distance of 1049.69 feet, thence North 48 degrees 12 minutes 35 seconds West, 180' feet, to a point on the Southwesterly Right-of-Way line of the Missouri-Pacific Railroad; thence Northeast perpendicular to said Southwesterly Right-of-Way line, to a point on the Northerly Right-of-Way line of the Missouri Pacific Railroad; thence Southeasterly, along said Northerly Right-of-Way line, to the East line of said Section 9; thence Easterly, along said Northerly Right-of-Way line, to a point on the West line of the land belonging to Trinidad Vasquez; thence South parallel with the East line of the Southwest Quarter of Section 10, Township 18 South, Range 22 East, to a point on the South line of the Southwest Quarter of said Section 10; thence East 340.3 feet, along South line, to the Southeast Corner of said Southwest Quarter; thence East, along the South line of the Southeast Quarter of said Section 10, to the Northwest Corner of the Northwest Quarter of Section 14 Township 18 South, Range 22 East; thence East, along the North line of said Northwest Quarter, a distance of 870.0 feet; thence South parallel with the West line of said Northwest Quarter, a distance of 800 feet; thence East parallel with the North line of said Northwest Quarter, a distance of 450 feet, thence South along a line parallel with the West line of said Northwest Quarter, to the center of the channel of Pottawatomie Creek; thence in a Southeasterly direction down the center of said Pottawatomie Creek, to the South end of the center pier of Pottawatomie Bridge; thence South 64 degrees 30 minutes East 10.5 chains; thence South 50 degrees East, to a point on the Northwesterly line of US 169 Highway Right-of-Way; thence Southwesterly, along said Northwesterly Right-of-Way line, to the East line of the Southeast Quarter of Section 22, Township 18 South, Range 22 East, thence North, along the East line of the Southeast Quarter of said Section 22, to the Northeast Corner of the Southeast Quarter of said Southeast Quarter; thence West, along the North line of the Southeast Quarter of said Southeast Quarter, to the Northwest Corner of the Southeast Quarter of said Southeast Quarter; thence South, along the West line of the Southeast Quarter of said Southeast Quarter, to the Southwest Corner of the Southeast Quarter of said Southeast Quarter, thence East, along the South line of said Southeast Quarter, to the Southwest Corner of the Southwest Quarter of Section 23, Township 18 South, Range 22 East, thence East, along the South line of the Southwest Quarter of said Section 23, to a point on the Easterly line of US 169 Highway Right-of-Way; thence Northeasterly, along said Easterly Right-of-Way line, to a point that is 600' feet South of the North line of the Northeast Quarter of Section 14, Township 18 South, Range 22 East, thence East to the center of the channel of Pottawatomie Creek; thence in a Northeasterly direction down the center of Pottawatomie Creek, to a point approximately 700 feet West of the East line of the Northeast Quarter of said Section 14; thence North to the South line of the Southeast Quarter of Section 11, Township 18 South, Range 22 East; thence East 700' feet, more or less, to the Southeast Corner of the Southeast Quarter of said Section 11; thence North, along the East line of said Southeast Quarter, to the center of Pottawatomie Creek: thence following the meandering of Pottawatomie Creek downstream to the Section line between Sections 11 and 12; thence East, along the center of the channel of said creek 814.80 feet; thence North, to the North line of Mill Street; thence West, along the North line of Mill Street, to the Easterly line of Us 169 Highway Right-of-Way; thence Northeasterly, along said Easterly Right-of-Way line, to a point on the South line of the Southwest Quarter of Section 1, Township 18 South, Range 22 East; thence East, along the South line of the Southwest Quarter of said Section 1, to the Southwest Corner of the Southeast Quarter of said Section 1; thence East, along the South line of said Southeast Quarter, to the Southeast corner of said Southeast Quarter; thence North, along the East line of said Southeast Quarter, to the Northeast Corner of the South One-Half of the North One-Half of said Southeast Quarter; thence West, along the North line of the South One-Half of the North One-Half of said Southeast Quarter, to the Southeasterly line of Us 169 Highway Right-of-Way; thence Northeasterly, along said Southeasterly Right-of-Way line to Section line between Section 1, Range 22 East, and Section 6, Range 23 East; thence continuing Northeasterly, along said Southeasterly Right-of-Way line, to the Section line between Section 6, Township 18 South, and Section 31, Township 17 South, thence continuing Northeasterly, along said Southeasterly Right-of-Way line, to a point on the North line of the Northeast Quarter of Section 32, Township 17 South, Range 23 East; thence West, along the North line of the Northeast Quarter of said Section 32, to the Northwest Corner of said Northeast Quarter; thence either East or West along the North line of said Section 32 to the POINT OF BEGINNING.

ALSO: ¹³

Beginning at a point 1293.2 feet North of the Southwest corner of Section 14, Township 18, Range 22, Miami County, Kansas, thence North along the West line of said Section 14 a distance of 300 feet; thence East 306.0 feet to the West right-of-way line of Old U.S. Highway # 169 thence Southerly following the West right-of-way of Old U.S. Highway # 169 a distance of 340 feet, more or less, to a point 164.95 feet East of the West line of said Section 14; thence West 164.95 feet to the place of beginning, all being a part of the West Half of the Southwest Quarter of Section 14, Township 18, Range 22, Miami County, Kansas, Subject to any part thereof in roads.

ALSO: ¹⁹

A tract of land in the Southeast Quarter of Section 15, Township 18 South, Range 22 East, of the 6th P.M., Miami County,

Kansas, all being more particularly described as follows: Beginning at the Southeast corner of said Section 15; thence
RESOLUTION NO. _____ - Continued. Page 4

ALSO: ¹⁹

along the South line of the Southeast Quarter of said Section 15, North 89 degrees 29 minutes 09 seconds West 1359.76 feet; thence North 0 degrees 07 minutes 37 seconds West 1315.29 feet; thence South 89 degrees 43 minutes 11 seconds East 100.02 feet; thence South 0 degrees 22 minutes 31 seconds East 416.86 feet; thence South 89 degrees 39 minutes 02 seconds East 1253.97 feet, to the East line of said Southeast Quarter; thence along said East line South 00 degrees 22 minutes 31 seconds East 902.52 feet to the point of beginning.

ALSO: ²³

Commencing at the Northeast corner of the Southeast Quarter of Section 12, Township 18 South, Range 22 East, thence South 90 degrees 00 minutes 00 seconds West 759.47 feet, along the North line of said Quarter section to the true point of beginning; thence South 00 degrees 00 minutes 00 seconds West 326.70 feet, thence South 90 degrees 00 minutes 00 seconds West 400 feet, along a line parallel to the North line of said Quarter Section, thence North 00 degrees 00 minutes 00 seconds East 326.70 feet to a point on the North line of said Quarter Section, thence North 90 degrees 00 minutes 00 seconds East 400.00 feet along the North line of said Quarter Section to the point of beginning, all in Miami County, Kansas.

ALSO: ²⁴

All that part of the North 120 acres of the North 120 acres of the Northeast Quarter of Section 12, Township 18, Range 22, Miami County, Kansas, more particularly described as follows: Commencing at the center of Section 12, Township 18, Range 22; thence North 0 degrees 26 minutes 44 seconds East, 681.82 feet along the North-South centerline of said Section 12, to the Southwest corner of the North 120 acres of the Northeast Quarter of said Section 12, said point being the true point of beginning; thence continuing North 0 degrees 26 minutes 44 seconds East, 299.88 feet; thence North 89 degrees 49 minutes 40 seconds East 506.32 feet; thence South 26 degrees 46 minutes 47 seconds East 335.75 feet, to a point on the South line of said North 120.0 acres; thence South 89 degrees 51 minutes 00 seconds West along the South line of said North 120.0 acres, 660.00 feet to the point of beginning. Containing 4.01 acres, more or less.

ALSO: ^{24-A}

Commencing at the Southwest corner of the Northeast Quarter of Section 12, Township 18 South, Range 22 East; thence North 0 degrees 26 minutes 44 seconds East 681.72 feet, along the West line of said Quarter Section, thence South 89 degrees 06 minutes 13 seconds East 660.00 feet, to the true point of beginning; thence South 89 degrees 06 minutes 13 seconds East 90.95 feet; thence North 0 degrees 26 minutes 44 seconds East 425.00 feet, thence North 89 degrees 06 minutes 13 seconds West 245.95 feet; thence South 36 degrees 15 minutes 07 seconds West 156.00 feet; thence South 88 degrees 48 minutes 39 seconds East 92.57 feet; thence South 26 degrees 47 minutes 56 seconds East 335.75 feet to the point of beginning, containing 2.00 acres, more or less all in Miami County, Kansas.

ALSO: ²⁰

A tract of land located in and being a part of the Northeast Quarter of Section 31, Township 17, Range 23, Miami County, Kansas more particularly described as follows: Commencing at the Northeast Corner of said Northeast Quarter, thence South 02 degrees 48 minutes 42 seconds East along the East line of said Quarter Section, a distance of 695.02 feet; thence South 87 degrees 39 minutes 33 seconds West, parallel with the North line of said Quarter Section a distance of 40.00 feet, to the point of intersection with the West Right-of-Way line of Lone Star Road, as now established, and the True Point of Beginning; thence continuing South 87 degrees 39 minutes 33 seconds West, a distance of 1187.01 feet to the point of intersection with the Easterly Right-of-Way line of the Union Pacific Railroad, (previously known as the Missouri, Kansas and Texas Railroad); thence North 07 degrees 34 seconds 29 seconds East, along said Railroad Right-of-Way, a distance of 582.28 feet, to the point of intersection with the Southerly Right-of-Way line of 327th Street (formerly known as Old Kansas City Road & US 169), as now established; thence North 87 degrees 39 minutes 29 seconds East, along said Right-of-Way a distance of 260.10 feet; thence North 76 degrees 41 minutes 31 seconds East, along said Right-of-Way, a distance of 131.42 feet; thence North 87 degrees 39 minutes 29 seconds East, along said Right-of-Way, a distance of 228.70 feet; thence North 02 degrees 48 minutes 42 seconds West, along said Right-of-Way, a distance of 35.00 feet; thence North 87 degrees 39 minutes 29 seconds East, along said Right-of-Way, a distance of 423.96 feet; thence South 47 degrees 50 minutes 33 seconds East, along said right-of-Way, a distance of 56.50 feet (calculated) 54.05 feet (deed), to the point of intersection with the Westerly Right-of-Way line of said Lone Star Road; thence South 02 degrees 48 minutes 42 seconds East, along said Right-of-Way, a distance of 594.04 feet, to the point of beginning, containing 15.73

acres, more or less.

RESOLUTION NO. _____ - Continued.

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ALSO: ²¹

A tract of land located in and being a part of the Northeast Quarter of Section 31, Township 17, Range 23, Miami County, Kansas more particularly described as follows: Commencing at the Northeast Corner of said Quarter Section; thence South 02 degrees 48 minutes 42 seconds East, along the East line of said Quarter Section, a distance of 695.02 feet, (695.07 feet deed); thence South 87 degrees 39 minutes 33 seconds West, parallel with the North line of said Quarter Section, a distance of 40.00 feet, to the point of intersection with the West Right-of-Way line of Lone Star Road, as now established, and the True Point of Beginning; thence South 02 degrees 48 minutes 42 seconds East, along said Right-of-Way and parallel with the East line of said Quarter Section, a distance of 1062.55 feet; thence South 75 degrees 51 minutes 49 seconds West, a distance of 1464.75 feet, to the point of intersection with the Easterly Right-of-Way line of the Union Pacific Railroad (previously known as the Missouri, Kansas and Texas Railroad); thence North 07 degrees 34 minutes 29 seconds East, along said Easterly Right-of-Way, a distance of 1382.59 feet, to a point 695.00 feet South of, as measured at right angles from the North line of said Quarter Section; thence North 87 degrees 39 minutes 33 seconds East, parallel with the North line of said Quarter Section, a distance of 1187.01 feet to the Point of Beginning, excepting that part in public roads.

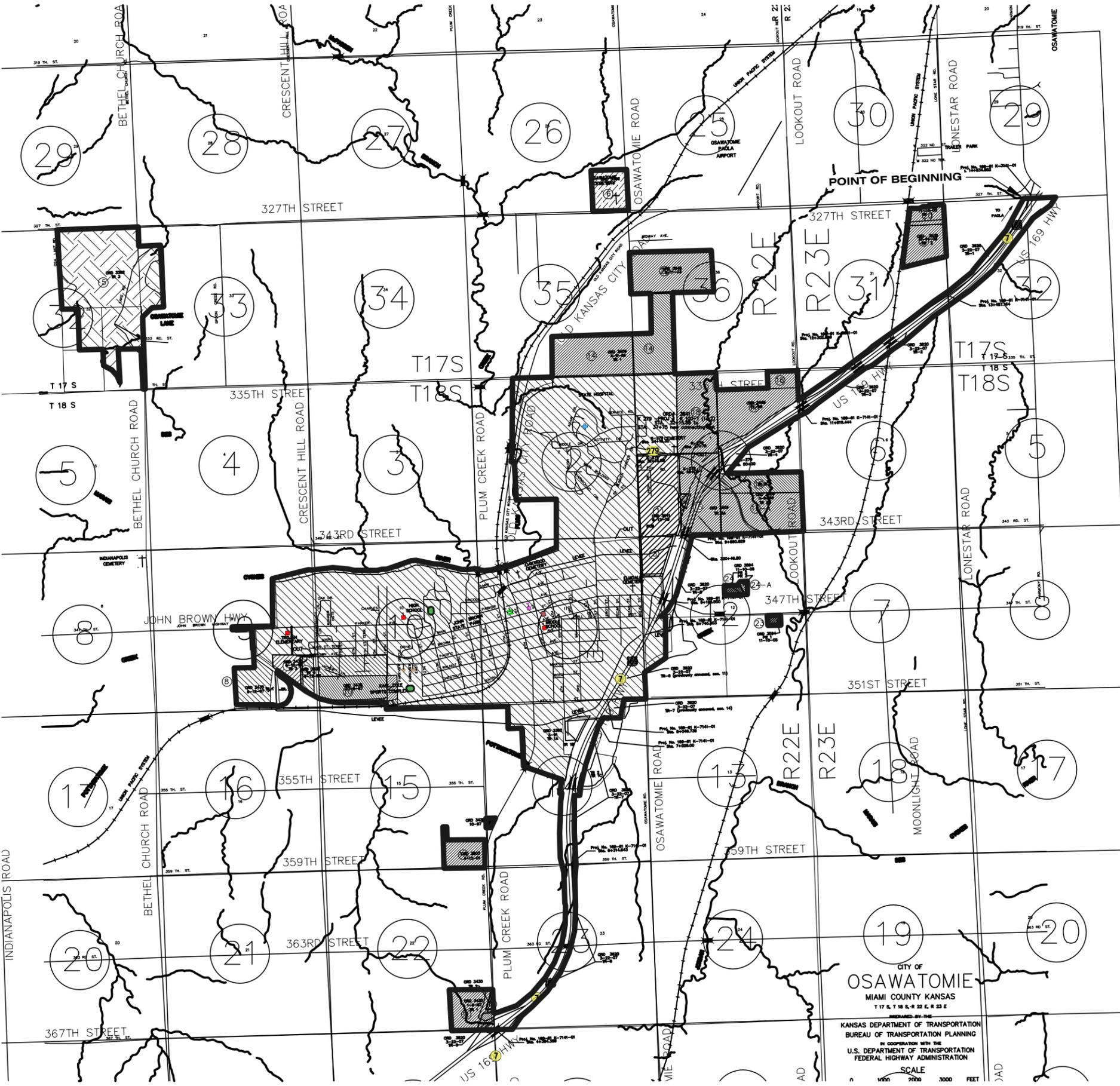
ALSO: ⁶

Beginning at the Southeast Corner of the Southeast Quarter of Section 26, Township 17 South, Range 22, East; thence West 1156.0 feet, along the South line of said Quarter Section; thence North 1323.0 feet, along a line parallel with the East line of said Quarter Section; thence East 1156 feet, along a line parallel with the South line of said Quarter Section, to a point on the East line of said Quarter Section; thence South 1323.0 feet, along the East line of said Quarter Section to the Point of beginning.

ALSO: ⁵

Beginning at a point on the West line of the Southwest Quarter of Section 33, Township 17 South, Range 22 East, said point being 300.0 feet South of the Northwest Corner of said Quarter Section; thence North 45 degrees 00 minutes 00 seconds East, 424.26 feet, to a point on the North line of said Quarter Section; thence East 400.0 feet, along the North line of said Quarter Section; thence North, 2000.0 feet; thence West, 700.0 feet, to a point on the East line of the Northeast Quarter of Section 32, Township 17 South, Range 22 East; thence North 01 degrees 40 minutes 05 seconds West, along the East line of said Quarter Section, to a point 30.0 feet South of the Northeast Corner of said Quarter Section; thence South 89 degrees 56 minutes 05 seconds West, 2634.37 feet, along a line parallel with the North line of said Quarter Section, to a point 30.0 South of the Northwest Corner of said Quarter Section; thence South 01 degrees 08 minutes 06 seconds West, 2630.98 feet, along the West line of said Quarter Section, to the Southwest Corner of said Quarter Section; thence North 89 degrees 45 minutes 07 seconds East, 525.0 feet, along the South line of said Quarter Section; thence South, 1320.0 feet, to the North line of the Southwest Quarter of the Southeast Quarter of said Section 32; thence East, 770.0 feet, along said line; thence South, along a line parallel with the East line of said Quarter Section, a distance of 371.25 feet, to the North bank of the Marais Des Cygnes River; thence Southeasterly following the North bank of the Marais Des Cygnes River, to a point 1119.05 feet South of the North line and 733.0 feet West of the East line of the Southeast Quarter of said Quarter Section; thence North parallel with the East line of said Quarter Section 1119.05 feet; thence East, along the North line of the Southeast Quarter of said Quarter Section 673.0 feet, to a point 60.0 feet West of the East line of said Quarter Section; thence South 1320.0 feet, along a line parallel with the East line of said Quarter Section, to a point on the South line of said Quarter Section; thence East 60 feet, along the South line of said Quarter Section, to the Southeast Corner of said Quarter Section; thence North along the East line of said Quarter Section, to the point of beginning.

CITY BOUNDARY OF **OSAWATOMIE** MIAMI COUNTY, KANSAS



CITY OF
OSAWATOMIE
MIAMI COUNTY KANSAS
T 17 S, T 18 S, R 22 E, R 23 E

PREPARED BY THE
KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING
IN COOPERATION WITH THE
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE
1" = 3000 FEET



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

December 11, 2008

MUNICIPAL CODE UPDATE:

Having had no comments or questions regarding the adoption of our new municipal code, I would recommend the City Council adopt the new municipal code. Additionally, if everyone could return their codes to me (provided they have not been marked in) I need to hand them out to key city staff.

NEIGHBORHOOD REVITALIZATION PROGRAM:

Having had no comments or questions regarding the adoption of a new neighborhood revitalization plan, I would recommend the City Council adopt the new plan. Upon passage of the new NRP, I will work with the school board and county commission for their approvals.

2008 SEWER PROJECT:

The original construction scope of work on the sewer project has been completed. Our City Engineer, Brian Kingsley will be in attendance at the council meeting to discuss the project, its final costs and answer any questions you may have. The final change order (#13) is a positive \$26,243.15 which is a reconciliation of plan quantities to actual quantities. The second to last pay request is in the amount of: \$15,422.62 and the final pay request is: \$144,138.40. There is a remaining \$4,260.92 of retainage which is being withheld to keep the contract open, pending the successful outcome of negotiations with Bates for extending sewer to the Northland property. As of now, our best estimate is that there is \$295,000 in grant dollars remaining which can be spent on anything sewer related. It is my recommendation that these dollars be put into installing as much sewer infrastructure in the Northland as possible.

2008 STREET PROJECT:

As is the case with the sewer project, there are no pay requests available at this time from the street contractor. All paving is complete and all that remains is minimal cleanup work. If a pay request is available for Council consideration, we will hand carry it to the meeting.

UPDATE TO OSAWATOMIE COMPREHENSIVE PLAN:

Data continues to be gathered and compiled for our comprehensive plan update. Interviews with various stakeholders as identified by the consultant have been set up and are taking place currently. At least one public meeting will need to take place and we hope to have that scheduled in the near future.

WOODLAND HILLS PAY REQUEST:

The fourth pay request for the infrastructure at Woodland Hills has been received. The amount of this pay request for both the onsite and offsite infrastructure work is: \$213,868.90. Work continues to be performed on the infrastructure portion of the project as well as footings and slabs. Once the utilities and slabs are complete, vertical construction is expected to begin with an anticipated (as of today) completion timeframe of around the middle of the summer. I recommend approving the pay request.

FINANCIAL POLICIES UPDATE:

At the last council meeting, Councilmen Moon and Walmann's requested changes were highlighted. Since that time, Councilman Moon has requested that the ½% be changed to 2%. I would recommend leaving the proposed changes alone. The ½% simply permits staff to purchase from someone other than the low bidder and in the event an Osawatomie business is within 5%, the local business has the opportunity to revise their bid. Everything else in the document remains as it was presented at the last council meeting.

PROPOSED CLOSURE OF OSAWATOMIE CORRECTIONAL FACILITY:

In the middle of October, myself, Miami County Economic Development Director Janet McRae, Paola City Manager Jay Wieland, and State Representative Bill Feuerborn met to discuss the Department of Correction's proposal to close the Osawatomie Correctional Facility. A letter was then drafted and has since been sent to Governor Kathleen Sebelius and State Budget Director Duane Goossen stating our area's concerns and asking for reconsideration. A copy of the letter is available upon request.

LEVEE CERTIFICATION:

I have met with the engineering firm Wilson & Co. They have begun certifying levees for several municipalities in Kansas. They are familiar with the process FEMA requires to have a levee certified. Once I receive their proposal I will bring it forward to the council to discuss. In visiting with officials from the US Army Corps of Engineers, they have not yet seen where Congress has put monies into the 2009 FY budget for a reconnaissance study on the Osawatomie Levee. We will likely need to make contact with our congressional delegation again.

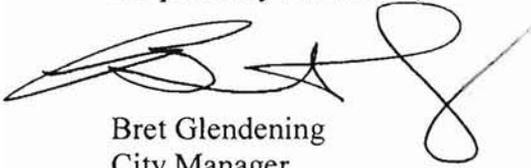
SAVINGS FROM EMP 1 PROJECT:

At the last EMP1 meeting, KMEA provided Osawatomie and the other four cities calculations on what each city has saved from August 2007 to August 2008 as a result of being in the EMP1 project. They project that as a result of our electric utility participating in the program, we have saved \$355,094.13 during this time frame. Now that they have the template and the formulas set up, they will be providing us this information at least annually.

NEW CITY PROPERTY ON MAIN & BROWN STREETS:

As you are all aware, the city recently purchased land from the Union Pacific Railroad. They required a fence to be erected along the west property line to separate their property from ours, and to keep people from wandering onto their property when our land is being used. The fence materials have been received and through a competitive bid process Dean Inscore was awarded the job. The plan for the property is to landscape it similar in design to what exists in front of the Railroad Museum. On the Brown Street side, the Boy Scouts and Cub Scouts have expressed an interest in operating a farmers market on the weekend. More planning is yet to be done on both of these projects and as we move forward, I will keep the council informed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bret Glendening', written over a horizontal line.

Bret Glendening
City Manager