

**OSAWATOMIE CITY COUNCIL
AGENDA**

January 8, 2009

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 December 11 City Council Meeting
 - B. Approve January 8 Agenda
 - C. Appropriation Ordinances 08-23 & 08-24
5. Comments from the Public; Presentations

Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor
6. Public Hearings - None
7. Unfinished Business
 - A. Approve Invoices for Sewer Improvement Grant – Request No. 32
 - B. Approve Pay Request No. 5 for Housing Development Grant Program
 - C. Resolution Entering into Interlocal Agreement for Neighborhood Revitalization Program
8. New Business
 - A. Appointments
 - B. Renew KMEA Mutual Aid Agreement
 - C. Meeting & Work Session January 22
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session:
 - a. Consultation with City Attorney which would be deemed privileged in the attorney-client relationship
13. Adjournment

REGULAR MEETING – February, 2009
MEETING/WORK SESSION – January 22, 2009

Osawatomie, Kansas. December 11, 2008. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:00 p.m. Council members present were Dalton, Hunter, LaDuex, Maichel, and Walmann. Absent were Kaempfe, Klein, and Moon. Also present were City Manager Glendening, City Attorney Wetzler and City Clerk Elmquist. Visitors were Grady Atwater, Robert Kerr, Brian Kingsley, and Abram Book.

CONSENT AGENDA. Approval of the minutes of November 19 Meeting, approval of December 11 Agenda, and approval of Appropriation Ordinances 08-21 & 08-22. Motion made by Hunter, seconded by Dalton to approve the minutes of November 19 Meeting and approval of Appropriation Ordinances 08-21 & 08-22. Yeas: All.

Motion made by Hunter, seconded by LaDuex to approve the December 11 agenda with Approve Pay Request No. 6 for 2007 Street Improvement Project deleted and the addition of Letter of Engagement with Auditor. Yeas: All.

Public Participation; Presentations:

Public Hearings: None.

2008 BUDGET AMENDMENT. Mayor Dudley opened the public hearing at 7:04 p.m. Published amendments were:

	Adopted Budget	Proposed Amendment
Library	\$ 76,197	\$ 95,566
Recreation	\$ 99,855	\$ 136,066
Industrial Rev	\$ 17,500	\$ 30,720
Insurance Proceeds	\$ 14,147	\$ 30,000
Tourism	\$ 6,000	\$ 17,500
Disaster	\$ 0	\$ 30,000

There were no comments from the public. Hearing was closed at 7:08 p.m.

NEIGHBORHOOD REVITALIZATION PROGRAM. Mayor Dudley opened the public hearing at 7:04 p.m. There were no comments from the public. Hearing closed at 7:12 p.m.

Unfinished Business:

ADOPTION OF 2008 BUDGET AMENDMENT. Motion made by Hunter, seconded by LaDuex to adopt the amendment as presented. Yeas: All.

APPROVE ORDINANCE ADOPTING NEIGHBORHOOD REVITALIZATION PROGRAM. Motion made by Hunter, seconded by LaDuex to approve Ordinance No. 3659. Yeas: All.

APPROVE CHANGE ORDER NO. 13 FOR SEWER IMPROVEMENT GRANT. Change Order No. 13 reflects an increase of \$26,243.15. The increase reconciles plan quantities to actual quantities. Motion made by Maichel, seconded by LaDuex to approve Change Order No. 13 in the amount of a \$26,243.15 increase. Yeas: All

APPROVE INVOICES FOR SEWER IMPROVEMENT GRANT – REQUEST NO. 31. Motion made by Hunter, seconded by Dalton to approve Request No. 31. Yeas: All.

APPROVE PAY REQUEST NO. 2 FOR 2008 STREET IMPROVEMENT. Motion made Hunter, seconded by Dalton to approve Pay Request No. 2. Yeas: All.

APPROVE PAY REQUEST NO. 4 FOR HOUSING DEVELOPMENT GRANT PROGRAM. Motion made by Walmann, seconded by LaDuex to approve Pay Request No. 4. Yeas: All.

REVIEW REQUEST FOR PROPOSALS FOR BANKING SERVICES. Motion made by LaDuex, seconded by Walmann to allow the City Manager to proceed. Yeas: All.

CHARTER ORDINANCE ESTABLISHING STORM WATER UTILITY. The charter ordinance would take effect 61 days after final publication unless a petition is filed by the electors. Motion made by Walmann, seconded by Hunter to approve Charter Ordinance No. 12. Yeas: Dalton, Hunter, LaDuex, Maichel, Walmann, and Mayor Dudley. Nays: None. Motion passed by 2/3 majority vote of the Governing Body of which the Mayor is a member of.

APPROVE ORDINANCE ADOPTING FINANCIAL POLICIES. Motion made by LaDuex, seconded by Dalton to approve Ordinance No. 3660. Yeas: All.

ORDINANCE ADOPTING MUNICIPAL CODES. Motion made by Hunter, seconded by LaDuex to approve Ordinance No. 3661. Yeas: All.

New Business:

APPOINTMENTS.

Board of Zoning Appeals	Claude Light Mark Marquez
Old Stone Church	Grady Atwater
Planning Commission	Jim Adams – Growth Area Dean Inscore Doug Singer
Recreation Commission	Marilyn Cook
Tourism Committee	Julie Packard Vic Simmons Ex-officio – Ben Maimer

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

APPROVE CEREAL MALT BEVERAGE LICENSES FOR 2008. Cereal Malt Beverage licenses expire December 31, 2008. The following renewals were considered:

Casey’s General Store – East Main	Osawatomie Golf Course
Casey’s General Store – 6 th & Parker	Pizza Hut

Hayden & Hayden, LLC (Oz Mart)
Moon's IGA

Quick Stop
Tailgators

ENGINEERING AGREEMENT WITH WILSON & COMPANY TO ACCREDIT THE LEVEE SYSTEM. Accreditation is required for the levee system to be acknowledged in the National Flood Insurance Program and the new FEMA Flood Insurance Rate Maps. The services for the preliminary levee assessment is \$47,000. Motion made by LaDuex, seconded by Maichel to approve executing the agreement with Wilson & Company in the amount of \$47,000. Yeas: All.

RESOLUTION ADOPTING ANNUAL FEES. Motion made by Hunter, seconded by LaDuex to approve Resolution No. 611. Yeas: All.

RESOLUTION DECLARING CORPORATE CITY LIMITS. Motion made by LaDuex, seconded by Maichel to approve Resolution No. 612. Yeas: All.

MEETING & WORK SESSION DECEMBER 18. Motion made by LaDuex, seconded by Maichel to dispense with the December 18 Council meeting and to begin again with the January meeting. Yeas: All.

LETTER OF ENGAGEMENT WITH AUDITOR. Services for 2008 broken down are:

City	\$11,300	
Recreation Commission	\$ 2,565	(total required services \$13,865)
Library	\$ 1,285	
Firefighters Relief	\$ 670	
Single Audit, if required	<u>\$ 2,000</u>	
	\$18,230	

Motion made by LaDuex, seconded by Walmann to execute the letters of engagement with Lowenthal, Singleton, Webb & Wilson for a maximum of \$18,230. Yeas: All.

Council Members' Concerns/Issues:

Hunter: Saturday is the Tourism's Vesper Services. Attended the Miami County elected officials annual leadership dinner.

LaDuex: Enjoyed how the Adair Cabin was decorated for Christmas.

Maichel: Miami County Disaster Assistance has money left and deciding how to use it. The Wastlund's home damaged by the flood is still not occupiable. She is the contact person for a group trying to raise money. Would like to see the Council have one of the work sessions at Life Care Center.

Mayor's Report:

Extended an invitation to the retirement reception for Fire Chief Ted Bartlett Saturday.

Recognized John Rayl for his 10 years of service with the City. His award will be delivered to him.

Miami County Planning Commission asking the County Commissioners to do away with the growth areas.

Osawatomie Correctional Facility in great danger of being closed in April due State funding cuts.

City Manager's Report: None.

EXECUTIVE SESSION – CONSULTATION WITH CITY ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP. Motion made by Hunter, seconded by LaDuex at 8:53 p.m. to recess into executive session for consultation with city attorney which would be deemed privileged in the attorney-client relationship for a period of 15 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 9:00 p.m. No action taken. Motion made by Hunter, seconded by LaDuex at 8:45 p.m. to recess into executive session for an additional period of 15 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 9:02 p.m. No action taken.

EXECUTIVE SESSION – PRELIMINARY DISCUSSIONS RELATING TO THE ACQUISITION OF REAL PROPERTY. Motion made by Walmann, seconded by Dalton at 9:10 p.m. to recess into executive session for preliminary discussions relating to the acquisition of real property for a period of 15 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 9:09 p.m. Motion made by Hunter, seconded by Maichel directing the Mayor and City Manager to execute the documents for a utility easement on George and Pauline Pretz's property at 34330 Lookout Road paying a compensation of \$35,000. Yeas: All.

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

Ann Elmquist, City Clerk

Osawatomie, Kansas. December 18, 2008. The Council voted at the previous meeting to cancel the December 18 meeting.

Record of Ordinances

ORDINANCE NO. 8-23

DATE WARRANTS ISSUED:
December 31, 2008

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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
Payroll 12/05/08			96,750.19
Payroll 12/19/08			84,820.57
FICA 12/05/08			7,154.06
FICA 12/19/09			6,241.44
KPERS			9,383.29
S & R Enterprise	mowing weed lots	32463	270.00
Suddenlink	internet	32464	179.85
Reserve Account	postage meter	32465	1,200.00
City of Osawatomie	petty cash reimbursement	1205	4,353.76
Beachner Grain, Inc.	concrete mix, supplies	32466	379.12
Donna Darner	cleaned Santa suits	32467	114.47
EMBARQ	RTU's	32468	236.56
Hanes Florist & Greenhouse	flowers - Butters	32469	40.00
Kansas City Wilbert Vault	grave opening	32470	500.00
Lybarger Oil	fuel	32471	4,113.69
Smith's Appliances, Inc.	gas range	32472	499.00
Miller Paving & Construction	2008 streets #2	32473	135,013.36
AT&T	RTU's	32474	216.06
Bair Excavating	returned meter deposit	32475	960.88
City of Osawatomie	utilities	32476	16,912.43
L & K Services	refuse	32477	27,994.36
Suddenlink	internet	32478	78.90
Visa	lodging - Atwater	32479	161.72
Brad Waggoner	Pro Shop	32480	68.29
Void		32481	-
City of Osawatomie	utility easement "loan"	32482	35,000.00
Miami County Treasurer	2008 Real Estate taxes	32483	4,761.05
American Equipment	snow plow	32484	7,164.00
Bollings Bargain Bonanza	gloves, tools	32485	57.40
Bradley A/C & Heating	repaired heater	32486	86.25
CIT Technology Financing Services	2004, 2005 taxes not billed	32487	80.98
City of Osawatomie	Golf Course CMB license	32488	75.00
City of Ottawa	run sewer machine	32489	271.91
Kansas Dept of Revenue	sales tax	32490	7,488.03
Kansas Gas Service	power plant	32491	34.52
Kansas Turf Grass Foundation	membership	32492	50.00
KMEA - Nearman	electricity	32493	38,547.65
Miami County Republic	extra fro weekend edition	32494	10.00
State of Kansas	overpayment for flood	32495	2,377.12
UOM	registration	32496	150.00

Record of Ordinances

ORDINANCE NO. 8-24

DATE WARRANTS ISSUED:
January 8, 2009

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
Void		32522	-
Void		32570	-
Airgas Mid South, Inc.	oxygen cylinder, calibration gas	32571	136.98
Altec Industries, Inc.	labor for digger truck	32572	278.56
Beckman Ford, Inc.	spring	32573	18.52
Bernie Electric Wholesale, Inc.	fuses, bulbs, bulb holder	32574	172.85
BG Consultants, Inc.	St. Improvements, Northland	32575	20,445.00
Board of Police Commissioners	alert system user charges	32576	31.12
Bolling Bargain Bonanza	gloves, envelopes	32577	19.50
Brewer's Automotive Repair	battery	32578	77.95
Void		32579	-
Void		32580	-
Void		32581	-
Brown's Hardware	supplies	32582	594.61
C & G Merchants Supply, Inc.	trash bags, snacks	32583	491.37
Capitol Plaza Hotel	lodging	32584	79.50
Certifion Corporation	entersect Police online	32585	79.00
Wanda Chisam	cleaned Old Stone Church	32586	442.00
Comet Industrial Products	annual contract	32587	613.00
Commercial Printing Company	calendar	32588	22.86
Copy Center of Topeka, Inc.	CMB licenses	32589	35.91
Copy Products, Inc.	copier maintenance	32590	522.30
Crash Technology Group	troubleshooting	32591	375.00
Cross Midwest Tire Co.	tires	32592	104.12
Day Star	battery pack, supplies	32593	276.13
Eastech Flow Controls, Inc.	sensor, speed rails	32594	1,823.99
Electronically Speaking	batteries, supplies	32595	95.12
Ellis & Zolotor Law Office, LLC	court appointed attorney	32596	80.00
EMC Insurance Companies	windshield broken by rock	32597	298.68
Employee Screening Services	administration fees	32598	180.00
Environmental Laboratories, Inc.	analytical services	32599	177.00
Void		32600	-
The Family Center	dog food, supplies	32601	587.45
Five A Farm & Lawn, LLC	sharpen blades, parts	32602	54.16
Four State Maintenance Supply	paper goods, supplies	32603	117.01
Fort Scott Community College	water school - Diehm	32604	140.00
Galls	mace holders, supplies	32605	136.43
GeoCorp, Inc.	charts, pens	32606	109.57
Gerken Rental Paola	portable restroom	32607	100.00
Goodyear Wholesale Tire Centers	tires	32608	388.62

Record of Ordinances

DATE WARRANTS ISSUED:
January 8, 2009

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Grainger	transducer, gloves	32609	312.61
Hach	chlorine reagent set	32610	277.42
Holman Hansen & Colville, P.C.	City Attorney	32611	3,627.35
Hunt Martin Materials	sand	32612	142.52
JCI	pump repairs, WWTF, South lift	32613	18,728.00
Kansas State Treasurer	training funds	32614	331.50
Kincaid Ready Mix	concrete	32615	614.76
Knapheide Truck Equipment Center	headlamp	32616	140.21
Kriz-Davis Co.	ballast, wire, supplies	32617	820.30
Lacal Equipment, Inc.	tie rod ends, rubber plow blades	32618	1,169.58
League of Kansas Municipalities	membership, ad-bldg official	32619	2,055.86
Matco Tools	tools	32620	101.40
Mi Co Internet Onramp, Inc.	internet	32621	19.95
Miami County Sheriff's Office	prisoner care	32622	240.00
Miami County Solid Waste	landfill fees	32623	18.00
Mid America Hydraulic Repair, Inc.	replace tandem pump, cylinder	32624	2,465.00
Moon's IGA	supplies	32625	218.27
Municipal Emergency Services, Inc.	flow test	32626	450.70
National Sign Company, Inc.	signs	32627	1,060.00
Navrat's Office Products	clip pad holder	32628	8.69
Navrat's	copy paper	32629	900.00
NPG Newspapers	ads	32630	634.88
Ochsner Hare & Hare	comprehensive plan	32631	912.60
Oil Patch Pump & Supply, Inc.	cutting charge, supplies	32632	171.74
Olathe Winwater Works	poly tubing cutter	32633	13.98
OMB's Express Police Supply	shirts, trousers, supplies	32634	539.56
Osawatomie Pet Clinic	supplies	32635	307.50
Paola Hardware	nuts, bolts	32636	19.80
Psychological Resources	psychological evaluations	32637	550.00
Quill	calendars, supplies	32638	1,326.39
Read It Free	ad	32639	142.50
Red Bud Supply, Inc.	safety glasses	32640	79.13
G.S. Robins	sodium hypochlorite	32641	4,279.08
Schendel Pest Services	pest control	32642	196.68
Simmons Gun Specialties, Inc.	ammo	32643	1,410.75
Stanion Wholesale Electric, Co.	electric line supplies	32644	1,028.57
Super 8 Motel	lodging	32645	222.60
Mike Talley	Memorial Hall janitorial	32646	375.00
Tri County Ice	ice machine	32647	75.00
United Rotary Brush Corp.	brooms	32648	193.64
Wade Quarries	rock	32649	2,480.07
Weir Auto Parts	parts	32650	242.31
Winkler, Domoney & Schultz	Municipal Court Judge	32651	2,000.00
Void		32652	-
Winterscheid Auto Parts	parts	32653	590.73



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
January 8, 2009
Payment Request No. 32 (RDA pay estimate 1/1/09)

Claimant	Description	Document Number	Amount
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049	administration	12/30/08	\$ 575.70
BG Consultants, Inc. 1405 Wakarusa Drive Lawrence, KS 66049	engineering design engineering inspection	12/15/08	\$ 14,073.00 \$ 4,659.33
Holman Hansen & Colville PO Box 7490 Overland Park, KS 66211	utility easement	12/05/08	\$ 87.50
George & Pauline Pretz	utility easement	12/11/08 Council Action	\$ 35,000.00
	TOTAL		\$ 54,395.53

Approved for payment by the Osawatomie City Council this 8th day of January, 2009.

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
 January 8, 2009
 Payment Request No. 5**

Claimant	Description	Document Number	Amount
Woodco, Inc. PO Box 350 Republic, MO 65738	Public infrastructure for Appenfeller Drive (offsite)	ACP #5 12/30/08	\$ 29,457.41
Woodco, Inc. PO Box 350 Republic, MO 65738	Infrastructure for Woodland Hills apts. (sitework)	ACP #5 12/30/08	\$ 56,414.98
	TOTAL		\$ 85,872.39

Approved for payment by the Osawatomie City Council this 8th day of January, 2009.

Philip A. Dudley, Mayor

RESOLUTION NO. _____

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (hereinafter referred to as "Agreement") entered into this 1st day of January, 2009, by and between the City of Osawatomie, a duly organized municipal corporation hereinafter referred to as "City" and Board of Miami County Commissioners of Miami County, Kansas hereinafter referred to as "County" and Unified School District No. 367 Board of Education.

WHEREAS, KSA 12-2904 allows public agencies to enter into interlocal agreements to jointly perform certain functions including economic development; and

WHEREAS, all parties are pursuant to KSA 12-2903 public agencies, capable of entering into interlocal agreements; and

WHEREAS, KSA 12-17,114 et seq. provides a program for neighborhood revitalization and further allows for the use of interlocal agreements between municipalities to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties hereto to provide the maximum economic development incentive as provided for in KSA 12-17119 by acting jointly.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. The parties agree to consider and adopt a Neighborhood Revitalization Plan in substantially the same form and content as Exhibit A, attached hereto and incorporated by reference as if fully set forth herein. The parties further agree the Neighborhood Revitalization Plan as adopted will not be amended by any of the parties except as may be necessary to comply with applicable state law or regulation.
2. The parties further agree that the County shall administer the Neighborhood Revitalization Plan as adopted by each party on behalf of the signatory parties. The parties acknowledge and agree that seven and a half percent (7.5%), or a minimum of \$50 of the increment as defined by KSA 12-17,188, shall be used to pay for administrative costs of the County in implementing and administering the plan, all as described in the Neighborhood Revitalization Plan. The County shall create a Neighborhood Revitalization Fund pursuant to KSA 12-17,188 and amendments for the purpose of financing the redevelopment and to provide rebates.
3. This Agreement shall expire December 31, 2019. The parties agree to undertake a review of the Neighborhood Revitalization Plan every three years to determine any needed modifications to the Neighborhood Revitalization Plan. The parties agree that termination of this Agreement by any party prior to December 31, 2019 would adversely impact the Plan if proper notice is not provided to the other parties, and consequently, this Agreement may be terminated unilaterally by one of the parties only after providing the other parties a minimum of six months written notice of the terminating party's intent to terminate the agreement prior to the expiration date.

4. This Agreement shall be executed in several counterparts, all of which together shall constitute an original Agreement.

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

City of Osawatomie, Kansas

By: _____
Mayor

Attest: _____
City Clerk

Board of Miami County Commissioners

By: _____
Chairman, James E. Wise

Attest: _____
County Clerk

USD 367 Board of Education

By: _____
President

Attest: _____
USD 367 Board of Education Clerk

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING MEMBERSHIP OF THE CITY OF OSAWATOMIE, KANSAS IN THE KANSAS MUNICIPAL ENERGY AGENCY'S MUTUAL AID PROGRAM AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS RELATING TO THE CITY'S PARTICIPATION IN SAID MUTUAL AID PROGRAM.

WHEREAS, the Kansas Municipal Energy Agency (the "Agency") was created under K.S.A. 12-885 *et seq.* (the "Act") for the purpose of planning, studying and developing supply, transmission and distribution facilities and programs, and for the purpose of securing an adequate, economical and reliable supply of electricity and other energy, and transmitting the same for distribution through the distribution systems of such cities; and

WHEREAS, the Agency is authorized under the Act to exercise any powers reasonably necessary or appropriate for or incidental to the effectuation of its authorized purposes; and

WHEREAS, the Agency and its member cities determined a need existed for a program in which cities that operate municipal electric systems will assist each other in the event of a disruption in electric utility service due to inclement weather or other emergency situations (the "Mutual Aid Program"); and

WHEREAS, the Agency created the initial Mutual Aid Program in 2000, for a term of three (3) years, and the Mutual Aid Program was renewed in 2003 and 2006, also for a term of three (3) years each; and

WHEREAS, and the Agency and the member cities have determined that the Mutual Aid Program shall be renewed in 2009 for an additional term of three (3) years; and

WHEREAS, the City of Osawatomie, Kansas (the "City") is qualified for membership in the Mutual Aid Program as a city that owns and/or operates a municipal electric utility system; and

WHEREAS, it is hereby deemed advisable and in the best interests of the City that the City become a member of the Mutual Aid Program; and

WHEREAS, the City further approves and authorizes the execution by the City of an agreement among all the cities participating in the Mutual Aid Program (the "Agreement") and any other documents relating to the Mutual Aid Program.

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

SECTION 1. The City is hereby authorized to become a member of the Mutual Aid Program.

SECTION 2. The Agreement is hereby approved and the Mayor and Clerk are hereby authorized and directed to execute the Agreement and any other documents relating to the participation of the City in the Mutual Aid Program.

SECTION 3. This Resolution shall be in force and take effect from and after its adoption.

ADOPTED by the governing body of the City of Osawatomie, Kansas on January 8, 2009, and **SIGNED** by the Mayor.

Philip A. Dudley
Mayor

(Seal)

ATTEST:

Ann Elmquist
City Clerk



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

CITY OF OSAWATOMIE

CITY MANAGER'S REPORT

January 8, 2009

NEIGHBORHOOD REVITALIZATION PROGRAM:

The final document that needs to be approved to enact the NRP is the interlocal agreement between the City, County, and School District to permit the county to withhold from distribution to the taxing entities, the incremental increase in property taxes due to new construction made under the auspices of the NRP. These tax dollars are subsequently rebated to the property owner. Staff recommends approval of the agreement.

2008 STREET PROJECT:

There are no pay requests available at this time from the street contractor. At our last meeting, I informed the contractor that I needed the pay estimates prior to Friday, January 02, 2009. Since I did not receive them, I am advising the council to withhold action on the pay estimates until the second meeting in January, presuming we do not cancel it, which at the time of this writing, is a possibility, provided there are no issues the council wishes to discuss. In general however, the street projects are for the most part finished, with only final seeding remaining on the 2008 series of projects. The sidewalks that were damaged by the seeding contractor on the 2007 project have been reviewed and while there is a stoning process that the contractor can apply to remove the scratch, once the scratch has been stoned, the repair is more evident than the original damage. We continue to discuss with the contractor a credit to the city for the damaged sidewalk with the thought being that property owners along 9th Street and Walnut Street have put up with their yards being torn up long enough. If the credit in our opinion is adequate, than I would recommend the council accept the credit. If we cannot come to an agreement on the amount of the credit, I will recommend to the council that we require the contractor to remove and replace those portions of the sidewalk that are damaged. Additionally, there is currently \$216,258.65 left in the street improvement capital fund. Most of these dollars will need to be spent to finish paying what is owed to the street contractor. However, we anticipate that some amount of money will be leftover once all the bills are paid. State law requires that if those funds are not going to be spent for the purposes which the debt was issued, then the money must be transferred to the city's bond & interest fund for debt retirement.

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.

STATUS UPDATE ON 1120 3RD STREET:

The contractor for Wells Fargo on 1120 3rd street has completed the remodel of the condemned property and has passed final inspection prior to the deadline of the council.

WOODLAND HILLS PAY REQUEST:

The fifth 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: \$85,872.39. 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.

PROPOSED CLOSURE OF OSAWATOMIE CORRECTIONAL FACILITY:

At the last economic development committee meeting, we discussed the continued planned closing of OCF. Since that meeting, I have drafted a second letter, this time directed to our elected officials. That letter has been shared as a template with the county, Paola, and members of the economic development committee to also send letters of support to keep the facility open. Essentially the letter states that when taking into account the amount of money in the OCF budget dedicated to personnel and the fact that no personnel are going to be cut and comparing it to the amount of money OSH would have spend to have that work done by other individuals/parties, the net savings to the State of Kansas is ZERO.

You will remember that the first letter was sent to Governor Kathleen Sebelius and State Budget Director Duane Goossen stating our area's concerns and asking for reconsideration of the closure, but as of this date, only one planned closure has been halted; the unit at El Dorado. All other planned closures are moving forward. One or two closings have already taken place and by July 1, 2009, absent success in Topeka, all other facilities that were originally planned to be closed will close. A copy of either of these letters is available upon request.

UPDATE ON NORTHLAND WATER:

Negotiations continue to progress on how the city and RWD #1 will work together to provide water to the Northland. At the last meeting with the district, it was discussed that the city would help finance approximately 65% of the cost of the water improvements with the district paying 35%. The city's portion would be financed through a requirement in the contract that the district purchase all water required for the Northland project from the City of Osawatomie. Additionally, we are discussing the possibility of over time, the district reimbursing the City of Osawatomie for a portion of its share of the cost of the infrastructure.

UPDATE ON NORTHLAND SEWER:

At the time of this writing, we are planning on having a field check meeting with Bates Utility to walk the project area and provide them with adequate information to estimate their expenses and provide us with a price to extend the service.

REPLACEMENT OF ELECTRIC DEPARTMENT'S SMALL BASKET TRUCK:

In the 2009 Budget, the council approved for the electric crew to replace the small basket truck. The existing truck is 12 years old and is at a point where it is in need of replacing. In accordance with the city's purchasing policy, council approval is required on two fronts. First, the council needs to authorize staff to dispose of the existing basket truck as its value is in excess of \$1,000 (pg 23 of the new financial policies). Second, generally speaking, purchases in excess of \$20,000 require a 10 day notice to be published in the Graphic. However, given the nature of the equipment to be purchased, there are really only a couple of possible sources (Altec and Drake-Scruggs) for this type of equipment. Therefore, also in accordance with the financial policies, the electric department drafted their specifications for the vehicle and sought bids from both of the aforementioned vendors. Altec's submission most closely mirrored our staff's specifications on the truck, although both vendors supplied bids. I am requesting the council to authorize us to purchase the Altec unit in the amount of: \$125,312. Drake Scruggs' bid was \$113,092, but it did not meet our specifications like the Altec unit did. One of the biggest concerns was the lower priced unit's bed was made of fiberglass as opposed to steel like the Altec unit. Additional benefits for the Altec unit is that it is available for delivery upon approval of the purchase by the council and the truck and chassis is the same make/model as our large basket truck, making it more efficient for our mechanics to stock parts as most are interchangeable between the two trucks. The budgeted line item for this vehicle is \$130,000. Any revenue earned off of the disposal of the existing truck will be put towards the purchase of the new vehicle.

FINAL PLAT OF ECKAN ESTATES:

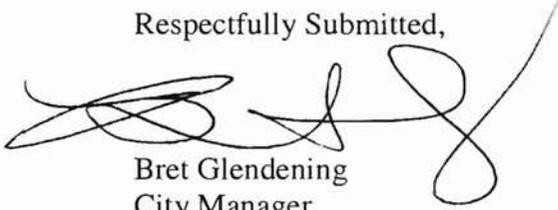
ECKAN has submitted a plat which has been properly surveyed by Allendbrand-Drews and approved by the County Surveyor, Dick Weiss. The name of the plat is ECKAN ESTATES. A public hearing and approval process will need to be followed to divide their property on 3rd street. The purpose for the public hearing and platting process is a formality in that they are desiring to split one large parcel into three smaller ones. The city's zoning and subdivision regulations only permit a lot split to be approved without this process. The public hearing is scheduled for January 27, 2009 – a regularly scheduled Planning Commission Meeting. These properties were flooded in 2007 and at this point in time, are under contract to 2 other parties. Prior to the sale of these properties being finalized however, the land must be split. The lots as they are proposed on the plat conform to the city's zoning regulations in terms of length, width, and square footage. However, the setbacks are not conforming to the minimum side yard setback requirements. Given the fact that these properties are already in place, there is nothing that can be done to make them conform, short of demolition. Staff recommends approval of the plat when it comes before the Planning Commission on January 27 and the City Council on February 12.

PARKS & RECREATION WINTER BASEBALL CAMP/COLLEGE SHOWCASE:

On January 3rd and 4th, the Osawatomie Recreation Commission hosted a winter baseball camp/college showcase for area baseball players hoping to move on and play at the college level. There were approximately 60-70 young athletes that attended the two day event. Fifteen colleges representing all college levels (NAIA and Divisions I, II, and III) as well as professional scouts from the Texas Rangers and the Chicago Cubs were in attendance as well. Channel 13 WIBW out of Topeka spent a couple of hours at the event interviewing those involved and stories were ran on both evening news casts on Saturday and Sunday. Parks & Recreation

Director Ron Maring received lots of good compliments about our city's appearance, the friendliness of citizens they met, and the stores on Main Street. If you get an opportunity, congratulate him on the success of this event.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bret Glendening', with a long, sweeping flourish extending to the right.

Bret Glendening
City Manager



Osawatomi Police Department

Monthly Report Dec. 2008

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	<u>Current Month</u>	<u>Year to Date</u>
Escorts	13	109
Warrant attempts/arrests	4	129
Traffic Stops/investigation	80	927
Investigate Person	2	16
DUI	7	38
Non-Injury Accident	18	182
Injury Accident	0	20
Assist EMS	26	303
Fire	1	41
Fights	4	68
Prowler	0	7
Domestic Violence	1	54
911 Misdialed	4	64
Animal at large	25	492
Animal Bite	0	32
Animal Missing	8	127
Animal Welfare	16	166
Assist Outside Agency	13	190
Bank Alarm	0	10
Burn Permit	8	188
Business Alarm	9	67
Burglary	0	37
Criminal Damage to Property	11	135
Child In need of Care	4	47
Carbon Monoxide Check	1	14
Civil Stand By	3	80
Citizen Complaint	62	1026
Citizen Inquiry	36	776
City Services	35	342
Drug Cases	2	43
Disturbance	12	197
Deliver Message	3	38
Extra Patrol Request	4	103
Forgery	0	28



Osawatomie Police Department

Monthly Report Dec. 2008

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	<u>Current Month</u>	<u>Year to Date</u>
Fine Payment to Dispatch	18	230
Found Property	4	67
Finger Print (employment)	1	14
Gas Drive Off	1	23
HAZMAT	0	2
K9 Training Event	0	11
K9 Deployment	3	15
Loud Music Complaint	4	85
Murder	0	1
Motorist Assist	20	134
Medical Alarms	0	6
Missing Child	0	17
Missing Person	2	9
Open Door (Building Check)	6	51
Pedestrian Checks	2	28
Residential Alarms	1	3
Reckless Driver	1	8
Repossessions (notifications)	4	19
Runaway	3	10
Sexual Assault/Sex Crimes	1	29
Suspicious Activity	13	280
State Hospital Walk Away	0	9
Theft	31	262
Telephone Harassment	4	63
Unattended Death	0	2
Vehicle Lock Out	28	305
Violation of Protective Order	0	11
Verbal Dispute	0	5
Check Welfare	10	143
Incidents cleared by Arrest	11	157
Total Citations Issued for the Month	50	568

Last incident # assigned in Dec: 08-7022. 503 Numbers assigned.



Osawatomie Police Department

Monthly Report for Dec. 2008

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Miles driven (Patrol Units)

	<u>Miles</u>	<u>Mileage Total</u>
Unit 1 (2007 Crown Victoria)	2,205	59679
Unit 3 (2004 Blazer)	1,790	104933
Unit 4 (2003 Crown Victoria)	2,496	159002

Notes:

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

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

Building Permit Activity for January thru December 2008

Category	Total Permits	Total Value	Received by City
New Residences	29	2,704,000.00	45,471.60
Re-roofs	540	3,187,050.40	13,135.00
Remodels	53	796,591.28	5112.36
Accessory Buildings	20	43,210.00	1061.76
Concrete	21	488,943.00	760.00
Mechanical	38	924,083.00	6,207.00
Repairs	2	7,100.00	60.00
Decks & Porches	27	36,350.00	780.00
Additions	1	100,00.00	613.20
Commercial Buildings	1	128,000.00	869.92
Demolishing	21	42,850.00	690.00
Fences	18	24,750.00	510.00
Plumbing	50	53,265.00	2,345.00
Electrical	29	28,630.00	330.00
Agricultural Buildings	9	141,448.00	1,253.00
Signs	8	10,140.00	240.00
Wireless	1	40,000.00	568.00
Penalties	6	370.00	370.00
Totals	874	8,756,780.28	80,376.84

Accessory list includes detached accessory structures, storage sheds, signs and carports.

Concrete list includes driveways, sidewalks, concrete pads, porches, basements foundations & patios.



Terry E. Anderson
Building Official

Date

First Name Last Name

Address

City, State Zip

Dear Mr./Ms. Last Name

We are writing to voice our concern over the imminent closing of the Osawatomie Correctional Facility. In a previous letter to Governor Sebelius and Budget Director Goossen, we discussed our concerns regarding the state's financial position and the potential negative impact the closing of the Osawatomie Correctional Facility (OCF) will have on other governmental entities that receive labor from the OCF. We also discussed the incarceration costs the state incurs per inmate at OCF versus other state correctional facilities.

Unfortunately, OCF will be closed on April 1, 2009, absent any legislative action to prevent it. For those of us who are familiar with public finance and budgeting, an initial review of the numbers leaves us dumbfounded as to why OCF, based on the numbers provided by Legislative Research is being closed on April 1, 2009 when it is the second most cost effective housing option for the state's inmates. We are further confused by the fact that if the state's budget situation is so dire, why closing a facility that costs less than \$900,000 to operate in the state's 2009 fiscal year and not eliminating ANY employees (they are all being offered positions at Lansing is the last report we have) can make any significant inroads in solving the state's budget crisis. As we are all aware, in most cases, 75% of expenditures from most public budgets are found in personnel. Below is the table as provided by Legislative Research. Facilities are ordered from lowest to highest housing cost per inmate:

Facility	FY 2008 Avg.	FY 2009	
	Daily Pop.	Approved Oper. Exp.	Cost/Inmate
Wichita Work Release	242	\$2,231,309	\$9,220
Osawatomie Correctional	70	\$880,898	\$12,584
Ellsworth Correctional	819	\$12,488,717	\$15,249
Toronto Work Release	63	\$968,465	\$15,372
Lansing Correctional	2,316	\$37,202,632	\$16,063
Hutchinson Correctional	1,720	\$29,041,068	\$16,884
El Dorado Correctional	1,273	\$23,715,986	\$18,630
Stockton Correctional	83	\$1,660,168	\$20,002

Norton Correctional	626	\$12,936,042	\$20,665
Winfield Correctional	425	\$10,207,930	\$24,019
Topeka Correctional	567	\$13,643,273	\$24,062
Larned Correctional Mental Health	314	\$9,721,908	\$30,961
TOTAL	8,544	\$158,019,653	\$18,495

*Data provided by Kansas Legislative Research Department - 9/18/08

Using this assumption and applying the personnel expenses to the OCF budget, we are of the understanding that the proposed closure of OCF is going to save the State of Kansas' Department of Corrections - \$225,000 (\$900,000 x 25%). However, what is the value of the labor OCF provides to other area governmental entities? Based on last year's usage, here are the agencies who utilized this labor and the amount of usage:

Inmate Labor Provided To:	Total Hours Utilized Last Yr.
City of Osawatomie	4,952
City of Paola	10,832
Hillsdale Lake #3	4,840
Hillsdale Lake #4	4,192
Osawatomie State Hospital	25,340
TOTAL	50,156

As you can see, the State of Kansas is the largest user of this facility's labor pool. According to the Osawatomie State Hospital, the minimum value this labor provides to the state is: \$225,000. The City of Osawatomie's minimum starting wage for an entry level building maintenance technician is: \$13.56. This change, if Osawatomie elects to hire these positions and not allow the labor the inmates performed be neglected would be: \$67,149. For the City of Paola, the cost would be: \$119,585 (\$11.04/hr).

As you can see, the decision to close OCF, in our opinion, is not based on the facts of the situation, nor does it take into consideration the impacts it will have on other state agencies, let alone other governmental entities. After subtracting the value that OCF provides to the Osawatomie State Hospital in terms of free labor, and remembering that no tough decisions have yet to be made with regard to the largest portion of OCF's budget (personnel), the state's net savings from closing this facility is ZERO.

We offered in our initial letter to provide any assistance we could in helping the state resolve its financial crisis, however our intent was not to suggest, or give our tacit approval for the state to balance its budget on the backs of local government. In this situation, we believe it should be clear that this is a case of one hand of the state not knowing what the other hand is doing, or even worse, not caring what the impacts of one agency's decision is on another. After all, we are all Kansans and we all need a state government that functions on every level, in every agency. Making cuts to one agency's budget that has a direct impact on another agency's budget or its ability to deliver the services it is charged with delivering is irresponsible. We requested in our initial letter that instead of making draconian cuts to a select few facilities across the state to meet the Governor's order to reduce expenses that expenditures

in various line items of each agency's budget be addressed so as to minimize the impact on communities who depend on these facilities for jobs and other important economic benefits. However, that request has fallen on deaf ears and we are certainly disappointed in this to say the least.

Thus, we turn to you, our legislators to inject some common sense into this process and to do so immediately. To recapitulate our points: 1.) OCF is your second most cost effective facility in terms of housing costs per inmate; 2.) OCF provides labor to multiple other governmental agencies free of charge, including Osawatomie State Hospital; 3.) Closing OCF and not eliminating any personnel helps the State of Kansas realize a total net savings of zero dollars.

Should you have any questions, please do not hesitate to contact me.

Respectfully,

Bret Glendening
City Manager
City of Osawatomie