

**OSAWATOMIE CITY COUNCIL
AGENDA**

November 12, 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 October 8, October 22 and November 5 City Council Meetings
 - B. Approve November 12 Agenda
 - C. Appropriation Ordinances 09-19 & 09-20
5. Comments from the Public; Presentations
 - Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor*
 - Public Hearing - none
7. Unfinished Business
 - A. Chamber of Commerce Funding
 - B. Approve Invoices for Library Improvement Grant – Request No. 4
 - C. Library Project Grant Administrator Contract
8. New Business
 - A. Appointments
 - B. Ordinance Amending Fence Height Regulations
 - C. Ordinance Approving Annexation of 1926 Parker
 - D. Meeting/Work Session November 19
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session - Consultation with City Attorney which would be deemed privileged in the attorney-client relationship
13. Adjournment

REGULAR MEETING – December 10, 2009

Osawatomie, Kansas. October 8, 2009. The Council meeting was held in Memorial Hall. Mayor Dudley could not call the meeting to order at 7:00 p.m. as there was not a quorum.

PUBLIC HEARING: CDBG GRANT APPLICATION FOR STREET IMPROVEMENTS. The Mayor opened the hearing at 7:03 p.m. The purpose of the hearing is for the purpose of considering an application to be submitted to the Kansas Department of Commerce Small cities CDBG grant funds under the community Facilities category. The project is to do street improvements from Brown Avenue from 18th Street to 14th Street from Pacific Avenue to Main Street and Pacific Avenue from 14th Street to 12th Street. Due to the widening of the streets there will need to be replacement of the storm sewer, sidewalks, and curb and guttering. The estimated project cost is \$1,693,500 with the grant request for \$400,000 of the project cost. The remaining \$1,293,500 is being requested from Rural Development. Comments from the public:

Jim Buchman, 1607 Brown Avenue, said they need a new street but doesn't want it 36' wide. Bill Hermreck 's driveway, 1608 Brown, is almost gone and makes it hard to get into his own driveway.

Larry Law, 1615 Brown, doesn't want the street 36' feet. Wants to make sure the improvements take care of the flooding due to storm water.

Merle Matney, 1622 Brown, more concerned about the water in his backyard which runs to the ditch at 1615 Brown. Prefers to not have the street 36' wide; but whatever it takes to get the stormwater problem taken care of.

City Manager Glendening explained that the engineer's plans call for 36' wide streets. If the City receives the funding, there would be discussion with the homeowner's. A change order could then be done. If money is not received from KDOC or RDA, will then have to see if there is a possible way to still do the project.

Hearing closed at 7:19 p.m.

Mayor Dudley called the meeting to order at 7:19 p.m. Council members present were Hunter, LaDuex, Maichel, Ratley, and Walmann. Absent were Dalton, Kaempfe, and Moon. Also present were City Manager Glendening, City Attorney Wetzler and City Clerk Elmquist. Visitors were Garrett Nordstrom, Larry Law, Jim Buchman, Mark Marquez, Robert Kerr, Janet McRae, Don Kreuger, Merle Matney, Web Hawkins, Doug Carder, and Travis Perry.

CONSENT AGENDA. Approval of the Minutes of August 13 and August 27 Meetings, approval of September 24 Agenda, and approval of Appropriation Ordinances 09-15 & 09-16. Motion made by Hunter, seconded by LaDuex to approve the consent agenda with addition to agenda of an Executive Session – acquisition of real estate. Yeas: All.

Public Participation; Presentations: None

Public Hearings: Held at 7:00 p.m.

Unfinished Business:

CDBG DOCUMENTS. Garret Nordstrom with Governmental Assistance Services explained the necessary documents that need to be included in the grant application.

STATEMENT OF ASSURANCES AND CERTIFICATIONS. Motion made by Ratley, seconded by LaDuex to approve the Statement of Assurances and Certifications. Yeas: All.

RESOLUTION NO. 621 CERTIFYING LEGAL AUTHORITY TO APPLY FOR CDBG GRANT AND AUTHORIZE MAYOR TO SIGN ALL NECESSARY DOCUMENTS. Motion made by Ratley, seconded by Hunter to approve Resolution No. 621. Yeas: All.

RESOLUTION NO. 622 ASSURING OPERATION AND MAINTENANCE OF IMPROVEMENTS. Motion made by Hunter, seconded by LaDuex to approve Resolution No. 622. Yeas: All.

There was a 7-minute break to sign the CDBG documents.

APPROVE INVOICES FOR LIBRARY IMPROVEMENT GRANT – REQUEST NO. 3. Motion made by Ratley, seconded by LaDuex to approve Pay Request No. 3. Yeas: All.

APPROVAL OF 2010 UNION CONTRACT. City Manager said the contract contains no raises and no changes in benefits. The only changes were grammatical to clarify items. Motion made by Maichel, seconded by Walmann to approve the 2010 Union Contract. Yeas: All.

New Business:

APPOINTMENTS. none

Council Reports:

Maichel: Attended the League of Kansas Municipalities conference. Would like the Council to consider a $\frac{1}{3}\%$ sales tax so the tax payers would support the Chamber of Commerce. Residents and business would benefit; drop all fees. It is the Chamber duty to do economic development. Asked that the conference be reviewed for the other Council members at a future meeting.

Ratley: Congratulated Mayor Dudley on receiving Mayor of the Year from the Kansas Mayors Association.

Hunter: Very proud of the award the Mayor as it speaks well of him and the Community. Hunter was elected to another term on the LKM board. At the League conference he attended the Media Crisis session and one about renewable energy, which only addressed the budget side. At the trade show the City's booth went very well with Cabin Curator Grady Atwater taking care of the booth. There were brochures, pictures of the Northland, and Atwater spoke about the community's history. Tourism Committee will be having the Talking Tombstones at the Oakwood Cemetery October 24. Also working on plans for the Christmas opening and other events.

Mayor's Report:

September 26 volunteers planted 40 large and small trees. They were planted in a new area along 7th Street, at the Golf Course, and replaced some of the diseased and/or storm damaged trees in town. At the Golf Course planted small red seedlings

Attended the LKM conference and everyone split up to make sure pertinent topics were covered. Won the Mayor of the Year award because of the Governing Body, employees and citizens supporting projects. Congratulated the Fire Department for receiving a grant. They will be holding their annual Open House on Saturday.

City Manager's Report:

Chamber of Commerce Dinner. Their annual Dinner will be held October 15 at the high school cafeteria.

Levee Certification. They have taken 34-46 core samples at a cost of about \$50,000. The samples are currently being tested.

Telephone Franchise Agreement. Comments have been received from the company's attorney. The City Attorney has staff reviewing it.

Fire Department. They received a water safety grant.

Chamber of Commerce Funding. Once they have reconstructed, their appropriation will be performance based. Then the City will match what businesses pay. Two years is more than adequate time to restructure.

EXECUTIVE SESSION – PRELIMINARY DISCUSSIONS RELATING TO THE ACQUISITION OF REAL PROPERTY. Motion made by Walmann, seconded by Hunter at 8:04 p.m. to recess into executive session for preliminary discussions relating to the acquisition of real property for a period of 10 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 8:15 p.m. The property at 1926 Parker Avenue is for sale. It is the original site of the Adair Cabin. The City will purchase the property for the John Brown Foundation in the way of an interest-free loan of \$22,000. Motion made by Walmann, seconded by Ratley to approve the purchase of 1926 Parker Avenue for \$22,000. Yeas: All.

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

Ann Elmquist, City Clerk

Osawatomie, Kansas. October 22, 2009. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:30 p.m. Council members present were Hunter, LaDuex, Maichel, Ratley, and Walmann. Absent were Dalton, Kaempfe, and Moon. Also present were City Manager Glendening, City Attorney Wetzler and City Clerk Elmquist. Visitors were Web Hawkins, Robert Kerr, Dwight Frances, Doug Carder, and Travis Perry.

APPROVAL OF AGENDA. Motion made by Hunter, seconded by LaDuex to approve the agenda. Yeas: All.

APPROVE ORDINANCE NO. 3670 TELEPHONE FRANCHISE AGREEMENT. The franchise takes the per line to \$2.50. Motion made by Hunter, seconded by Maichel to approve Ordinance No. 3670. Yeas: All.

AWARD PROPOSAL FOR CDBG ADMINISTRATIVE SERVICES FOR LIBRARY. Information was not available. Motion made by Hunter, seconded by Walmann to authorize the Mayor to award the contract to the wining bidder. Yeas: All.

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

Ann Elmquist, City Clerk

Osawatomie, Kansas. November 5, 2009. The Special Council meeting was held in the City Manager’s Office. Mayor Dudley called the meeting to order at 7:00 p.m. The purpose of the meeting was: Award bid on Library project contractor. Council members present were Hunter, LaDuex, Maichel, Moon, Ratley, and Walmann. Absent were Dalton and Kaempfe. Also present were City Manager Glendenning. Visitors were Webster Hawkins, Doug Carder, and Travis Perry.

AWARD BID ON LIBRARY PROJECT CONTRACTOR. The three lowest responsible bidders were:

	<u>Base Bid</u>	<u>Alternate –A1</u>	<u>Total .</u>
Combes Construction	\$394,000	\$14,000	\$408,000
Landmark Construction	\$389,000	\$36,000	\$425,000
Wilcott Construction	\$393,000	\$11,396	\$404,396

Motion made by Ratley, seconded by Hunter to accept the lowest responsible bidder Combes Construction with a base bid of \$394,000 and Alternate A-1 bid of \$14,000 for a total bid of \$408,000. Yeas: All.

Motion made by Moon, seconded by Ratley at 7:08 p.m. to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 9-19

DATE WARRANTS ISSUED:
October 31, 2009

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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 10/08/09			87,997.25
Payroll 10/23/09			92,835.72
FICA 10/08/09			6,385.41
FICA 10/23/09			6,755.46
KEPRS			9,346.23
First Option Bank	loan, interest	34487	19,692.82
Crawford Sales	Budweiser	34591	250.10
Mid West Distributors	Miller, Coors	34592	100.80
Suddenlink	internet	34893	250.75
City of Osawatomie	petty cash reimbursement	1220	3,775.73
BTU Services	degreaser, drain line opener	34594	955.88
Cigna	health insurance	34595	31,518.45
City of Osawatomie	utilities	34596	12,888.07
Delta Dental	dental insurance	34597	3,261.43
Kansas City Wilbert Vault	grave openings	34598	1,345.00
KS Employment Security Fund	unemployment	34599	1,916.72
Mi. Co. Internet OnRamp	internet	34600	19.95
Vision Service	vision insurance	34601	916.70
Yamaha	golf cart lease	34602	1,020.00
Hans J. Fisher, AIA	professional services - Library	34603	33,246.96
AT&T	RTU's	34604	216.85
Beachner Grain, Inc.	grass seed, supplies	34605	247.00
Johnson Co. Contractor Licensing	seminar	34606	400.00
Kansas One Call System, Inc.	locates	34607	33.60
L & K Services, Inc.	refuse	34608	29,710.97
Suddenlink	internet	34609	79.11
Visa	airline ticket, LCD monitor	34610	377.37
Mike Weaver	lawn care - Library	34611	30.00
Brad Waggoner	Pro Shop	34612	682.26
KDOT	matching funds-8th & Mill Street	34613	3,020.00
City of Osawatomie	petty cash reimb. Great Southern	34614	485.03
Amber Waves Diving Company, Inc.	diving equipment - Fire Dept.	34615	4,169.50
Kansas Dept of Revenue	clean water, water protection	34616	1,901.17
Kansas Dept of Revenue	compensating use tax	34617	784.12
Kansas Dept of Revenue	sales tax	34618	7,828.06
Kansas Gas Service	power plant	34619	25.34
KMEA - Nearman	electricity	34620	29,626.89
KMEA - EMP	electricity, transmission	34621	19,394.70
Ricoh Americas Corporation	copier lease	34622	289.00
First Option Bank	bucket truck	34623	1,798.99

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DATE WARRANTS ISSUED:
October 31, 2009

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
John Deere Credit	equipment lease	34624	1,843.91
Kansas City Power & Light	services	34625	1,133.17
Kansas Gas Service	services	34626	685.22
Osawatomie Recreation Commission	tax appropriation	34627	1,220.22
Suddenlink	internet	34628	59.95
Winkler, Domoney & Schultz	Municipal Court Judge	34629	2,000.00
City of Osawatomie	Library Project pay request #2,3	34630	16,621.68
CenturyLink	RTU's	34631	236.56
CenturyLink	services	34632	2,218.76
EMBARQ	long distance	34633	410.45
Kansas Dept of Health	operator certificate	34634	20.00
Kansas State University	pesticide applicator training	34635	185.00
KMEA - GRDA	electricity	34636	88,456.95
KMEA - Hydro	hydroelectric	34637	2,508.98
KSAWWA	operator training	34638	40.00
Lybarger Oil, Inc.	fuel	34639	4,713.59
Postmaster	utility billing	34640	1,000.00
Region V EMS	EMT training	34641	100.00
Sprint	service	34642	17.52
Suddenlink	internet	34643	119.90
Wal-Mart Community	supplies	34644	176.97
Kansas State Treasurer	bond principal & interest	wire 9-3	189,750.00
City of Osawatomie	petty cash reimbursement	1221	5,303.81
			734,402.03
GO	139,554.35		
WT	35,427.85		
EL	181,048.75		
Emp Bn	44,622.24		
Refuse	29,810.97		
Library	55,715.09		
Rec	4,750.67		
RF	1,772.98		
Ind	104.46		
St Imp	3,730.15		
B & I	189,750.00		
Sewer	11,216.13		
Rec Ben	135.72		
GC	36,632.96		
Trsm	129.71		
	734,402.03		

Record of Ordinances

ORDINANCE NO. 9-20

DATE WARRANTS ISSUED:
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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
Airgas Mid South, Inc.	oxygen cylinder	34645	37.97
American Boiler & Mechanical	boiler service	34646	780.00
American Safety Utility Corp.	gloves	34647	92.34
Baker & Taylor	books	34648	376.99
BG Consultants, Inc.	streetscape, sewer improvements	34649	4,796.00
Board Of Police Commissioners	alert system user charges	34650	71.14
Bollings Bargain Bonanza	gloves, ear plugs, supplies	34651	167.90
Bowes Automotive Products	filters	34652	62.50
Brewer's Automotive Repair	exhaust, battery	34653	152.90
Void		34654	-
Void		34655	-
Brown's Hardware	supplies	34656	502.92
C & G Merchants Supply, Inc.	supplies	34657	199.98
Certifion Corporation	entersect police online	34658	105.85
Champion Brands, LLC	oil, supplies	34659	441.72
Coleman Equipment, Inc.	cables, parts	34660	194.62
Comm-Tronix	radio	34661	295.00
Continental Analytical Services, Inc.	analytical service	34662	800.00
Crash Technology Group	domain transfer	34663	125.00
Cross-Midwest Tire Co.	tires, labor	34664	1,775.58
Cummins Central Power, LLC	v-belt	34665	110.04
Drain-Away Gutter Co., Inc.	guttering replaced	34666	325.00
Electronically Speaking	headphone, supplies	34667	98.52
Ellis & Zolotor Law Office, LLC	Judge Pro-tem, court appt. attorney	34668	935.00
Environmental Laboratories, Inc.	analytical service	34669	177.00
Family Center	dog food, supplies	34670	167.47
Richard M. Fisher, Jr. LLC	court appointed attorney	34671	125.00
Five A Farm	filters, parts	34672	110.44
Galls	holster, supplies	34673	397.82
Gerken Rental	portable restrooms, sod cutter	34674	363.00
Goodyear Wholesale tire Centers	tires	34675	199.00
Grainger	fan, heater	34676	242.82
Grass Pad, Inc.	fescue	34677	146.95
Greeley Farm Implement, Co.	parts	34678	262.60
Hanes Florist & Greenhouse	plant - Talley	34679	20.00
Heartland Fire	hydrostatic testing	34680	120.00
Heritage Tractor, Inc.	parts	34681	520.91
Holderman Printing	name plates, stand	34682	39.00
Holman Hansen & Colville, P.C.	City Attorney	34683	5,023.97
Hoover Upholstery	seat repaired	34684	220.00

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Hunt Martin Materials	sand, rock	34685	196.44
Inland Truck Parts Company	shaft, parts	34686	483.74
Jay's Uniforms	fire dept officer shirts	34687	102.87
Kansas City Star	subscription	34688	133.20
KDHE	analytical service	34689	520.00
Kansas One Call Concepts	locates	34690	63.60
Mitch Kerr	janitorial - Library	34691	160.00
Killough Construction, Inc.	asphalt	34692	458.10
Kincaid Ready Mix	concrete	34693	1,390.63
Knapheide Truck Equip. Center	flange	34694	32.35
Kreutz Glass, Inc.	glass	34695	503.00
Kriz-Davis Co.	electric line supplies	34696	535.87
KMEA	conference	34697	75.00
Lang Chevrolet	lock	34698	114.39
League of Kansas Municipalities	service awards, conferences	34699	1,129.58
Lesco/John Deere Landscapes	pesticides, pulley, belt	34700	1,396.85
Logan Contractors Supply, Inc.	shovel	34701	26.95
Louisburg Ford	retainer, bolts	34702	41.26
Meyer Laboratory, Inc.	squeaky kleen	34703	97.52
SD Myers, Inc.	test on transformer oil	34704	913.00
Miami County Republic	subscription - Library	34705	49.99
Miami County Sheriff's Office	prisoner care	34706	2,480.00
Miami Lumber, Inc.	wood, adhesive	34707	126.11
Midway Ford	brake shoes	34708	98.35
MO-KS Border War Network	membership	34709	100.00
Void		34710	-
Moon's IGA	supplies	34711	210.69
National Sign Company, Inc.	batteries	34712	67.90
NEKLS	labels	34713	43.60
Void		34714	-
NPG Newspapers, Inc.	ads	34715	1,236.45
Oil Patch Pump & Supply, Inc.	coupling, plug, caps	34716	23.14
Olathe Medical Services, Inc.	physicals Officers	34717	163.00
OMB's Express Police Supply	jacket, trousers, supplies	34718	532.30
Osawatomie Journal	ads	34719	582.00
Osawatomie Pet Clinic	supplies	34720	292.40
Ottawa Herald	ad - Freedom Festival	34721	238.00
Pace Analytical	analytical service	34722	70.00
Pearson Education	text books	34723	268.61
Penworthy Company	books	34724	135.89
Psychological Resources	psychological evaluations	34725	110.00
Quill	office supplies	34726	296.84
Read It Free	ads	34727	107.50
Recorded Books	books	34728	207.30
G.S. Robins	alum, sodium hypochlorite	34729	16,727.60



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

LIBRARY IMPROVEMENTS PROJECT
CDBG-R GRANT # 09-PF-736
PAYMENT REQUEST
November 12, 2009
Payment Request No. 4

Claimant	Description	Document Number	Amount
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049	administration	9/1-11/4	\$ 2,058.40
Hanz J Fischer 4 Colonial Court Lawrence, KS 66044	<i>CORRECTION</i> included with invoice paid by City	9/8/09	\$ (14,865.65)
	TOTAL		\$ (12,807.25)

Approved for payment by the Osawatomie City Council this 12th day of November, 2009.

 Philip A. Dudley, Mayor

CONTRACT FOR ADMINISTRATION SERVICES
FOR THE CITY OF OSAWATOMIE, KANSAS STREET PROJECT FOR THE 2010
COMMUNITY DEVELOPMENT GRANT

THIS CONTRACT made this 28th day of October, 2009, between GOVERNMENTAL ASSISTANCE SERVICES, 905 Joseph Dr., Lawrence, Kansas 66049, and the CITY OF OSAWATOMIE, KANSAS, contingent upon grant award.

WHEREAS, THE CITY, is engaged in a CDBG Community Street system improvements project, and,

WHEREAS, completion of this project requires the services of a qualified Administrator;

NOW, THEREFORE, THE CITY engages the services of GOVERNMENTAL ASSISTANCE SERVICES upon the following terms and conditions:

1. TERMINATION OF CONTRACT

A. FOR CAUSE

If, through any cause, either party shall fail to fulfill, in a timely and proper manner, their obligations under this Contract, or if either party shall violate any of the covenants, agreements, or stipulations of this Contract, the other party shall thereupon have the right to terminate this Contract by giving written notice to the breaching party of such termination and specifying the effective date thereof. This notice shall not be less than fifteen (15) days prior to the effective date.

B. FOR CONVENIENCE

The CITY may terminate this Contract, in whole or in part, at any time by written notice to GOVERNMENTAL ASSISTANCE SERVICES.

In event of termination, all finished or unfinished documents, studies and reports prepared by GOVERNMENTAL ASSISTANCE SERVICES, under this Contract, shall remain the property of GOVERNMENTAL ASSISTANCE SERVICES until GOVERNMENTAL ASSISTANCE SERVICES receives just and equitable compensation for any work satisfactorily completed hereunder, in accordance with this Contract, whereupon said documents, studies and reports shall become the property of THE CITY.

2. CHANGES

THE CITY may from time to time, request changes in the scope of services of GOVERNMENTAL ASSISTANCE SERVICES to be performed hereunder. Such changes, including any increase or decrease in the amount of GOVERNMENTAL ASSISTANCE SERVICES' compensation, which are mutually agreed upon by both parties shall be incorporated in written amendments to this Contract.

3. PERSONNEL

- A. GOVERNMENTAL ASSISTANCE SERVICES represents that it has, or will secure at its own expense, all personnel required in performing the services under this Contract. Such personnel shall not be the employees of or have any contractual relationship with THE CITY.
- B. All of the services required hereunder will be performed by GOVERNMENTAL ASSISTANCE SERVICES or under its supervision and all personnel shall be fully qualified to perform such services.
- C. None of the work or services covered by this Contract shall be subcontracted without the prior approval of THE CITY. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.

4. SERVICES OF GOVERNMENTAL ASSISTANCE SERVICES

Services outlined in this Contract are those necessary to effectively administer the project. The following summary of services is not intended to limit the scope of service, but is intended to illustrate the work and services to be provided by GOVERNMENTAL ASSISTANCE SERVICES.

These services will include, but are not limited to the following:

- Preparation of reports and paperwork to be submitted to State departments involved in the project.
- Perform necessary account procedures, relating to this project, until project is completed.
- Assist the City and Contractors with adherence to Affirmative Action rules and regulations.

- Prepare documentation for procurement procedures.
- Review payment requests and check these against invoices.
- Process payment requests promptly.
- Assist with Environmental Assessment Report.
- Prepare documentation relating to Release of Funds from State departments involved.
- Prepare “No Significant Impact” certificate.
- Work closely with City Staff throughout entire project.
- Attend Council Meetings that are project related.
- Report schedule changes to Governing Body.
- Assist City in project related public hearings required throughout the entire project.
- Work closely with all State departments and furnish additional information they may request.
- Attend monitoring visits set up by State departments.
- Perform additional duties as may be required.
- Assist City in securing qualified Audit firm.
- Apply for any necessary time extensions.
- Provide proper close-out requested by State departments involved in project.
- Operate within Federal and State guidelines, specifically:
 1. Title VI Civil Rights Act of 1964
 2. Section 109 Certifications
 3. Section 504 Certifications
 4. Age Discrimination Act of 1975
 5. Fair Housing Amendments Act of 1988
 6. Executive Order 11063 Certifications

7. Kansas Act Against Discrimination
8. Executive Order 11246 Certifications
9. Section 3 Certifications
10. Title VIII of the Civil Rights Act of 1968 as amended by the Housing Act of 1974
11. Section 503 of the Rehabilitation Act of 1973 as amended
12. 24 CFR 85 as modified by CFR 570 Subpart J
13. Title 1 of the Housing & Community Development Act of 1974 as amended
14. Section 519 Public Law 101-144 (The 1990 HUD Appropriation Act)
15. Cranston-Gonzales National Affordable Housing Act (Section 906 & 912)

- Assist the City in developing a financial management system which will meet State and Local standards.
- Comply with all applicable laws, ordinances and codes for the State and Local governments.
- Will not discriminate against any employee or applicant for employment because of race, sex, creed, color or national origin. GOVERNMENTAL ASSISTANCE SERVICES will take Affirmative Action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to their race, creed, sex, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

GOVERNMENTAL ASSISTANCE SERVICES agrees to post, in conspicuous places, available to employees and applicants for employment, notices to be provided by the CITY, setting forth the provisions of this non-discrimination clause.

5. AUDIT

THE CITY will be responsible for having the records relating to this project audited by a Certified Public Accountant at the completion of this project. The expense for this audit will be a responsibility of the City.

6. INTEREST OF THE CITY OF OSAWATOMIE'S GOVERNING BODY

No member of the Governing Body of the CITY, and no other officer, employee or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of the program shall have any personal financial

interest, direct or indirect, in this Contract, and GOVERNMENTAL ASSISTANCE SERVICES shall take appropriate steps to insure compliance.

7. INTEREST OF GOVERNMENTAL ASSISTANCE SERVICES AND EMPLOYEES

GOVERNMENTAL ASSISTANCE SERVICES covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest of its service hereunder. GOVERNMENTAL ASSISTANCE SERVICES further covenants that in the performance of this Contract no person having any such interest shall be employed.

8. FEES

THE CITY, agrees to pay GOVERNMENTAL ASSISTANCE SERVICES a fee for the services outlined.

The fee, for these services, will be as follows:

Services will be billed at \$62.00 per hour not to exceed \$25,000.00 for the administration. If the project has an additional time extension past the projected 24 month completion date, and the \$25,000.00 has been expended for hours worked, all additional work hours will be billed at the current accepted rate of \$62.00.

In no way can the contract be changed without a written amendment approved by the CITY.

IN WITNESS WHEREOF, the parties have signed this Contract the day and year first mentioned above.

Mayor
City of Osawatomie, Kansas

ATTEST: _____
City Clerk

(SEAL)

Donna J. Crawford, Owner
Governmental Assistance Services

ORDINANCE NO. _____

**AN ORDINANCE TO REVISE AND UPDATE THE CITY OF
OSAWATOMIE'S ZONING REGULATIONS BY REVISING SECTION
18-11(B) PERTAINING TO FENCE REGULATIONS.**

WHEREAS, the City of Osawatomie's Planning Commission has met and recommended changes to certain requirements for fencing on property adjacent to Commercial and Industrial zones;

WHEREAS, upon the recommendation of the Osawatomie Planning Commission, the City Council has determined that is in the best interest of Osawatomie to revise and update the Osawatomie zoning regulations regarding fence height for property adjacent to commercial and industrial areas;

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

SECTION 1: AMENDMENT TO SECTION 18-11(B) OF THE CITY OF OSAWATOMIE'S ZONING REGULATIONS. Section 18-11(B) of the city's zoning regulations is hereby amended by adding a new section 18-11(B)(7) to read as follows:

"18-11(B)(7). In instances where commercial or industrial property is adjacent to a residentially zoned property, but not separated by a street right of way, the fence may be constructed to a height of eight (8) feet. Such fence shall comply with all other requirements of other applicable zoning regulations and building codes."

SECTION 2: 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 12th day of November, 2009.

APPROVED AND SIGNED by the Mayor.

SEAL)

Philip A. Dudley, Mayor

ATTEST:

Ann Elmquist, City Clerk

(Published in the Osawatomie Graphic, _____) 1t

ORDINANCE NO. _____

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

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

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

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

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

SECTION ONE: That the following described land, meeting the conditions for annexation prescribed in KSA 12-520(a)(1-6), commonly known as 1926 Parker, is hereby annexed and made a part of the City of Osawatomie, Kansas:

Part of the Northeast Quarter (NE¹/₄) of Section Nine (9), Township Eighteen (18) South, Range Twenty-two (22) East, Miami County, Kansas, described as follows, to-wit:

Beginning at a point 1189.00 feet East and 30.00 feet North of the center of said Section 9, said point being on the North right of way line of John Brown Highway in the City of Osawatomie, Kansas, thence North 240.00 feet, thence East 140.00 feet and parallel to the South line of said Quarter Section, thence South 240.00 feet and parallel to the West line of said Quarter Section to a point on said North right of way line of John Brown Highway, thence West 140.00 feet and along said North right of way line to the point of beginning.

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

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this ____ day of November 2009.

APPROVED AND SIGNED by the Mayor.

(SEAL)

Philip A. Dudley, Mayor

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

November 12, 2009

OSAWATOMIE COMPLETE COUNT COMMITTEE:

The Complete Count Committee last on July 28, 2009 to appoint sub-committee chairs and delegate various ways to communicate to citizens in Osawatomie the importance of ensuring everyone in the community is counted in the 2010 Census. Each subcommittee will be responsible for providing information to each of their subgroups and working to make sure their surveys are returned to the Census Bureau.

UPDATE TO OSAWATOMIE COMPREHENSIVE PLAN:

I have spoke with Diane Binkley of Ochsner, Hare & Hare (OHH), regarding the update to the comprehensive plan. You will remember, that we received assistance from the Mid-America Regional Council (MARC) with a planning intern to gather all of the required information and do a lot of the "leg work" so we could save significant dollars on the professional review fees with OHH. No interns are available from MARC for the current year, which leaves us in a position of holding out completion of the comprehensive plan until additional resources are available to assist in the cost or contracting with OHH to complete the plan. I have received a proposal from OHH and the cost to complete the plan at this time is: \$18,607. Absent any opportunity to significantly reduce the fee, it is my recommendation to hold off on this process until we dispose of some other, more pressing issues (i.e. levee certification).

SCHEDULE FOR LEVEE CERTIFICATION STUDY PHASE II:

Core samples from the levee have been taken and are currently being evaluated to ensure they meet the standards set forth in the certification statutes, 44 CFR 65.10.

CDBG GRANT FOR LIBRARY EXPANSION:

Bids were opened on October 27. Eleven general contractors submitted bids. Bids were evaluated, and a recommendation made to the council for award on November 5, 2009. The council approved that recommendation. As of today, contracts are being reviewed and passed around for signatures and bonds/insurance documents being gathered. We must have a notice to proceed issued before December 1, 2009.

UPDATE ON STIMULUS FUNDED STREET PROJECTS:

The 8th Street mill/overlay has been completed. The streetscape plans have been submitted to KDOT for approval. Additionally, we have received the approval to bid the project from KDOT. The bids will be received for a period of 30 days, at which point they will be opened, reviewed

and then a recommendation made from our city engineer to award. It is expected, barring any unforeseen delays or weather related issues that each side of the street will take approximately 4 to 5 weeks to complete. As has been stated before, it is my recommendation that we withhold issuing a notice to proceed until after the Christmas shopping season is over.

PACIFIC/14TH/BROWN STREET PLANS:

Donna Crawford submitted our CDBG grant application to the Kansas Department of Commerce on October 30. The pre-application for Rural Development has been forwarded to the agency's office in Manhattan. We hope to hear from each agency regarding our eligibility for this project soon.

UPDATE ON EVALUATION OF ALTERNATIVE GENERATION SOURCES:

Since the last discussion about the Mayor and Council's "green initiatives" I have begun to compile information and resources as well as consult with KMU and KMEA. I am also working with Sawvel & Associates (electrical consulting firm frequently utilized by KMU, KMEA and other municipal electric utilities) on framing exactly what a study of our electrical distribution system needs to encompass and researching other firms (in addition to Sawvel) to determine who can provide us with the best product at a reasonable price to move forward.

CHAMBER FUNDING FOR 2011:

The City Council approved in the 2010 Budget, a second appropriation to the Osawatomie Chamber of Commerce, in the amount of \$30,000. At a past meeting of the City Council, a question or comment was made about an exit strategy for the guaranteed support to the Chamber of Commerce. As you are all aware, the \$30,000 the city has provided the Chamber of Commerce over the 2009 and 2010 was never intended to be a long term solution. At the last Chamber Board meeting, I reiterated this to the rest of the Chamber Board and notified them that the following information would be presented in this City Manager's Report.

For the city's 2011 Budget, I am encouraging the City Council to begin thinking about restructuring the appropriation from a guaranteed \$30,000 to a performance based appropriation. I would consider potentially matching membership dues up to a certain amount (not the full \$30,000) and setting aside a portion of the \$30,000 for payment to be made upon a business being recruited to Osawatomie. I told the Chamber Board that I believed two years would be an adequate timeframe for a new director to get things turned around and back on the right track.

PLANNING COMMISSION PUBLIC HEARING FROM OCTOBER 27, 2009:

On October 27, 2009, the Osawatomie Planning Commission held a public hearing on proposed changes to the city's zoning regulations regarding the allowable heights of fences that separate residential and commercial properties. No quorum was present to make a formal recommendation. However, the public hearing was still held. Comments from one attendee and the Planning Commissioners in attendance (Adams, Whitney, Inscore, Singer) were taken. In accordance with section 2-22 of the Osawatomie Zoning Regulations state in part: "the failure to obtain a majority vote on any motion, shall constitute a recommendation for denial." The regulations also state (in part): "Upon the receipt of a recommendation of the Planning Commission which the Governing Body disapproves, the Governing Body shall either override

the Planning Commissions' recommendation by a two-thirds majority vote of the membership of the Governing Body.”

In this instance, since a quorum was not present to make a recommendation to the Governing Body regarding the proposed change, the lack of a positive recommendation should be viewed as a denial and as such, the adoption of an ordinance amending the zoning regulations would require a 2/3rds vote of the membership of the Governing Body.

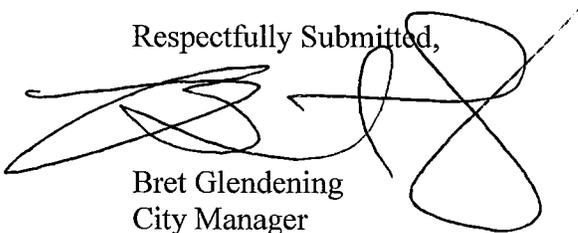
During the public hearing, Ms. Ellen Porter reiterated the reasons why she was supportive of the proposed change to the fence height regulations of Planning Commissioner Inscore. Ms. Porter and Mr. Travis Perry (Osawatomie Graphic) were the only members from the public in attendance at the meeting. There were no comments made opposing the proposed changes to the regulations.

2009 BUDGET AMENDMENT:

I am in the process of developing the 2009 Budget amendment. Funds that tentatively appear to require amending are: General Fund, Employee Benefits Fund (EBF), Library Fund, Recreation Fund, Sewer, and Tourism. The extent to which any of these funds will need to be amended is still being determined. The Library Fund and Recreation Fund will need amending due to the way reimbursements from each entity are handled in the city's accounting system. The Tourism Fund will require amending because at the time the fund's budget was approved in the Summer of 2008, it was not known that it would be taking over events previously handled by the Chamber of Commerce such as the John Brown Jamboree. The Sewer Fund and EBF may or may not need to be amended at all. The General Fund however will certainly require amending, and I am fairly certain that this amendment will be fairly significant due almost entirely to bills associated with the levee certification (which was known, but the extent of which was unknown) and engineering associated with the stimulus projects we applied for and received.

At the end of the third quarter of 2009, I put out a memo to all department heads that we had to limit as much as possible, any additional spending other than that required to complete projects already begun or expenditures that are necessitated out of the protection of life or property (i.e. salt and magnesium chloride for snow removal). I do anticipate this directive remaining in place for the majority of 2010.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bret Glendening', is written over the typed name. The signature is stylized and somewhat abstract.

Bret Glendening
City Manager



Osawatomie Police Department

Monthly Report Oct. 2009

Page 1

	<u>Current Month</u>	<u>Year to Date</u>
Escorts	5	108
Warrant attempts/arrests	15	127
Traffic Stops/investigation	84	966
Investigate Person	1	30
DUI	1	30
Non-Injury Accident	13	122
Injury Accident	1	10
Assist EMS	15	215
Fire	9	78
Fights	9	63
Prowler	1	4
Domestic Violence	6	51
911 Misdeal	11	54
Animal at large	38	384
Animal Bite	0	24
Animal Missing	12	86
Animal Welfare	17	144
Assist Outside Agency	12	173
Bank Alarm	0	5
Burn Permit	14	262
Business Alarm	7	60
Burglary	1	26
Criminal Damage to Property	4	89
Child In need of Care	3	19
Carbon Monoxide Check	1	1
Civil Stand By	14	86
Citizen Complaint	93	857
Citizen Inquiry	49	620
City Services	28	354
Drug Cases	1	54
Disturbance	10	135
Deliver Message	10	61
Extra Patrol Request	8	69
Forgery	1	29



Osawatomie Police Department

Monthly Report Oct. 2009

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	<u>Current Month</u>	<u>Year to Date</u>
Fine Payment to Dispatch	23	218
Found Property	2	70
Finger Print (employment)	0	26
Gas Drive Off	2	28
HAZMAT	0	2
K9 Training Event	0	3
K9 Deployment	0	12
Loud Music Complaint	10	78
Murder	0	0
Motorist Assist	9	113
Medical Alarms	1	13
Missing Child	2	20
Missing Person	6	10
Open Door (Building Check)	3	40
Pedestrian Checks	0	27
Residential Alarms	0	10
Reckless Driver	1	2
Repossessions (notifications)	0	11
Runaway	0	1
Sexual Assault/Sex Crimes	3	18
Suspicious Activity	13	266
State Hospital Walk Away	1	8
Theft	12	236
Telephone Harassment	9	78
Unattended Death	0	3
Vehicle Lock Out	25	224
Violation of Protective Order	2	5
Verbal Dispute	0	6
Check Welfare	15	146
Incidents cleared by Arrest	15	171
Total Citations Issued for the Month	30	465
Last incident # assigned in Oct: 09-6465. 543 #s assigned		



Osawatomie Police Department

Monthly Report for Oct. 2009

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Miles driven (Patrol Units)

	<u>Miles</u>	<u>Mileage Total</u>
Unit 1 (2007 Crown Victoria)	2,318	89576
Unit 3 (2004 Blazer)	288	113676
Unit 4 (2007 Chevy Impala)	2,596	22288

Nuisance Information

	<u>Current</u>
Nuisance Letters Mailed	
Letters Received by Resident	
Pending complaints	
Resolved Nuisances***	
Tickets Issued	

Misc. 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.

*** Includes nuisance issues addressed by phone w/o letters

Building Permit Activity for the Month of October 2009

Category	Total Permits	Total Value	Received by City
New Residences	0	0	0
Re-roofs	11	\$72,642.05	\$330.00
Remodels	1	\$15,000.00	\$300.00
Accessory Buildings	3	\$38,400.00	\$780.60
Concrete	1	\$14,600.00	\$30.00
Mechanical	0	0	0
Repairs	2	\$6,100.00	\$30.00
Decks & Porches	2	\$10,100.00	\$60.00
Additions	0	0	0
Com. Buildings	1	\$150,000.00	\$691.20
Demolishing	2	\$10.00	\$60.00
Fences	2	\$2,334.00	0
Plumbing	4	\$3,200.00	\$120.00
Electrical	1	\$300.00	\$30.00
Ag. Buildings	0	0	0
Penalties	0	0	0
Plan Review	0	0	0
Totals	30	\$298,086.05	\$2,431.80

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