

OSAWATOMIE CITY COUNCIL
AGENDA
April 9, 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 March 12 & March 26 City Council Meetings
 - B. Approve April 9 Agenda
 - C. Appropriation Ordinances 09-5 & 09-6
5. Comments from the Public; Presentations

Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor

 - A. Levee Certification – Phase I Findings
6. Public Hearings
 - A. Final Performance Hearing CDBG Sewer Grant
7. Unfinished Business
 - A. Approve Invoices for Sewer Improvement Grant – Request No. 35
 - B. Approve Pay Request No. 8 for Housing Development Grant Program
 - C. Consider Engineering Contract with BG Consultants for Stimulus Project – 8th Street North to Levy
 - D. Consider Engineering Contract with BG Consultants for Stimulus Project – Downtown Streetscape
8. New Business
 - A. Appointments
 - B. Proclamation – Arbor Day
 - C. Consider Approval of Fireworks Stand
 - D. Ordinance to Rezone Property at 327th & Lone Star Road
 - E. Authorization to Dispose of Surplus City Equipment
 - F. Review & Possible Approval of 2010-2014 CIP Program
 - G. Meeting & Work Session April 23 – Oaths of Office
9. Council Reports
10. Mayor’s Report
11. City Manager’s Report
12. Executive Session - None
13. Adjournment

Osawatome, Kansas. March 12, 2009. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:00 p.m. Council members present were Hunter, Dalton, LaDuex, Maichel and Walmann. Absent were Kaempfe, Klein, and Moon. Also present were City Attorney Wetzler and City Clerk Elmquist. Visitors were Robert Kerr, Mark Fuchs, Jeff Gulley, Web Hawkins, Terry Anderson, and Kevin Gray.

CONSENT AGENDA. Approval of the minutes of February 12 Meeting, approval of March 12 Agenda, and approval of Appropriation Ordinances 09-3 & 09-4. Motion made by Hunter, seconded by Walmann to approve the minutes of February 12 Meeting as amended, approval of March 12 Agenda as amended, and approval of Appropriation Ordinances 09-3 & 09-4. Yeas: All.

Public Participation; Presentations: None

Public Hearings: None

Unfinished Business:

APPROVE INVOICES FOR SEWER IMPROVEMENT GRANT – REQUEST NO. 34. Motion made by Hunter, seconded by LaDuex to approve Request No. 34. Yeas: All.

APPROVE PAY REQUEST NO. 7 FOR HOUSING DEVELOPMENT GRANT PROGRAM. Motion made by Hunter, seconded by Walmann to approve Pay Request No. 7. Yeas: All.

BANKING SERVICES REQUESTS FOR PROPOSALS. Bids were received from First Option Bank, Landmark National Bank, and TeamBank. After interviews with the three banks and compilation of all fees, interest, and services, staff recommended First Option Bank. Motion made by LaDuex, seconded by Walmann to approve First Option Bank to provide financial services to the City. Yeas: All.

AUTHORIZE MAYOR TO SIGN OPTION TO PURCHASE FOR SALE OF CHESTNUT MANOR. In 2005 the Osawatome Public Housing Authority contracted to sell Chestnut Manor to Mid America Management. The firm has been working towards purchasing the property but the term of the contract has expired. They are finishing up the final items needed to complete the transfer with USDA-RD and anticipate closing within the next few months. Motion made by Walmann, seconded by Hunter to authorize the Mayor to sign the option to purchase for sale of Chestnut Manor to Mid-America Management. Yeas: All.

New Business:

APPOINTMENTS.

KMEA Board of Directors

Director #1 – Bret Glendening
Alternate – Phil Dudley

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

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2010 Census Complete Count Committee

City (2)	City Manager Bret Glendening
	Police Chief Mike Stiles
USD #367	Superintendent Gary French
Osawatomie State Hospital	John Farley
Osawatomie Graphic	Kevin Gray
Chamber of Commerce	Lori Needham
Religious community	Rick McCarley
Business owner	Pat Hoskins
Civic organization	Doris Ware
Life Care Center	Teresa Martin
Vintage Park	Misty Schmidt
Tri-Ko	Frances Hayes
<i>Previously appointed:</i>	
Governing Body	Karen LaDuex
City- at-Large	Wes Cole

Motion made by Hunter, seconded by LaDuex to contact the above named for the Census Committee.
Yeas: All.

AWARD BID ON SEWER MACHINE. Bids were received for a new sewer machine.

		<u>Base Bid</u>	<u>Trade-In</u>	<u>Net Cost</u>
Cole Equipment	Rochester ,IL	\$59,000	\$3,500	\$55,500
Key Equipment & Supply Co.	Kansas City, KS	\$58,275	\$7,000	\$51,275
Henard Utility Products	Searcy, AR	\$59,500	----	\$59,500

Motion made by LaDuex, seconded by Hunter to award the bid to Key Equipment & Supply Co. Yeas: All.

AWARD BID ON ROOFS. As a result of the June 2, 2008 hail storm, the City received authorization from the insurance company to move forward with full replacement of roofs at Memorial Hall, the sports complex, the library, and the lake shelter house and golf course club house.

	<u>All Roofs</u>	<u>Sports Complex</u>
Butler Custom Builders Inc.	\$38,661	\$ 9,345
Diversified Contracting Company	\$34,925	\$ 8,630
Wendt Construction	----	\$ 9,950
Yutzy Construction	\$36,900	\$10,200

Motion made by LaDuex, seconded by Walmann to award the bid to Diversified Contracting Company for all roofs. Yeas: All.

AUTHORIZATION TO PURCHASE NEW POLICE CAR. Chief Stiles found a 2009 Chevrolet Impala for approximately \$19,543, not including any equipment. To equip the vehicle, would be approximately \$5,000. The dealer is not local but staff would like to give local dealers the opportunity to bid. Motion made by LaDuex, seconded by Hunter to authorize the City Manager to move forward with the process outlined in the City Manager report to contact local dealers to see if they can match the government contract price. Yeas: All.

RESOLUTION WAIVING GAAP REQUIREMENT FOR 2009. Motion made by LaDuex, seconded by Dalton to approve Resolution No. 615. Yeas: All.

DISCUSS NEW CITY MAGAZINE. Jeff Gulley, Clarity Design & Promotion, outlined a proposal for publishing a 16-20 page informational magazine for the City. There would not be any ads and would be fully funded by the City. The City would have the right to print it from the internet, if option chosen, and distribute. Consensus was there needs to be a magazine but not now with the current economic crisis.

MEETING & WORK SESSION MARCH 26. The City Manager attended a conference where there was discussion, in detail, on the pros and cons of the American Recovery & Reinvestment Act (the "stimulus" bill). A documentary was highlighted regarding the levels of debt the federal government is incurring and the concerns all Americans should have for this debt. The City Manager previewed a portion of this film, "I.O.U.S.A.," and believed the message was applicable to all levels of government as well as personal finances. Suggested the Council view it at the March work session and invite all the governing bodies in Miami County. Motion made by Moon, seconded by Hunter to cancel the regular meeting.

RESOLUTION AUTHORIZING MAYOR TO SIGN KDOT TE APPLICATION. The application to the Kansas Department of Transportation is for use of transportation enhancement funds (TE) set forth by the American Recovery and Reinvestment Act of 2009 for the downtown streetscape project and authorizing the mayor to sign the application. Approving the resolution does not obligate the City. Motion made by LaDuex, seconded by Walmann to approve Resolution No. 616. Yeas: All.

APPLICATIONS TO RURAL DEVELOPMENT FOR STIMULUS DOLLARS. The projects for the five applications are: 1) Main Street from 1st Street to 18th Street; 2) multiple mill/overlay projects throughout city; 3) Brown Avenue from 7th Street to 12th Street; 4) Pacific from 12th Street to 14th Street, 14th Street, Brown Avenue from 14th Street to 18th Street; and 5) Oscar Street. Motion made by LaDuex, seconded by Walmann to authorize the Mayor and City staff to sign all necessary documents. Yeas: All.

Council Members' Concerns/Issues:

Hunter: Will be attending the LKM's Municipal Finance course March 28 in Osawatome. Also that day at the Old Stone Church, Tourism will be featuring the high school vocal music and forensics students performing what they will perform at their state contests. The restaurant in Landmark Inn will be re-opening under new management. The Presbyterian Church is doing extensive renovation. There was a ground breaking ceremony for the new location of Auten's Pharmacy.

Maichel: There is a shift back to Council not getting the information ahead of time.

Mayor's Report:

Auten's Pharmacy has begun construction of their new building. Those parties involved have commended City staff.

The Planning Commission held a public hearing to consider a request for re-zoning property at 327th and Lone Star Road. Upon receiving the Commission's recommendation, the Council can consider the ordinance approving the change.

City Manager's Report (extracted from written report):

Kibota Mower. Louisburg Tractor Boyz was given the opportunity to adjust their bid in accordance with the City's purchasing policies. Their adjusted bid, after trade-in, was \$8,100.

Mechanic's Truck. Bidders were informed of the City's decision to reject all bids and reopen the bidding to include Louisburg Ford. All bidders resubmitted, as well as Louisburg Ford, who submitted a successful bid of \$21, 763.58. Staff moved forward and ordered the truck from Louisburg Ford.

EXECUTIVE SESSION – CONSULTATION WITH CITY ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP. Motion made by Hunter, seconded by LaDuex at 8:04 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 20 minutes. Yeas: All. The City Attorney and City Clerk were present. Meeting reconvened at 8:26 p.m. No action taken.

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

Ann Elmquist, City Clerk

Osawatomie, Kansas. March 26, 2009. The Council voted at the previous meeting to cancel the regular meeting.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 9-5

DATE WARRANTS ISSUED:
March 31, 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
Payroll 03/13/09			83,044.12
Payroll 03/27/09			93,592.57
FICA 03/13/09			6,047.76
FICA			6,854.67
KPERS			8,344.02
State of Kansas	reissue check #32495	32898	2,377.12
Crawford Sales	Budweiser	32899	141.20
Aerial FX	fireworks	32900	2,000.00
City of Osawatomie	petty cash reimbursement	1209	3,527.45
Suddenlink	internet	33002	259.17
Bartlett & West	Northland water design	33003	6,679.77
Ed Bridges	pistol, ammo	33004	650.00
Aetna	health insurance	33005	27,996.47
City of Osawatomie	utilities	33006	7,004.36
Delta Dental	dental insurance	33007	2,962.13
EMBARQ	RTU's	33008	236.56
Kansas City Wilbert Vault	grave openings	33009	2,010.00
KDIA	conference registration	33010	65.00
Olathe Medical Services	physical	33011	41.00
Vision Service Plan	vision insurance	33012	802.96
Wal-Mart	supplies	33013	442.71
Yamaha	golf carts	33014	1,020.00
Techno Ply, LTD	hand sanitizer	33015	490.00
Bartlett & West	Northland water design	33016	1,614.00
Crawford Sales	Budweiser	33017	196.90
L & K Services	refuse	33018	31,249.02
Osawatomie Public Library	tax appropriation	33019	2,316.18
Osawatomie Recreation Commission	tax appropriation	33020	3,474.09
Brad Waggoner	Pro Shop	33021	93.01
Key Equipment & Supply	sewer machine	33022	51,275.00
AT&T	RTU's	33023	216.17
Goodyear Tires	tires	33024	559.30
Kansas Dept of Revenue	sales tax	33025	10,621.92
Kansas Gas Service	power plant	33026	46.30
KMEA - Nearman	electricity	33027	33,962.49
Lybarger Oil, Inc.	fuel	33028	2,592.65
Visa	lodging	33029	520.59
Collection Bureau of Kansas	reimbursement for collection fees	33030	191.54
Crawford Sales	Budweiser	33031	125.05
First Option Bank	bucket truck	33032	1,798.99

Record of Ordinances

ORDINANCE NO. 9-6

DATE WARRANTS ISSUED:
April 9, 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
Voided new bank		33053	-
		33460	-
Ace Pipe Cleaning, Inc.	clean wet well at lift station	33462	1,260.00
Alliance Pump & Mechanical Serv.	pump repairs	33463	940.00
Bob's Sales and Service	fire extinguisher	33464	186.00
Bollings Bargain Bonanza	light bulbs, supplies	33465	214.75
Brewer's Automotive Repair	batteries	33466	384.75
Void		33467	-
Void		33468	-
Brown's Hardware	supplies	33469	693.02
C & G Merchants	paper goods, snacks	33470	434.83
Carter Waters	water line supplies	33471	51.49
Coleman Equipment, Inc.	handle	33472	18.42
Copy Products	copier overage	33473	675.98
Discover Mid-America	ad - Tourism	33474	188.00
Electronically Speaking	VHS tapes, supplies	33475	73.13
Ellis & Zolotor Law Office	court appointed attorney	33476	485.00
Employee Screening Services	drug & Alcohol testing	33477	333.60
Entersect Corporation	entersect Police online	33478	79.00
Environmental Laboratories, Inc.	analytical service	33479	354.00
Evco Wholesale Food Corp.	snack bar supplies	33480	491.73
The Family Center	supplies	33481	337.01
Richard M. Fisher, Jr. LLC	court appointed attorney	33482	800.00
Five A Farm	dog food	33483	34.00
Ft. Scott Community College	class - surface water treatment	33484	140.00
Gerken Rental	portable restroom	33485	200.00
Goodyear Wholesale Tire Centers	tires	33486	220.74
HD Supply Waterworks	water meters	33487	2,597.56
Heritage Tractor, Inc.	mower parts	33488	143.58
Holderman Printing	door hangers	33489	104.50
Holman Hansen & Colville, PC	City Attorney	33490	4,945.79
Huber & Associates, Inc.	enterpol maintenance agreement	33491	4,750.00
J & J Metal Products Company	pipe	33492	184.40
Kansas State Treasurer	training funds	33493	507.50
Kincaid Ready Mix	concrete	33494	2,838.26
Kansas Municipal Energy	membership dues	33495	862.00
Knight Trucking, LLC	red landscaping shale	33496	1,124.55
KNOA	conference	33497	120.00
Kansas Municipal Insurance Trust	Workman's Compensation	33498	6,666.00
Lacal Equipment, Inc.	steering cylinder	33499	625.89

Record of Ordinances

DATE WARRANTS ISSUED:
April 9, 2009

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
John Deere Landscapes/Lesco	grass seed	33500	1,477.11
Mark D. Lewis	Municipal Court Judge	33501	400.00
Logan Contractors Supply, Inc.	screed, nail stakes, supplies	33502	541.37
Mi County Internet Onramp, Inc.	internet	33503	19.95
Miami County Sheriff's Dept.	prisoner care	33504	720.00
Miami Lumber, Inc.	lumber, supplies	33505	299.46
Mid-States Energy Works, Inc.	labor mileage-battery, fuses	33056	4,087.97
Moon's IGA	supplies	33508	290.42
National Sports Clinics	batting cages	33509	2,327.00
Navrat's	receipt books, deposit books	33510	825.91
NPG. Newspapers	ads	33511	427.94
O'Donnell Construction	asphalt	33512	334.63
Oil Patch Pump & Supply	coupling, pipe	33513	17.95
Olathe Winwater Works	clamps, manhole riser	33514	271.00
OMB's Express Police Supply	trousers, shirts	33515	260.93
Orscheln Farm & Home	plastic	33516	70.55
Pepsi	Pepsi	33517	338.10
Praxair	contact tip, cylinders	33518	259.09
Price Bros. Equipment, Co.	sprocket	33519	174.67
Protective Equipment Testing Lab	blankets & gloves tested	33520	79.43
Quill	office supplies	33521	201.78
Read It Free	ad	33522	38.50
Reeves-Wiedeman Company	parts	33523	70.44
G.S. Robins	aluminum sulfate	33524	13,843.00
Royal Metal Industries, Inc.	flat iron	33525	330.00
Rural Water District #3	ETI water	33526	15.00
Schendel Pest Services	pest control	33527	196.68
GK Smith & Sons	galv stainless	33528	146.00
Solomon Corporation	oil switch	33529	430.20
Star Printing	envelops	33530	185.00
Supreme Turf Products, Inc.	pesticide	33531	592.00
Debbie Talley	Memorial Hall janitorial	33532	375.00
G.A. Thompson Co.	traffic ticket books	33533	494.34
Tri County Ice	ice machine	33534	50.00
Van Wall Equipment	bedknives	33535	86.64
Vance Brothers	asphalt	33536	520.96
Vernon's Electric & Repair	parts for starter	33537	55.00
Wade Quarries	ag lime, rock	33538	1,514.83
Water Products	repair clamps	33539	258.96
Void		33540	-
Weir Auto Parts	parts	33541	635.71
Wilson & Company	levee assessment	33542	18,565.00
Winkler, Domoney & Schultz	Municipal Court Judge	33543	1,600.00
Winterscheid Auto Parts	parts	33544	167.60
Wycoff's Locksmithing	repair electric strike	33545	75.00

6.A. Final Performance Hearing

CITY OF OSAWATOMIE HEARING

(Published in the
Osawatomi Graphic,
March 25, 2009)

**FINAL
PERFORMANCE
HEARING**

GRANT NO. 06-PF-536

The City of Osawatomi, Kansas, will hold a public hearing on Thursday, April 9, 2009, at 7:00 p.m., at Memorial Hall, 411, 11th Street, Osawatomi, Kansas, for the purpose of evaluating the performance of Grant No. 06-PF-536 which was for upgrading 27, 250 LF of deteriorated clay sewer lines varying from 8" to 15", rehabilitation of approximately 21,686 LF with cured in place pipe, upgrading of 252 manholes of which 4 needed to be replaced completely, adding 2 new manholes, sewer lift station and completing miscellaneous construction. During the construction it was determined that

the city replaced 17,500 LF of pipe and cured in place approximately 28,000 LF of pipe. All planned activities were completed. This grant was funded all or in part, from the Kansas Department of Commerce, small cities Community Development Block Grant (CDBG) funds. All aspects of the grant will be discussed and oral and written comments will be recorded and become a part of the city of Osawatomi's CDBG participation plan.

Reasonable accommodations will be made available to persons with disabilities. Requests for accommodations should be submitted to Ann Elmquist, City Clerk, no later than April 8, 2009. Ann can be contacted at 755-2146.

City Council of Osawatomi, Kansas.

(1t)



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
April 9, 2009
Payment Request No. 35 (RDA pay estimate 4/1/09)

Claimant	Description	Document Number	Amount
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049			\$ -
BG Consultants, Inc. 1405 Wakarusa Drive Lawrence, KS 66049	<i>correction</i> engineering inspection engineering inspection	2/16/09 PR #34	\$ 1,516.77 \$ 3,919.23
BG Consultants, Inc. 1405 Wakarusa Drive Lawrence, KS 66049	engineering design engineering inspection	3/16/09	\$ - \$ 9,559.92
NPG Newspapers	final performance hearing	03/25/09	\$ 72.68
	TOTAL		\$ 15,068.60

Approved for payment by the Osawatomie City Council this 9th day of April, 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
 April 9, 2009
 Payment Request No. 8**

Claimant	Description	Document Number	Amount
Woodco, Inc. PO Box 350 Republic, MO 65738	Public infrastructure for Appenfeller Drive (offsite)	ACP #8 3/31/09	\$ 43,160.15
Woodco, Inc. PO Box 350 Republic, MO 65738	Infrastructure for Woodland Hills apts. (sitework)	ACP #8 3/31/09	\$86,326.40
	TOTAL		\$ 129,486.55

Approved for payment by the Osawatomie City Council this 9th day of April, 2009.

Philip A. Dudley, Mayor

AGREEMENT
Between
CITY OF OSAWATOMIE, KANSAS
And
BG CONSULTANTS, INC.

ARTICLES OF AGREEMENT

THIS AGREEMENT, made and entered into by and between CITY OF OSAWATOMIE, KANSAS, party of the first part (hereinafter called the "CITY") and BG CONSULTANTS, INC., party of the second part (hereinafter called the "CONSULTANT"):

WITNESSETH:

WHEREAS, the CITY is authorized and empowered to contract with the CONSULTANT for the purpose of obtaining professional engineering services for the following improvement:

**CITY OF OSAWATOMIE, KS
2009 ARRA KDOT STIMULUS PROJECT**

8th Street from Main Street North to the Levy

WHEREAS, the CONSULTANT is registered in accordance with the laws of the State of Kansas to perform the engineering services desired by the CITY and that the CITY desires to engage the following list of services of the CONSULTANT at the site.

ARTICLE I – SCOPE OF WORK

1. Plans and specifications will be prepared in conformance with the Kansas Department of Transportation's plan preparation criteria and format. Bid items and project special provisions will conform to the Kansas Department of Transportation Standard Specifications for State Road and Bridge Construction, 2008 Edition, or applicable Special Provisions. The improvements include items detailed in the Opinion of Probable Project Cost Estimate titled:

City of Osawatomie, KS – dated: March 11, 2009

2. Provide a topographic survey of project located within the public right-of-way where improvements are to be constructed.
3. Provide engineering design of street improvements, including horizontal and vertical alignment.
4. Provide traffic engineering design for permanent signing improvements and a temporary traffic control plan for construction of the improvements.
5. Provide a preliminary estimate of probable construction cost.

6. Prepare preliminary plans on 22"x36" sheets. Plans will be Field Checked with City and KDOT Staff.
7. Provide one set of plans for each of the private and public utility owners having facilities located in the area of the project. Assist the City with compiling a list of known private and public utilities including a summary of utility adjustment coordination to provide to KDOT.
8. Prepare final plans and specifications with a final estimate of probable construction cost.
9. Prepare known permit application documents needed for construction. The engineer anticipates the need for a permit from:
 - KDHE - The National Pollution Discharge Elimination System Notice of Intent
 - KDOT Local Projects – Construction Plan Approval
10. No Environmental Assessment or an Environmental Impact Statement in compliance with the National Environmental Policy Act will be prepared. The Engineer does not anticipate the need for this work. Should there become a need for either of these documents, the preparation of the documents will be provided through an addendum to this Agreement at the time the need is established. Applying for and obtaining a Section 404 Permit from the U.S. Army Corps of Engineers is not anticipated or included in the services.
11. Bid phase services, if necessary, may be authorized and performed under an addendum to this contract.
12. Construction observation services, if necessary, may be authorized and performed under an addendum to this contract.

NOW THEREFORE, in consideration of the premises and covenants herein contained the parties hereto agree as follows:

ARTICLE II - CITY Responsibility:

1. Place at the disposal of the CONSULTANT all records, reports, maps, plans and other data pertinent to the services required under this agreement.
2. To make payment to the CONSULTANT on the following fee basis:
 - Reimburse the Engineer for design services set forth in Section I items 1 through 9, the LUMP SUM FEE of **\$18,500.00**. All billings will be made on a monthly basis for the prior month's work. Payment for each billing shall be due and payable within 30 days of billing by the Engineer.
3. The amounts listed above are based on the work being performed with one year of the contract date. Because of natural time delays that may be encountered in the administration and work to be performed for the project, each value will be increased at the rate of 2% compounded annually, beginning after one year from the date of the contract, and ending when that item is approved for billing.

ARTICLE III - CONSULTANT Responsibility:

1. To prepare work and plans incidental thereto in a manner which is appropriate to the required service.
2. To have available for review by the CITY, all information gathered in connection with the engineering report for the project at the CONSULTANT'S office at Lawrence, Kansas.
3. To accept compensation for the work herein described in such amounts and at such periods as indicated in Article I, Sections 2.
4. To comply with known federal, state and local laws and ordinances applicable to the work.

ARTICLE IV Mutual Agreements

1. The services to be performed by the Engineer are personal and cannot be assigned, sublet, or transferred without the written consent of the City.
2. The right is reserved by the City to terminate this Contract at anytime upon written notice. In any such case, the Engineer shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Contract, up to the limits specified in Section II.
3. The Engineer covenants that the Engineer presently has no interest and shall not acquire interest, direct or indirect, in the work area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The Engineer further covenants that in the performance of this Contract, no person having any such interest shall be employed by the Engineer.
4. Except as otherwise provided herein, engineering documents, drawings and specifications prepared by the Engineer as part of the services shall become the sole property of the City, however, that both the City and the Engineer shall have the unrestricted right to their use. The Engineer shall retain its rights in its standard drawing details, specifications, data bases, computer software, and other proprietary property protected under the copyright laws of the United States. Rights to intellectual property developed, utilized, or modified in the performance of the services shall remain the property of the Engineer.
5. In recognition of the relative risks and benefits of the project to the City and to the Engineer the risks have been allocated such that the City agrees, to the fullest extent permitted by law, to limit the liability of the Engineer to the City for any and all claims, losses, costs, damages of any nature whatsoever, or claims expenses from any cause or causes, so that the Total Aggregate Liability of the Engineer to all those named shall not exceed the limits provided by the Engineer's Professional Liability insurance policies. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability breach of contract or warranty.
6. Material changes in the scope of work as set forth herein shall be accomplished by and described in addendums to this Contract.

7. The amount of any excise, VAT or gross receipts tax that may be imposed shall be added to the compensation as determined above, unless exemption from such tax is supplied by the City.
8. This agreement shall be governed by the laws of the State of Kansas.
9. The Engineer shall exercise the same degree of care, skill and diligence in the performance of services as is ordinarily possessed and exercised by a professional engineer under similar circumstances.
10. In the event any one or more of the provisions contained in the Contract, for any reason, shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF: said parties have caused this agreement to be signed by their duly authorized officers this _____ day of _____, 2009.

BG CONSULTANTS, INC.

CITY OF OSAWATOMIE, KANSAS

Brian P. Kingsley
Principal

Mayor

ATTEST:

ATTEST:

AGREEMENT
Between
CITY OF OSAWATOMIE, KANSAS
And
BG CONSULTANTS, INC.

ARTICLES OF AGREEMENT

THIS AGREEMENT, made and entered into by and between CITY OF OSAWATOMIE, KANSAS, party of the first part (hereinafter called the "CITY") and BG CONSULTANTS, INC., party of the second part (hereinafter called the "CONSULTANT"):

WITNESSETH:

WHEREAS, the CITY is authorized and empowered to contract with the CONSULTANT for the purpose of obtaining professional engineering services for the following improvement:

**CITY OF OSAWATOMIE, KS
2009 KDOT TE STIMULUS PROJECT**

2009 Downtown Streetscape Improvements Project

WHEREAS, the CONSULTANT is registered in accordance with the laws of the State of Kansas to perform the engineering services desired by the CITY and that the CITY desires to engage the following list of services of the CONSULTANT at the site.

ARTICLE I – SCOPE OF WORK

1. Plans and specifications will be prepared in conformance with the Kansas Department of Transportation's plan preparation criteria and format. Bid items and project special provisions will conform to the Kansas Department of Transportation Standard Specifications for State Road and Bridge Construction, 2008 Edition, or applicable Special Provisions. The improvements include items detailed in the Opinion of Probable Project Cost Estimate titled:

City of Osawatomie, KS – dated: February 25, 2009

2. Provide a topographic survey of project located within the public right-of-way where improvements are to be constructed.
3. Provide engineering design of street improvements, including horizontal and vertical alignment.
4. Provide traffic engineering design for permanent signing improvements and a temporary traffic control plan for construction of the improvements.
5. Provide a preliminary estimate of probable construction cost.

6. Prepare preliminary plans on 22"x36" sheets. Plans will be Field Checked with City and KDOT Staff.
7. Provide one set of plans for each of the private and public utility owners having facilities located in the area of the project. Assist the City with compiling a list of known private and public utilities including a summary of utility adjustment coordination to provide to KDOT.
8. Prepare final plans and specifications with a final estimate of probable construction cost.
9. Prepare known permit application documents needed for construction. The engineer anticipates the need for a permit from:
 - KDHE - The National Pollution Discharge Elimination System Notice of Intent
 - KDOT Local Projects – Construction Plan Approval
10. No Environmental Assessment or an Environmental Impact Statement in compliance with the National Environmental Policy Act will be prepared. The Engineer does not anticipate the need for this work. Should there become a need for either of these documents, the preparation of the documents will be provided through an addendum to this Agreement at the time the need is established. Applying for and obtaining a Section 404 Permit from the U.S. Army Corps of Engineers is not anticipated or included in the services.
11. Bid phase services, if necessary, may be authorized and performed under an addendum to this contract.
12. Construction observation services, if necessary, may be authorized and performed under an addendum to this contract.

NOW THEREFORE, in consideration of the premises and covenants herein contained the parties hereto agree as follows:

ARTICLE II - CITY Responsibility:

1. Place at the disposal of the CONSULTANT all records, reports, maps, plans and other data pertinent to the services required under this agreement.
2. To make payment to the CONSULTANT on the following fee basis:
 - Reimburse the Engineer for design services set forth in Section I items 1 through 9, the LUMP SUM FEE of **\$78,650.00**. All billings will be made on a monthly basis for the prior month's work. Payment for each billing shall be due and payable within 30 days of billing by the Engineer.
3. The amounts listed above are based on the work being performed with one year of the contract date. Because of natural time delays that may be encountered in the administration and work to be performed for the project, each value will be increased at the rate of 2% compounded annually, beginning after one year from the date of the contract, and ending when that item is approved for billing.

ARTICLE III - CONSULTANT Responsibility:

1. To prepare work and plans incidental thereto in a manner which is appropriate to the required service.
2. To have available for review by the CITY, all information gathered in connection with the engineering report for the project at the CONSULTANT'S office at Lawrence, Kansas.
3. To accept compensation for the work herein described in such amounts and at such periods as indicated in Article I, Sections 2.
4. To comply with known federal, state and local laws and ordinances applicable to the work.

ARTICLE IV Mutual Agreements

1. The services to be performed by the Engineer are personal and cannot be assigned, sublet, or transferred without the written consent of the City.
2. The right is reserved by the City to terminate this Contract at anytime upon written notice. In any such case, the Engineer shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this Contract, up to the limits specified in Section II.
3. The Engineer covenants that the Engineer presently has no interest and shall not acquire interest, direct or indirect, in the work area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The Engineer further covenants that in the performance of this Contract, no person having any such interest shall be employed by the Engineer.
4. Except as otherwise provided herein, engineering documents, drawings and specifications prepared by the Engineer as part of the services shall become the sole property of the City, however, that both the City and the Engineer shall have the unrestricted right to their use. The Engineer shall retain its rights in its standard drawing details, specifications, data bases, computer software, and other proprietary property protected under the copyright laws of the United States. Rights to intellectual property developed, utilized, or modified in the performance of the services shall remain the property of the Engineer.
5. In recognition of the relative risks and benefits of the project to the City and to the Engineer the risks have been allocated such that the City agrees, to the fullest extent permitted by law, to limit the liability of the Engineer to the City for any and all claims, losses, costs, damages of any nature whatsoever, or claims expenses from any cause or causes, so that the Total Aggregate Liability of the Engineer to all those named shall not exceed the limits provided by the Engineer's Professional Liability insurance policies. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability breach of contract or warranty.
6. Material changes in the scope of work as set forth herein shall be accomplished by and described in addendums to this Contract.

7. The amount of any excise, VAT or gross receipts tax that may be imposed shall be added to the compensation as determined above, unless exemption from such tax is supplied by the City.
8. This agreement shall be governed by the laws of the State of Kansas.
9. The Engineer shall exercise the same degree of care, skill and diligence in the performance of services as is ordinarily possessed and exercised by a professional engineer under similar circumstances.
10. In the event any one or more of the provisions contained in the Contract, for any reason, shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF: said parties have caused this agreement to be signed by their duly authorized officers this _____ day of _____, 2009.

BG CONSULTANTS, INC.

CITY OF OSAWATOMIE, KANSAS

Brian P. Kingsley
Principal

Mayor

ATTEST:

ATTEST:

NEW BUSINESS

8.A. Appointments

VACANCIES:

Board of Zoning Appeals
Planning Commission

Growth Area
Growth Area – 2

Recommendations

APPOINTMENTS:

Library Board

Pat Butler
Kathy Pinneo
Jamie Wilson

Pat Butler
Kathy Pinneo
Anita Bomgardner

2010 Census Complete Count Committee

City Manager
Chief of Police
USD #367
Osawatomie State Hospital
Osawatomie Graphic
Chamber of Commerce
Religious community
Business owner
Civic organization
Life Care Center
Vintage Park
Previously appointed
Governing Body
City- at-Large

Bret Glendening
Mike Stiles
Gary French
John Farley
Kevin Gray
Lori Needham
Rick McCarley
Pat Hoskins
Doris Ware
Teresa Martin
Misty Schmidt
Karen LaDue
Wes Cole

8.C. Consider Approval of Fireworks Stand

The following fireworks vendor is requesting approval of the Council:

Garrett's Fireworks
dba Garrett's Worldwide Enterprise LLC
1117 6th Street

Susan Garrett
Eudora, KS
former location of Weaver's Gas Station

The City Clerk and Fire Chief recommend approval contingent upon inspection and approval by the Fire Chief and Utility Distribution Supervisor Foreman after the stands are erected and before they can open for business.



ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, 2009 is the 137th anniversary of the holiday and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

NOW, THEREFORE, I, Philip A. Dudley, Mayor of Osawatomie, do hereby proclaim May 2, 2009 as the 137th anniversary celebration of

ARBOR DAY

in the City of Osawatomie, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Proclaimed this 9th day of April, 2009.

Philip A. Dudley, Mayor

ORDINANCE NO. ____

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY IN THE GROWTH AREA OF THE CITY OF OSAWATOMIE, KANSAS FROM BP (BUSINESS PARK) TO C-3 (HIGHWAY COMMERCIAL); AND AMENDING THE ZONING MAP INCORPORATED BY REFERENCE IN ORDINANCE NO. 3647, AND AMENDMENTS THERETO.

WHEREAS: after due and lawful notice, the Osawatomie Planning Commission on March 4, 2009 held a public hearing, and recommended approval of the request to rezone from BP (Business Park) to C-3 (Highway Commercial); and

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

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

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

A tract beginning on the Northwest corner of the Northwest Quarter of the Northwest Quarter of Section 32, Township 17, Range 23, Miami County, Kansas, thence East 660 feet, thence South 1320 feet, thence West 330 feet, thence North 660 feet, to the point of beginning, subject to any part thereof in roads.

Containing 14.4 acres, more or less, and being situated at the Southeast corner of the intersection of 327th and Lonestar is hereby changed from BP (Business Park) to C-3 (Highway Commercial).

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

SECTION THREE: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and one publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 10th day of July, 2008.

APPROVED and signed by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

Ann Elmquist
City Clerk

**City of Osawatomie Capital Improvement Program
Annual Project Requests**

2010 Requested CIP Projects

Department	Project	2010 Project Total	Department Ranking	2010	2011	2012	2013	2014	Funding Source
<u>EQUIPMENT</u>									
PW	Replace PW Dir. Truck w/Full Size 4x4 ext. cab	\$ 40,000	PW - 1	\$ 40,000					Total Water Fund \$ 50,000 CIP
Cemetery	Purchase Kawasaki Mule 3000	\$ 8,000	Cemetery - 2	\$ 8,000					Total Golf Fund \$ 13,750 CIP
PW	Replace JD 301-A Tractor w/New 42 hp. Tractor	\$ 16,000	PW - 2	\$ 16,000					Total CIP Fund \$ 102,500 CIP
PW	Purchase Snow Plow for Mech. Truck	\$ 8,500	PW - 1	\$ 8,500					Total Public Safety Fund \$ 25,000 CIP
Police	Replace Patrol Unit #3	\$ 25,000	PD - 1	\$ 25,000					Total Sewer Fund \$ 15,000 PSE FUND
P&R	Replace Shed @ Sports Complex	\$ 10,000	P/R - 3	\$ 10,000					CIP
TOTAL 2009 EQUIPMENT								\$ 107,500	
<u>FACILITIES</u>									
Golf	Regrass Select Fairways/Rough/Fringe Areas	\$ 10,750	Golf - 2	\$ 10,750					GOLF
Golf	Upgrade Kitchen Facility	\$ 3,000	Golf - 3	\$ 3,000					GOLF
Sewer	Maintenance - Replace 1 decanter arm & 2 digester blowers	\$ 15,000	Sewer - 1	\$ 15,000					SEWER
Police	Remodel Selected Areas of P.D. Offices	\$ 10,000	PD - 3	\$ 10,000					CIP
TOTAL 2009 FACILITIES								\$ 38,750	
<u>INFRASTRUCTURE</u>									
Water	Replace Water Main on Main St. from 12th to 18th St.	\$ 50,000	Water - 4	\$ 50,000					WATER
TOTAL 2009 INFRASTRUCTURE								\$ 50,000	
<u>TECHNOLOGY</u>									
Admin	Upgrade Telephone System	\$ 10,000	Admin - 3	\$ 10,000					CIP
TOTAL 2009 TECHNOLOGY								\$ 10,000	
2009 Totals		\$ 206,250		\$ 206,250	\$ -	\$ -	\$ -	\$ -	

**City of Osawatomie Capital Improvement Program
Annual Project Requests**

2011 Requested CIP Projects

Department	Project	2011 Project Total	Department Ranking	2010	2011	2012	2013	2014	Funding Source
EQUIPMENT									
PW	Replace Crack Seal Machine	\$ 45,000			\$ 45,000				
P&R	Sports Complex Concession Stand Remodeling	\$ 5,000			\$ 5,000				
P&R	Playground Equipment Component Units/Mulch	\$ 10,000			\$ 10,000				
Cemetery	Replace two 48" Kubota Mowers for Cemetery/Levee	\$ 14,000			\$ 14,000				
Water	Replace Backhoe	\$ 85,000			\$ 85,000				
Electric	Reel Trailer	\$ 6,000			\$ 6,000				
Admin	Replace 1999 Crown Victoria	\$ 25,000			\$ 25,000				
Sewer	Replace Mower	\$ 7,000			\$ 7,000				
Golf	Replace 72" Front Deck Mower	\$ 13,000			\$ 13,000				
Golf	Replace Dakota Topdresser	\$ 11,000			\$ 11,000				
Golf	Replace Select Golf Carts	\$ 9,000			\$ 9,000				
Police	Replace K-9 Unit Vehicle	\$ 30,000			\$ 30,000				
Fire	Replace 1969 Fire Truck	\$ 300,000	FD - 1		\$ 300,000				
FACILITIES									
Water	Replace Filter Control Valves w/Auto Filters	\$ 100,000			\$ 100,000				
Water	UltraSonic Level Indicator for Cleanwell	\$ 10,000			\$ 10,000				
Water	Replace Filter Media	\$ 50,000			\$ 50,000				
Electric	Clean/Test Generators & Switchgear	\$ 45,000			\$ 45,000				
Electric	Replace/Repair Water Plant Breaker	\$ 40,000			\$ 40,000				
Golf	Regrass Select Fairways/Rough/Fringe Areas	\$ 10,000			\$ 10,000				
Golf	Upgrades to Course - Fences/Ladies T's/Bathrooms/H2O featr	\$ 19,000			\$ 19,000				
INFRASTRUCTURE									
PW	Brown/Pacific 12-14 & 14-18 w/possible engineering for	\$ 2,500,000			\$ 2,500,000				
PW	8th from Main to Pacific & 9th from Main to Pacific	\$ 550,000			\$ 550,000				
Water	Replace Water Main Valves	\$ 25,000			\$ 25,000				
Electric	Replace Lines on Brown Circle Drive (Underground)	\$ 10,000			\$ 10,000				
TECHNOLOGY									
2010 Totals		\$ 3,919,000		\$	\$ 3,919,000				

**City of Osawatomie Capital Improvement Program
Annual Project Requests**

2012 Requested CIP Projects

Department	Project	2012 Project Total	Department Ranking	2010	2011	2012	2013	2014	Funding Source
<u>EQUIPMENT</u>									
P&R	Replace 2 Mowers	\$ 15,000				\$ 15,000			
PW	Replace Mosquito Fogger	\$ 15,000				\$ 15,000			
PW	Replace Athey Street Sweeper	\$ 175,000				\$ 175,000			
Sewer	Replace Plant Truck	\$ 15,000				\$ 15,000			
Electric	Replace Pole Truck	\$ 145,000				\$ 145,000			
Electric	Dyna Meters	\$ 7,300				\$ 7,300			
Golf	Purchase Tractor Mount Blower	\$ 6,000				\$ 6,000			
Golf	Purchase New Groom. Attach. For Greensmower	\$ 8,500				\$ 8,500			
<u>FACILITIES</u>									
P&R	Sports Complex Improvements - Fence/Bathroom/Playgmd	\$ 7,000				\$ 7,000			
Water	Replace #1 High Service Pump	\$ 40,000				\$ 40,000			
Water	Replace/Add Filter Back Wash Pump	\$ 30,000				\$ 30,000			
Golf	Regrass Select Fairways/Rough/Fringe Areas	\$ 5,000				\$ 5,000			
Golf	Upgrades to Course - Sand Traps/Turf&Tree Nursery/Jr.hole	\$ 9,000				\$ 9,000			
Golf	New Cart Storage Building	\$ 25,000				\$ 25,000			
<u>INFRASTRUCTURE</u>									
Water	Replace Water Main Valves	\$ 25,000				\$ 25,000			
PW	Pacific - 6-1 and Brown 7-12	\$ 1,320,000				\$ 1,320,000			
Electric	Replace Electric Lines Brown 16 -18th Street (Underground)	\$ 10,000				\$ 10,000			
<u>TECHNOLOGY</u>									
2011 Totals		\$ 1,857,800		\$	\$	\$ 1,857,800	\$	\$	\$

**City of Osawatomie Capital Improvement Program
Annual Project Requests**

2013 Requested CIP Projects

Department	Project	2013 Project Total	Department Ranking	2010	2011	2012	2013	2014	Funding Source
EQUIPMENT									
Cemetery	Replace Inmate Super. 2001 Truck 4dr/4wd 1 ton	\$ 30,000					\$ 30,000		
PW	Snow Plow Attachment for New Inmate Super. Truck	\$ 9,000					\$ 9,000		
PW	Replace 1 of 2 1987 F700 Dump Truck	\$ 90,000					\$ 90,000		
FACILITIES									
P&R	Swimming Pool Repairs	\$ 15,000					\$ 15,000		
P&R	Upgrades to JB Park - Picnic Tables/Safety Mulch	\$ 10,000					\$ 10,000		
Water	Clean & Dredge Intake	\$ 25,000					\$ 25,000		
Water	Clean Sludge Lagoon	\$ 60,000					\$ 60,000		
Golf	Upgrades to Course - Cap Mens T's/Reseed	\$ 13,000					\$ 13,000		
Golf	Clubhouse Upgrades	\$ 90,000					\$ 90,000		
Golf	New Maintenance Building	\$ 30,000					\$ 30,000		
INFRASTRUCTURE									
Water	Replace Water Main Valves	\$ 25,000					\$ 25,000		
PW	Main Street 1-12 w/Downtown Streetscape	\$ 2,000,000					\$ 2,000,000		
Electric	Replace Lines - Main from 16th to 18th Street (Underground)	\$ 70,000					\$ 70,000		
TECHNOLOGY									
Admin	Replace/Expand File Server	\$ 20,000					\$ 20,000		
2012 Totals		\$ 2,487,000					\$ 2,487,000		

**City of Osawatomi Capital Improvement Program
Annual Project Requests**

2014 Requested CIP Projects

Department	Project	2014 Project Total	Department Ranking	2010	2011	2012	2013	2014	Funding Source
	<u>EQUIPMENT</u>								
PW	Replace Street Foreman Pickup/Transfer Plow & Spreader	\$ 30,000						\$ 30,000	
Cemetery	Replace Kubota 72" Mower	\$ 16,000						\$ 16,000	
PW	Replace 2 of 2 1987 F700 Dump Truck	\$ 90,000						\$ 90,000	
Water	Replace Department Service Truck	\$ 50,000						\$ 50,000	
Police	Replace Handguns (approx. 20)	\$ 10,000	PD - 2					\$ 10,000	
Police	Replace Patrol Unit # 1	\$ 30,000	PD - 2					\$ 30,000	
	<u>FACILITIES</u>								
Water	Expand Water Treatment Plant to 6MGD	\$ 5,000,000						\$ 5,000,000	
Police/Fire Admin	Construct Joint Facility	\$ 3,000,000						\$ 3,000,000	
	Remodel/Upgrade City Hall - Upstairs & Outside	\$ 100,000						\$ 100,000	
	<u>INFRASTRUCTURE</u>								
Water	Replace Water Main Valves	\$ 25,000						\$ 25,000	
PW	East Pacific/Oscar/Parker 1-3/1st Main to Carr/Kelly 6-3	DNK @ this time						time	
Electric	Replace Lines on Lockhart Lane (Underground)	\$ 10,000						\$ 10,000	
	<u>TECHNOLOGY</u>								
2013 Totals		\$ 8,381,000		\$	\$	\$	\$	\$ 8,361,000	



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

April 9, 2009

2007 AND 2008 STREET PROJECTS:

Payments have been made as approved by the council at the February 12, 2009 Council Meeting. Retainage remains to be held by the city for the 2007 project in the amount of \$24,768.60 and for the 2008 project in the amount of \$22,745. A letter communicating the city's position regarding the 1,505 feet of damaged sidewalk was transmitted with the last payment to Miller Paving. On April 1, 2009, we received a letter from Miller Paving offering to settle the matter of the 1,505 feet of damaged sidewalk which consists of the city being credited \$6,738.61 and the contractor receiving \$15,000. I recommend the council accept this offer and allow staff to move forward with finalizing the projects. Additionally, provided all other documentation and bid items are addressed, I would recommend the council authorizing by motion, giving staff the ability to release all remaining retainage (less the credit for the sidewalk) to the contractor (this total is: \$40,774.99). Any unexpended funds are required by law to be transferred to the city's Bond and Interest Fund.

OSAWATOMIE COMPLETE COUNT COMMITTEE:

Based on the Council's discussion from the March city council meeting, I have contacted representatives of the agencies and businesses we recommended having representation on the Complete Count Committee and the group's first meeting will be held on April 14, at 7:00 p.m. A representative from the US Bureau of the Census will be in attendance to discuss the role of the Complete Count Committee and provide guidance on ensuring a successful Census count for 2010. I will keep the council updated on the group's work as we move closer to the 2010 Census.

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.

SCHEDULE FOR LEVEE CERTIFICATION STUDY PHASE 1:

Wilson & Co. will be present at the April 9th meeting to present their findings from Phase 1 of the levee certification study. The report will not be available put in the packet, but will be made available as soon as possible. I have asked them to bring them if at all possible to the April 9th meeting. Phase 2 will need to be performed under a separate contract and the cost will be determined on how much work needs to be done.

WOODLAND HILLS PAY REQUEST:

The eighth pay request for the infrastructure at Woodland Hills has been received. The amount of this pay request for offsite infrastructure work only is \$129,486.55.

UPDATE ON NORTHLAND SEWER:

At the time of this writing, we have received a proposal to construct the force main to the Northland. Our engineers are reviewing the proposal with USDA Rural Development to ensure its accuracy, completeness and adequacy. Once this process is complete, it is likely that the change order will be approved, pending authorization being issued by the City Council.

2010-2014 CAPITAL IMPROVEMENTS PROGRAM:

Included in this council packet is the proposed 2010 to 2014 CIP. The Capital Improvements Program is simply a plan, and not a commitment to spend any resources. It is used as a guide during the budget process to set aside funds to accomplish items in the 2010 year and work towards getting finances in order to address items in the 2011 through 2014 out years. I would encourage the council to review the plan prior to the April 9 council meeting. I also recommend the adoption of the plan. The plan was compiled in accordance with the guidelines set forth in the city's Comprehensive Financial Policies.

2009 BUDGET SAVINGS UPDATE:

After our discussion in February on ways to save money, we are requesting authorization to dispose of 3 pieces of underutilized equipment. In accordance with the city's financial policies, the council must authorize the disposal of any asset with an anticipated value in excess of \$1,000. There are three pieces of equipment that are no longer of use to the city and we are requesting authorization to take sealed bids on these pieces of equipment. The first piece is a 1989 Chevrolet dump truck assigned to the water department. This truck, once sold will be replaced by a 1987 Ford F-700 dump truck. This truck will be shared between the water and public works departments. It is not used for snow removal. The next two pieces of equipment are old tractors that are not being used. They are taking up space in the public works yard and disposing of them will free up space as well as allow us to take them off our insurance policy. These pieces of equipment will be sold, pending council approval along with the parks and recreation truck that is being replaced by the old mechanics truck, which was previously approved for replacement with a new vehicle, with the capability of carrying a snow plow and spreader. Any revenues received from the disposal of these pieces of equipment will be placed in the CIP fund to help pay for future CIP needs.

Additionally, after an initial review of the phone lines we currently have, we have been able to eliminate two lines at the electric department; one for the fax machine (all faxes will now be routed through City Hall) and one voice line for the shop area. The 755-6800 number which

currently rings to their office will remain active. We continue to evaluate invoicing and look for areas to save taxpayer dollars. We are in the process of finalizing a draft RFP for water tower tank inspection services. We have located approximately a dozen or so companies that can perform this task and each will receive a copy of the RFP at some point this year.

REZONING RECOMMENDATION FOR 327TH AND LONESTAR ROAD:

Edward and Inga Smoot made application to rezone 14.4 acres of property at the SE corner of the intersection of 327th and Lonestar Road. The application was requesting the zoning classification be changed from Business Park (BP) to Highway Commercial (C-3). The stated purpose for the rezoning application was to relocate their RV repair business which is currently based in Olathe. According to their rezoning application, "the owners believe this to be the best location for their business and are hoping to have a 4 to 6 bay facility on the property to house their repair business with some limited retail sales of RV parts and supplies. They are proposing a clean, upscale facility meant to compliment the surrounding area." Staff recommended approval to the planning commission for the rezoning change as it met all of the criteria outlined in Section 2-25 of the zoning regulations. The Planning Commission, upon the conclusion of the public hearing, approved the rezoning request. All necessary materials accompanied the application for staff and the planning commission to consider the change requested. There is a 14 day protest period that must lapse and provided no petition is submitted, the Council can consider the ordinance formally affecting the change at either the March 26th or April 9th council meeting.

OSAWATOMIE MAGAZINE PUBLICATION:

At the last council meeting, you heard from Jeff Gulley regarding a proposal to design and layout a magazine similar to the Raymore publication. I believe the cost (without printing) was approximately \$2,000/issue. I believe this is a great communication tool and putting it on the website or everyone to access saves the printing and postage expense. There is a module that we can add to our website called "Notify Me" which is basically a tool that allows us to send out email notifications to everyone who signs up to receive them. The module itself (software, etc.) costs \$600 to set up (this includes training). Then the monthly cost is \$100. This module can be used to notify users of the availability of council packets, job openings, etc. The only question the council needs to answer is if this is the right time to begin an program such as this. As far as the frequency goes, I would recommend a quarterly publication; something that can be put out prior to the beginning of each season.

FINANCIAL YEAR IN REVIEW:

Attached to this City Manager report is the 2008 financial year in review. It shows 2008 beginning cash balance, 2008 ending cash balance, percent change in cash balance, as well as where we are at with our goal of retaining a 15% fund balance in our operating funds. Keep in mind that these figures are unaudited. As is the case from last year's review, I have marked those funds that are typically labeled as "agency" funds (or, money in, money out) whereby the city simply collects and remits to a separate agency. As you can see, there are only 4 funds that did not meet the 7% goal: General, Water, Employee Benefits, and Golf Course). Of these four, all were significantly deficient in meeting the goal. The General Fund was fairly close (comparatively speaking) to its goal; off by 1.4%. All other funds are significantly above their goal of 7%, and the ultimate goal of 15%. We will continue to work towards improvements in

these fund balances. The water fund will be easier to improve as it is an enterprise fund. The General Fund will also be easier to improve as it has multiple revenue sources. The most difficult fund to improve will be employee benefits because its sole source of revenue is the property tax. Should you have any questions, feel free to contact me.

2008 AUDIT:

Representatives of Lowenthal, Singleton, Webb & Wilson have begun gathering information needed to conduct the audit for the year ending December 31, 2008. We are hopeful that the audit can be presented to the council sometime in August or September at the very latest.

CANCELATION OF APRIL 23 WORK SESSION AND MEETING:

Absent any issues the council wishes to discuss at the April 23 work session, and absent anything coming up that would require our attention, I would recommend the council cancel the April 23 work session. This is the Thursday before the Fiddlers and Pickers convention comes to town. If we are able to cancel the work session this month, the musicians have requested the ability to use Memorial Hall to practice as the City Auditorium where most of their activities will be held, will be unavailable because there will be people setting up for the concerts.

UPDATE ON GRANT APPLICATIONS FOR STIMULUS PROJECTS:

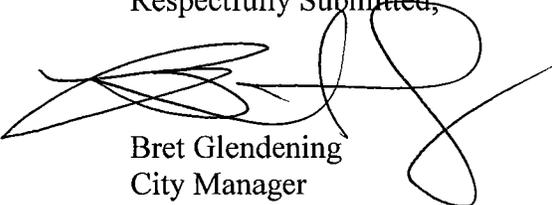
The first round of awards for the grant dollars has been made. The City and Rural Water District #1 jointly made application to KDHE for grant assistance in constructing a water tower north of town to help with supply issues. This grant application was denied as it did not meet a very refined set of criteria. However, this project will continue to be shopped around to other agencies in the hopes of getting some assistance with the project. On a higher note however, we have been notified by KDOT that we have received grant funding for one of our two mill and overlay projects we submitted to them early last month. The project that received funding was a mill and overlay of 8th street from Main Street to the Creamery Bridge over the Marais des Cygnes River. We were awarded \$118,000 in grant, with a match of approximately \$53,000 (including engineering). Should the council choose to accept the grant, I would recommend taking half of our match requirement from the Street Improvement Fund, and half from the Capital Improvement Fund. Money is available in both funds. The project that did not get funded was a complete mill and overlay of 6th Street from the city limits on the south, to just North of Parker, on the North.

We also received word on March 31, 2009 that we were awarded a grant for a downtown streetscape project. This is something the council has discussed off and on since I've been in town and I'm very pleased that we were selected. There is a lot of work to do between now and the start of the project. Engineering, survey work, and public input are all required. We will be working with our engineers immediately, pending final council approval. The amount of the downtown streetscape grant is just under \$650,000. Our required match is approximately \$215,000. I have begun discussions with our financial advisor on some possible short term (less than 5 years) financing options. There were 101 applicants to this program, of which 14 were selected for funding.

In the event we were to receive additional stimulus projects (i.e. the Brown/14th/Pacific to 18th Street, Brown from 7th to 12th, Main St from 1st to 18th, or 15-20 mill/overlay projects on various

city streets) we will have to either be selective on what we choose to do and forego some projects, or consider the possibility of providing our required matching funds through a longer term general obligation instrument like what we did for the last round of street construction projects.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bret Glendening', written over the printed name.

Bret Glendening
City Manager

Comparison of 2008 Beginning and Ending Cash Balances and 2009 Budgeted Beginning Cash to Actual Cash Balances

CASH BALANCES - ALL CITY FUNDS - FOR 2008

<u>Fund</u>	<u>2008 Begin</u>	<u>2008 End*</u>	<u>Goal (7%)</u>	<u>\$ Difference</u>
General	\$ 11,555	\$ 103,364	\$ 135,384	\$ (32,020)
Water	\$ 32,117	\$ 3,847	\$ 58,073	\$ (54,226)
Electric	\$ 455,008	\$ 757,966	\$ 229,583	\$ 528,383
Employee Benefits	\$ 13,394	\$ 127	\$ 32,138	\$ (32,011)
Refuse	\$ 3,285	\$ 5,005	\$ 23,995	\$ (18,990)
Library	\$ 3,670	\$ 160	\$ 6,721	\$ (6,561)
Recreation	\$ (21,664)	\$ 2,301	\$ 11,081	\$ (8,780)
Rural Fire	\$ -	\$ -	\$ 1,445	\$ (1,445)
Industrial	\$ 20,522	\$ 31,486	\$ 2,068	\$ 29,418
Revolving Loan Fund	\$ 57,547	\$ 64,961	\$ -	\$ 64,961
Special Parks & Rec.	\$ 2,185	\$ 3,853	\$ 197	\$ 3,656
Street Improvement	\$ 80,084	\$ 65,903	\$ 11,280	\$ 54,623
Bond & Interest	\$ 73,354	\$ 125,066	\$ 6,396	\$ 118,670
Public Safety Equip.	\$ 20,479	\$ 16,180	\$ 420	\$ 15,760
Fire Ins. Proceeds	\$ -	\$ 2,825	\$ 1,672	\$ 1,153
Sewer	\$ 297,029	\$ 386,964	\$ 47,835	\$ 339,129
Recreation EBF	\$ -	\$ -	\$ 816	\$ (816)
Golf Course	\$ 639	\$ 1,019	\$ 19,467	\$ (18,448)
Sp. Revenue - Fire Eq.	\$ 443	\$ 443	\$ -	\$ 443
Sp. Revenue - 911	\$ 11,979	\$ 11,979	\$ -	\$ 11,979
LLEBG Grant	\$ 5	\$ 5	\$ -	\$ 5
Tourism	\$ 7,629	\$ 21,636	\$ 1,129	\$ 20,507
Capital Projects Fund	\$ 50,000	\$ 16,622	\$ 5,836	\$ 10,786

* Please note: The figures for 2008 Ending Cash are UNAUDITED.

NET INCREASE - ALL FUNDS \$ 502,452

COMPARISON OF 2009 BUDGETED BEGINNING CASH BALANCE TO ACTUAL BEGINNING CASH

<u>Fund</u>	<u>2009 Budget</u>	<u>2009 Actual*</u>	<u>Difference</u>	<u>% Difference</u>
General	\$ 111,750	\$ 103,364	\$ (8,386)	5.3%
Water	\$ 59,422	\$ 3,847	\$ (55,575)	0.5%
Electric	\$ 548,187	\$ 757,966	\$ 209,779	23.1%
Employee Benefits	\$ 677	\$ 127	\$ (550)	0.0%
Refuse	\$ 4,285	\$ 5,005	\$ 720	n/a
Library	\$ 1,784	\$ 160	\$ (1,624)	n/a
Recreation	\$ -	\$ 2,301	\$ 2,301	n/a
Rural Fire	\$ -	\$ -	\$ -	n/a
Industrial	\$ 15,005	\$ 31,486	\$ 16,481	106.6%
Revolving Loan Fund	\$ 63,647	\$ 64,961	\$ 1,314	n/a
Special Parks & Rec.	\$ 21	\$ 3,853	\$ 3,832	136.8%
Street Improvement	\$ 77,024	\$ 65,903	\$ (11,121)	40.9%
Bond & Interest	\$ 75,285	\$ 125,066	\$ 49,781	136.9%
Public Safety Equip.	\$ 21,776	\$ 16,180	\$ (5,596)	269.7%
Fire Ins. Proceeds	\$ 853	\$ 2,825	\$ 1,972	n/a
Sewer	\$ 345,729	\$ 386,964	\$ 41,235	56.6%
Recreation EBF	\$ -	\$ -	\$ -	n/a
Golf Course	\$ -	\$ 1,019	\$ 1,019	0.4%
Sp. Revenue - Fire Eq.	\$ 443	\$ 443	\$ 0	n/a
Sp. Revenue - 911	\$ 11,549	\$ 11,979	\$ 430	n/a
LLEBG Grant	\$ 5	\$ 5	\$ -	n/a
Tourism	\$ 17,029	\$ 21,636	\$ 4,607	134.2%
Capital Projects Fund	\$ -	\$ 16,622	\$ 16,622	19.9%

NET DIFFERENCE - ALL FUNDS \$ 267,241

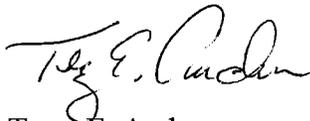
* Please note: The figures for 2009 Actual Beginning Cash are UNAUDITED. All UNAUDITED figures are likely, and subject to change.

Building Permit Activity for the Month of March 2009

Category	Total Permits	Total Value	Received by City
New Residences	0	0	0
Re-roofs	21	104,622	480.00
Remodels	0	0	0
Accessory Buildings	3	4,000	135.44
Concrete	0	0	0
Mechanical	1	1,000	50.00
Repairs	9	45,530	100.00
Decks & Porches	2	400.00	60.00
Additions	3	27,674	235.84
Com. Buildings	1	400,000	5,477.00
Demolishing	1	0	0
Fences	2	2,000	0
Plumbing	5	10,839.00	200.00
Electrical	0	0	0
Ag. Buildings	0	0	0
Penalties	1	100.00	100.00
Plan Review	1	250.00	250.00
Totals	50	\$596,415.00	\$7,088.28

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

Building Permit Activity for the First Quarter of 2009

Category	Total Permits	Total Value	Received by City
New Residences	6	654,570.00	11,265.48
Re-roofs	28	138,049.70	720.00
Remodels	7	493,850.00	4,192.52
Accessory Buildings	3	4,000.00	135.44
Concrete	0	0	0
Mechanical	3	7,700.00	110.00
Repairs	10	45,680.00	130.00
Decks & Porches	2	400.00	60.00
Additions	3	27,674	235.84
Com. Buildings	1	400,000.00	5,477.00
Demolishing	3	0	60.00
Fences	3	4,000.00	0
Plumbing	16	15,589.00	520.00
Electrical	3	3,900.00	130.00
Ag. Buildings	0	0	0
Penalties	1	100.00	100.00
Plan Review	8	1,400.00	1,400.00
Totals	89	\$1,796,912.70	\$24,476.28

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



Osawatomi Police Department

Monthly Report March 2009

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	<u>Current Month</u>	<u>Year to Date</u>
Escorts	7	23
Warrant attempts/arrests	6	23
Traffic Stops/investigation	88	244
Investigate Person	2	4
DUI	1	7
Non-Injury Accident	10	32
Injury Accident	0	2
Assist EMS	20	62
Fire	22	28
Fights	7	21
Prowler	0	0
Domestic Violence	1	9
911 Misdeal	9	17
Animal at large	27	90
Animal Bite	2	8
Animal Missing	8	25
Animal Welfare	12	43
Assist Outside Agency	16	53
Bank Alarm	0	0
Burn Permit	70	175
Business Alarm	7	23
Burglary	3	8
Criminal Damage to Property	11	22
Child In need of Care	1	3
Carbon Monoxide Check	0	0
Civil Stand By	7	24
Citizen Complaint	76	189
Citizen Inquiry	64	150
City Services	21	65
Drug Cases	1	18
Disturbance	18	45
Deliver Message	4	12
Extra Patrol Request	5	19
Forgery	3	10



Osawatimie Police Department

Monthly Report March 2009

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	<u>Current Month</u>	<u>Year to Date</u>
Fine Payment to Dispatch	15	74
Found Property	6	11
Finger Print (employment)	4	10
Gas Drive Off	1	7
HAZMAT	0	0
K9 Training Event	0	1
K9 Deployment	3	6
Loud Music Complaint	6	15
Murder	0	0
Motorist Assist	10	24
Medical Alarms	5	8
Missing Child	3	5
Missing Person	2	2
Open Door (Building Check)	4	10
Pedestrian Checks	5	7
Residential Alarms	0	4
Reckless Driver	0	1
Repossessions (notifications)	0	1
Runaway	0	0
Sexual Assault/Sex Crimes	2	5
Suspicious Activity	27	70
State Hospital Walk Away	0	5
Theft	13	57
Telephone Harassment	17	25
Unattended Death	0	1
Vehicle Lock Out	30	80
Violation of Protective Order	1	2
Verbal Dispute	0	0
Check Welfare	18	51
Incidents cleared by Arrest	11	40
Total Citations Issued for the Month	50	144
Last incident # assigned in March: 09-1745. 679 #s assigned		



Osawatomi Police Department

Monthly Report for March 2009

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Miles driven (Patrol Units)

	<u>Miles</u>	<u>Mileage Total</u>
Unit 1 (2007 Crown Victoria)	3,460	68,451
Unit 3 (2004 Blazer)	706	108,028
Unit 4 (2003 Crown Victoria)	1,677	163,681

Nuisance Information

	<u>Current</u>	<u>Year</u>
Nuisance Letters Mailed	29	53
Letters Received by Resident	18	33
Outstanding Letters	11	20
Pending complaints	5	16
Resolved Nuisances	4	17
Pending Follow ups	9	9

Misc. Notes

Officer Beach attended interdiction training
Officer Hudson attended narcotics training
Det. Basore attended Investigations training
Dispatcher Krueger attended TAC training for the NCIC terminal

* 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.