

**OSAWATOMIE CITY COUNCIL  
AGENDA**

February 11, 2010  
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 January 14 and January 28 City Council Meetings
  - B. Approve February 11 Agenda
  - C. Appropriation Ordinances 09-25, 10-1 & 10-2
5. Comments from the Public; Presentations

*Citizen participation will be limited to 5 minutes. Please stand & be recognized by the Mayor*
6. Public Hearing - none
7. Unfinished Business
  - A. Approve Invoices for Library Improvement Grant – Request No. 7
  - B. Discuss Update to Water and Electric Rate Models
  - C. Discuss Technical/Feasibility Review for Aquatic Center
  - D. Discuss RFP for Engineering Services for Electric Utility
8. New Business
  - A. Appointments
  - B. Proclamation – Congenital Heart Defect Awareness Day
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session – none
13. Adjournment

*REGULAR MEETING / WORK SESSION  
February 25, 2010*

REGULAR MEETING – March 11, 2010

Osawatomie, Kansas. January 14, 2010. The Council meeting was held in Memorial Hall. Mayor Dudley called the meeting to order at 7:00 p.m. Council members present were Dalton, Hunter, LaDuex, Maichel, Ratley, and Walmann. Absent were Kaempfe, and Moon. Also present were City Manager Glendening, City Attorney Wetzler and City Clerk Elmquist. Visitors were Robert Kerr, Brian Kingsley, Web Hawkins, Kevin Gray, and Travis Perry.

Moon arrived at 7:02 p.m.

CONSENT AGENDA. Approval of the Minutes of December 10 and December 17 Meetings, approval of January 14 Agenda, and approval of Appropriation Ordinances 09-23 & 09-24. Motion made by Hunter, seconded by Dalton to approve the consent agenda. Yeas: All.

Public Participation; Presentations: None

Public Hearings: None

PUBLIC HEARING: USDA RURAL DEVELOPMENT LOAN APPLICATION FOR STREET IMPROVEMENTS. The Mayor opened the hearing at 7:02 p.m. The hearing was in regard to the proposed project and to provide the opportunity for public comment. The proposed street improvements are Pacific Avenue from 12<sup>th</sup> to 14<sup>th</sup> Street, 14<sup>th</sup> Street from Pacific to Main, and Brown Avenue from 14<sup>th</sup> to 18<sup>th</sup> Street. The estimated project cost is \$1,693,500. If the CDBG grant request for \$400,000 is approved, the remaining \$1,293,500 is being requested from Rural Development. Comments from the public: None. Mayor closed the hearing at 7:03 p.m.

Unfinished Business:

APPROVE INVOICES FOR LIBRARY IMPROVEMENT GRANT – REQUEST NO. 6. Motion made by Hunter, seconded by LaDuex to approve Pay Request No. 6. Yeas: All.

RESOLUTION ON STANDARDS FOR PROCUREMENT BIDDING & CONTRACT AWARD. Rural Development requires standards be adopted (a) relating to the conduct of its officers, employees, and agents in contracting and in expending loan funds and (b) establishing procurement and contracting procedures. Motion made by LaDuex, seconded by Maichel to adopt Resolution No. 627. Yeas: All.

AWARD STREETScape IMPROVEMENT PROJECT CONTRACT. The contract requirements and the source of funding require the contract be awarded based on evaluation of the base bid only.

		Orr Construction bids on Alternates:	
Heartland Contractors	\$502,833.90	#1 mill/overlay	\$30,926.51
Kansas Heavy Construction LLC	\$533,457.15	#2 reconstruct parking area with concrete	\$57,103.14
Mega Industries Corp	\$556,802.00	#3 brick pavers in saw tooth triangles	\$11,303.44
Musselman & Hall Contractors	\$642,647.10	#4 brick pavers in mid-block "bulb out"	\$12,126.10
Orr Construction Management, Inc.	\$497,674.86	#5 landscaping	\$16,211.39
Engineers estimate	\$600,229.50	#6 potted planters	\$ 8,447.30

BG Consultants recommended Orr Construction Management, Inc. be awarded the contract. The grand total of Orr Construction Management’s bid is \$633,792.74. All items will be 100% funded by KDOT up to \$649,940, except Alternate #1. Expenses on construction and/or construction engineering for non-participating items and for expenses on participating items in excess of the funding amount is to be provided by the City. Motion made by Moon, seconded by Hunter to award the construction contract to Orr Construction Management, Inc. in the base bid amount of \$497,674.86 contingent upon concurrence from the Kansas Department of Transportation, authorize construction, and to accept all additional alternatives applying the KDOT grant money to all eligible expenses including the construction observation. Yeas: All. Motion made by Hunter, seconded by LaDuex to authorize the Mayor to sign the construction observation contract with BG consultants. Yeas: All.

New Business:

## APPOINTMENTS.

Planning Commission (growth area)	David Wilson
Tourism Committee	Ben Maimer

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

AUTHORIZE EXPENDITURE OF REMAINING WILLIS REMINGTON FUNDS ON OLD STONE CHURCH REHABILITATION. The terms and conditions of the memorial stipulated that the money was to be used for maintenance and preservation of the Old Stone Church. The approximately \$7,200 remaining would be used to complete the work that has been identified to cost approximately \$11,000. This would eliminate the remainder of the funds and also the need for the Old Stone Church Committee. Motion made by Hunter, seconded by LaDuex to authorize the expenditure of the remaining Willis Remington Funds on the rehabilitation of the Old Stone Church. Yeas: All.

Council Reports:

Hunter: Tourism will commemorate Kansas Day at the high school January 30. February 3 the League of Kansas Municipalities will hold their City Hall Day at the State Capitol.

Maichel: Attended the Chamber of Commerce membership meeting and heard Bob Kolich speak on the economic development work he does for this area. Would like him to speak at a Council meeting. In recognition for the support shown to Osawatomi law-enforcement officers who also serve in the nation's armed forces, the Osawatomi Police Department was commended by The National Committee for Employer Support of the Guard and Reserve.

Mayor's Report:

Police Department provided assistance to the elderly residents when they needed help during the recent snow storms. The department also assists in delivering meals to the elderly through Meals on Wheels.

City Manager's Report:

Recycling Survey. The revised survey addressed the Council's comments.

Building Permits. In 2009 there were 409 building permits issued for a total value of \$4.2 million. The permit fees totaled almost \$43,000.

At 8:14 p.m. took a 10-minute break

EXECUTIVE SESSION – PERSONNEL MATTER OF NONELECTED PERSONNEL. Motion made by Hunter, seconded by Maichel at 8:25 p.m. to recess into executive session for personnel matter of nonelected personnel for a period of 10 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 8:37 p.m. No action taken.

EXECUTIVE SESSION – CONSULTATION WITH CITY ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP. Motion made by Maichel, seconded by Hunter at 8:38 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 30 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 9:08 p.m. No action taken. Motion made by Hunter, seconded by Maichel instructing the City Manager to inform the Union the City will not be renewing the contract that expires at the end of the year. Yeas: All.

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

---

Ann Elmquist, City Clerk

Osawatomie, Kansas. January 28, 2010. 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 and City Clerk Elmquist. Visitors were Larry Smith, Robert Kerr, Lawrence Dickinson, Web Hawkins, Brian Mersman, Steve Coffelt, Lenny Pearce, Jimmy Minden, Brent Hurt, Bruce Hurt, Tony Green, Jeff Edwards, Jason Rone, Jeff Gulley, and Travis Perry.

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

RESOLUTION AMENDING PERSONNEL POLICES – ESTABLISHMENT OF EMPLOYEE ADVISORY COMMITTEE. The City terminated the agreement with Local Union Number 304 of the International Brotherhood of Electrical Workers by rescinding participation in the The Kansas Public Employer-Employee Relations Act. The resolution establishes The Employee Advisory Committee on Personnel Policies to provide advice and feedback to the City Manager on any proposed changes to the personnel policies. Motion made by Ratley, seconded by Walmann to Approve Resolution No. 628. Yeas: All.

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

---

Ann Elmquist, City Clerk

# Record of Ordinances

ORDINANCE NO. 9-25

DATE WARRANTS ISSUED:  
January 19, 2010

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
City of Osawatomie	utilities	35013	14,551.56
Kansas City Wilbert Vault	grave opening	35015	415.00
KS Rec & Park Assoc.	conference	35016	365.00
Rural Water District No. 3	ETI water	35017	16.50
Suddenlink	internet	35018	130.85
Airgas Mid South, Inc.	reissued check 34921	35025	72.01
L & K Services	refuse	35027	30,140.66
Mike King	lift station buildings	35031	3,788.00
Airgas Mid South, Inc.	oxygen cylinder	35032	71.94
AT&T	RTU's	35033	216.85
Brown's Hardware	switch	35034	3.79
Certifion Corporation	entersect Police online	35035	79.00
Coleman Equipment, Inc.	seals	35036	75.84
Crash Technology Group	troubleshooting	35037	75.00
Extreme Collision & Custom	replaced glass - Danny's truck	35038	183.87
Holman Hansen & Colville, P.C.	City Attorney	35039	6,970.30
K.C. Bobcat	hose	35040	26.10
Kansas Dept of Revenue	water protection, clean water	35041	2,091.20
Kansas Dept of Revenue	compensating use tax	35042	365.82
Kansas Dept of Revenue	sales tax	35043	7,768.83
KS Employment Security Fund	unemployment	35044	1,599.94
Kansas Gas Service	power plant	35045	34.98
KMEA - Nearman	electricity	35046	53,256.13
KMEA - Hydro	electricity	35047	4,257.44
KMEA - EMP	electricity, transmission	35048	18,103.65
Lybarger Oil, Inc.	fuel, propane	35049	1,752.24
NPG Newspapers, Inc.	ads	35050	1,225.88
Osawatomie Journal	ads - Golf Course	35051	80.00
Pepsi Americas	water, gatorade	35052	425.88
Sprint	service	35053	12.80
Techno Ply, LTD	cleaners	35054	447.94
United States Treasury	FICA	35055	288.78
Visa	lodging, Christmas tree, supplies	35056	673.40
Brad Waggoner	Pro Shop	35057	102.01
			149,669.19



# Record of Ordinances

ORDINANCE NO. 10-1

DATE WARRANTS ISSUED:  
January 31, 2010

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 01/02/10			91,652.01
Payroll 01/15/10			93,801.19
Payroll 01/29/10			97,023.19
FICA 01/02/10			6,656.38
FICA 01/15/10			7,154.51
FICA 01/02/05			7,068.16
KPERS			18,454.07
Cigna	health insurance	35012	29,783.20
Delta Dental	dental insurance	35014	3,297.40
Vision Service Plan	vision insurance	35019	921.35
Johnson Co. Contractor Licensing	registration - Anderson	35020	400.00
CivicPlus	web site	35021	3,090.00
Kansas Municipal Insurance Trust	Workman's Compensation	35022	97,146.00
Osawatomie Chamber of Commerce	membership	35023	403.75
Environ Lab Accreditation Program	certification	35024	200.00
Osawatomie Middle School	magazines - Library	35026	376.00
John Brown Foundation	foundation donations	35028	300.00
KDHE	water revolving loan	35029	32,491.31
Suddenlink	internet	35030	79.11
Kansas Gas Service	service	35058	2,026.98
Wanda Chisam	cleaned Old Stone Church	35059	442.00
Elliott Insurance Inc.	quarterly premium	35060	41,010.00
Kansas Assoc. of Chiefs of Police	membership - Butters	35061	25.00
Miami County Internet OnRamp	internet	35062	19.95
Ricoh Americas Corp.	copier lease	35063	288.10
U.S.A. Mechanical, Inc.	install motor	35064	407.00
Osawatomie Recreation Commission	tax appropriation	35065	46,181.85
Boy Scout Troup 106	cleaned and stacked bricks	35066	1,000.00
CenturyLink	long distance	35067	392.96
First Option Bank	bucket truck	35068	1,798.99
John Deere Credit	equipment lease	35069	1,843.91
Kansas Assoc. of Chiefs of Police	membership - Stiles	35070	75.00
Kansas City Power & Light	services	35071	1,302.16
KS Dept of Revenue	CMB State stamp tax	35072	200.00
Kansas Golf Association	membership	35073	152.00
NPG Newspapers	subscription	35074	53.00
UPS Store	copies	35075	28.63
Suddenlink	internet	35076	59.95
CenturyLink	RTU's	35077	189.24
CenturyLink	services	35078	2,078.49



# Record of Ordinances

ORDINANCE NO. 10-2

DATE WARRANTS ISSUED:  
February 11, 2010

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
American Heartland Wipers	paper goods	35086	189.80
Analytical Services, Inc.	analytical service	35087	449.85
Apparatus Services, LLC	repair packing on fire truck	35088	1,355.14
ASC Pumping Equipment	swing bolt assembly	35089	76.05
Atco International	grease	35090	122.95
Auten Pharmacy	supplies	35091	9.90
Baker & Taylor	books	35092	420.03
BG Consultants	consulting services	35093	3,795.00
Board of Police Commissioners	alert system user charges	35094	31.41
Bollings Bargain Bonanza	wire wheels, battery	35095	37.80
Brewer's Automotive Repair	labor, battery, tires	35096	549.74
Void		35097	-
Brown's Hardware	supplies	35098	338.98
Carter Waters	saturock	35099	1,176.00
City of Lenexa Police Dept.	conference	35100	420.00
Clarkson Power Flow, Inc.	steel hydraulic line	35101	399.33
Cole Parmer	tubing	35102	164.97
Coleman Equipment, Inc.	parts	35103	946.89
Corrosion Products, Inc.	plastic valve, pipe	35104	233.42
Cross Midwest Tire Co.	tires	35105	1,944.00
Eden K9 Consulting & Training	software	35106	209.00
Electronically Speaking	batteries, camera	35107	161.93
Ellis & Zolotor Law Office, LLC	court appointed attorney	35108	440.00
Environmental Laboratories, Inc	analytical service	35109	177.00
Family Center	tarp	35110	6.99
Richard M. Fisher, Jr.LLC	court appointed attorney	35111	100.00
Five A Farm	weed eater, parts	35112	409.15
Fort Bend Services, Inc.	polymer	35113	990.00
Four State Maintenance Supply	ice melt	35114	200.45
Galls	holster, supplies	35115	215.55
GeoCorp, Inc.	charts	35116	330.51
Grainger	valves, supplies	35117	920.40
Hach Company	chlorine, chemicals	35118	1,490.29
HD Supply Waterworks	water meters	35119	1,341.12
Heritage Tractor, Inc.	parts	35120	39.10
Hoover's Upholstery	recovered seat	35121	225.00
Hunt Martin Materials	rock	35122	428.02
J.P. Cooke Co.	animal license	35123	45.04
JCI Industries, Inc.	calibration of flow	36124	684.00
Kansas City Golf Association	membership	35125	300.00

## Record of Ordinances

DATE WARRANTS ISSUED:  
February 11, 2010

Page No. 2

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Kansas Dept. of Health & Enviro.	analytical service	35126	370.00
Kansas Municipal Utilities	membership	35127	4,108.00
Kansas Rural Water Assoc.	conference	35128	125.00
Kansas State Treasurer	training funds	35129	417.50
Kriz-Davis Co.	electric line supplies	35130	719.93
Lacal Equipment, Inc.	parts, plow blade	35131	1,077.32
Miami County Health Dept.	hepatitis B	35132	90.00
Miami County Sheriff's Office	prisoner care	35133	1,760.00
Miami Lumber, Inc.	lumber, insulation	35134	56.29
Moon's IGA	supplies, UPS	35135	142.42
Navrat's Office Products	ink cartridges	35136	137.34
Navrat's	copy paper	35137	798.00
NEKLS	headset, scanner, printer	35138	553.23
ODB Company	gutter brooms	35139	150.00
Olathe Medical Services, Inc.	physical - Beaudry	35140	180.00
Osawatomie Journal	ads	35141	105.00
Paola Hardware	pipe insulation	35142	1.97
People Magazine	magazine subscription	35143	112.86
Quill	office supplies	35144	104.94
R & R Products, Inc.	towels, supplies	35145	222.75
Read It Free	ad	35146	240.00
Recorded Books	books	35147	111.45
Ricoh Americas Corporation	shipping for toner	35148	11.50
G.S. Robins and Company	chemicals	35149	14,384.76
Rural Water District #1	service	35150	102.56
Rural Water District #3	ETI Water	35151	16.50
State Industrial Products	cleaner, lights	35152	223.24
Debbie Talley	Memorial Hall janitorial, snow removal	35153	390.00
G.A. Thompson Co.	warning notices	35154	216.18
Tri County Ice	ice machine, car wash tokens	35155	250.00
United States Plastic Corp.	supplies	35156	65.71
USABlueBook	pipe cleaning tools	35157	98.84
Utility Service Co., Inc.	water towers annual maintenance	35158	12,200.00
Van Wall Equipment	mower parts	35159	501.61
Vance Brothers	asphalt	35160	239.37
Wade Quarries	rock	35161	373.50
Water Products, Inc.	repair clamps	35162	917.58
Wichita State University	conference	35163	250.00
Wilson & Company	levee assessment	35164	46,517.79
John A. Wilson	court appointed attorney	35165	300.00
Winkler, Domoney & Schultz	Municipal Court Judge	35166	2,000.00
WinPro Solutions, Inc.	floor cleaners	35167	138.93
Void		35168	-
Void		35169	-
Winterscheid Auto Parts	parts	35170	942.65





**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**  
**February 11, 2010**  
**Payment Request No.7**

<b>Claimant</b>	<b>Description</b>	<b>Document Number</b>	<b>Amount</b>
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049	administration	1/31/10	\$ 1,308.20
Hanz J Fischer 4 Colonial Court Lawrence, KS 66044	architectural & engineering services		\$ -
	<b>TOTAL</b>		\$ 1,308.20

Approved for payment by the Osawatomie City Council this 11th day of February, 2010.

---

Philip A. Dudley, Mayor

## II. Scope of Service for the City of Osawatomi

**FEASIBILITY/MARKETING STUDY** - Burbach Aquatics, Inc. feasibility studies are broken down into eight, individually priced, typical Steps. Each community may choose their steps needed to custom design the project. It is the understanding of Burbach Aquatics, Inc. that the City of Osawatomi is seeking a professional firm to conduct a Technical Evaluation and possibly a Feasibility Study for a new Outdoor Family Aquatic Facility (STEP #1-#2).

### Phase I, Step #1 – Technical Evaluation of Existing Facility

General: Professional service for Step #1 is centered on an evaluation and the development of scope and cost to renovate the existing facility to a state of good repair and Code compliance. In our evaluation process we will break each facility into 32 different categories, all of which will be responded to in the following manner:

1. Perform an on-site engineering review (technical evaluation) of the aquatic facility; catalog significant Health Code noncompliance issues and significant Americans with Disabilities (ADA) noncompliance issues;
2. Perform a technical evaluation of the existing facility to determine which elements, if any, could be reused or incorporated into the renovation of the facility; catalog facility elements which will need to be restored to a good state of repair;
3. Develop scope of construction necessary to restore the facility to good repair and meet significant Health and ADA Code requirements; and submit final recommendations for pool shell, surge area, piping systems, filter system, recirculation pump, chemical system, pool heater, deck equipment, sanitary facilities, bathhouse area, bathhouse roofs, potable water system, process piping system, mechanical, electrical, etc.;
4. Develop opinions of probable construction cost to complete the recommended scope of construction for each of the above listed facility elements;
5. Make overall final summary recommendations regarding feasibility of renovation and/or repair and/or replacement of the facility's major elements;
6. Provide a timetable for the implementation of the recommendation of this Step, from beginning through construction and the occupancy of the renovated and/or repaired and/or replaced facility by the Owner;
7. Six copies of the Step #1 report are included in Basic Service;
8. A total of three trips are included in Basic Service. The trip schedule\* for this Step is as follows:
  - 1) Initial site visit to collect data;
  - 2) Second site visit to collect data;
  - 3) Meeting with Owner to review the final Step #1 report.

\*This meeting schedule outline is suggested and can be varied to meet the Owner's specific needs.

Compensation for basic services (per facility) for Phase I-Step #1 as part of the entire 3 Phase contract, is a stipulated amount of \$1,500.00, plus reimbursables

Compensation for basic services for "Stand Alone Phase I-Step #1" is a stipulated amount of \$4,500.00, plus reimbursables. Rebate will commence when the full 3 Phase contract is initiated

### Phase I, Step #2 - Develop New Construction Program

General: Professional service for Step #2 focus on an evaluation of proposed sites; determination of optimum size; determination of the aquatic programming needs; probable construction and operating costs; determination of the design of a family aquatic facility to best meet the Community's needs and establishment of a project concept.

1. Perform an on-site technical analysis of three sites as part of Basic Service. The sites for the placement of a facility are to be selected by the Owner. Burbach Aquatics, Inc. will prepare a rating table showing the numerical rating of each site. Our firm has developed rigid technical review requirements in which 18 categories of analyses are provided for each site, including field check of elevations and existing utilities, effect on surrounding neighbors, traffic patterns, accessibility for the users, etc.;
2. Review present and future projections of the Community's demographics;
3. Analyze recent usage data provided by the Owner, analyzing demand for recreation / aquatic in the Community;
4. Review the Owner's existing and proposed programming to determine optimum programming needs and define which type of facility can best handle those needs. Develop a system wide approach to meeting the Community's recreation / aquatic needs for the Owners with multiple recreation / aquatic facilities. Burbach Aquatics, Inc. will present a foam board presentation to the Owner illustrating different types of facilities and their respective uses;
5. From the above data, a detailed recreation / natant demand analysis will be completed, which will be used to determine the size of the proposed facility. This demand will be calculated to meet the Community's present needs while, a second demand will be calculated, based on supplied demographics, for the next 25 years;



## ***Proclamation***

Issued by the Mayor of Osawatomie

WHEREAS, congenital heart defects are the most frequently occurring birth defect and the leading cause of birth defect related deaths worldwide; and

WHEREAS, over a million families across America are facing the challenges and hardships of raising children with congenital heart defects; and

WHEREAS, every year 40,000 babies are born in the United States with congenital heart defects; and

WHEREAS, some congenital heart defects are not diagnosed until months or years after birth; and

WHEREAS, undiagnosed congenital heart conditions cause many cases of sudden cardiac death in young athletes; and

WHEREAS, despite these statistics, newborns and young athletes are not routinely screened for congenital heart defects; and

WHEREAS, A disproportionately small amount of funding is available for Congenital Heart Defect research and support; and

WHEREAS, Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone; and

WHEREAS, the establishment of Congenital Heart Defect Awareness Week will also provide the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital heart defects; and

*NOW, THEREFORE, I, Philip A. Dudley, Mayor of the City of Osawatomie, do hereby proclaim February 14, 2010*

### ***Congenital Heart Defect Awareness Day***

and encourage all citizens to increase awareness, education, and services for congenital heart defects.

Proclaimed this 11th day of February, 2010.

---

Philip A. Dudley, Mayor



**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**

February 11, 2010

#### **OSAWATOMIE COMPLETE COUNT COMMITTEE:**

The Complete Count Committee has begun distributing Census information to apartment complexes, senior living facilities, non-profit agencies and state facilities in Osawatomie. The information being distributed discusses the importance of completing the Census data, its impact on the community and what the data is used for. These facilities are encouraged to assist as much as possible, their clients and residents in understanding the Census and getting them help from the Census Bureau in the event the a client or citizen needs assistance filling out the form. This year's form is much more brief, compared to the 2000 form and we are hopeful that our response rate is markedly improved. 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.

#### **RECYCLING SURVEY:**

After the last council work session and based on the information Larry Smith with L & K Refuse provided, I would recommend that we withhold sending the survey out until we can better determine what we will actually be able to control and what will be imposed upon us as mandatory requirements.

#### **UPDATE ON REALIGNMENT OF WARD BOUNDARIES:**

At the request of the City Council, I checked with the County Clerk's Office regarding the redrawing of ward boundaries. Currently, each ward in the city corresponds to a voting precinct in the city. They subsequently checked with the Secretary of State's office and the recommendation from both offices is to hold off on redrawing the boundaries until after the 2010 Census data is released. This should be priority number one however, once that information is received.

#### **SCHEDULE FOR LEVEE CERTIFICATION STUDY PHASE II:**

The USDA LIDAR aerial photos have been taken and are currently being evaluated. Once those are completed (current estimate is on or around April 1, 2010), Wilson & Co. can begin performing their interior drainage studies and identifying elevations as part of the levee certification requirements. As it stands today, we are currently a little ahead of schedule with regard to the certification process.

**UPDATE ON DOWNTOWN STREETScape PROJECT:**

The contracts for the streetscape project have been signed and delivered to the engineer, contractor and KDOT. As soon as it is practical for all parties, a preconstruction meeting will be held and a more firm start date will try to be established. The only question I currently have of the council is due to the sensitivity and high profile of this project, whether the body wishes to have input in the start date, or if you will leave that decision to staff.

**PACIFIC/14<sup>TH</sup>/BROWN STREET PLANS:**

The final round of information has been submitted to USDA – Rural Development for our grant/loan application. We await their review and determination on the application. We did receive word however, that the city's CDBG application was not approved for this project. The scoring of the project was not as high as other community applications. However, I am remaining optimistic that there is still a chance the project (or maybe a scaled down version of the project) could be constructed provided that the size of the grant we receive is the maximum we are eligible for, and bid prices for the street project are competitively below what our engineers are currently estimating they will be.

**TECHNICAL/FEASIBILITY REVIEW OF OSAWATOMIE SWIMMING POOL:**

At the work session, Councilman Ratley inquired as to the feasibility/advisability of replacing our swimming pool. Burbach Aquatics, Inc is a architectural/engineering firm dedicated solely to aquatic facilities. A representative from the company coincidentally had stopped in City Hall to leave information with me. The firm had a booth at a prior LKM Annual Conference and a couple of councilmember had stopped by to discuss their services. They attended the state Parks and Recreation Conference in January and made contact with Ron Maring as well. They have provided us with a large packet of information that as I understand it will provide us with an all encompassing technical review of our current pool, and a feasibility study. I have attached a page from their submitted materials which describes in more detail, the services we would receive for a fee of \$4,500. If the council wishes to move forward with this project, a study similar to this would be prudent. Funds could come from the special parks and recreation budget. Ron is calling, in accordance with our purchasing policies, at least 2 additional firms for prices on an identical scope of services. Once those prices are received, we will bring them to the council for consideration.

**REVIEW OF WATER AND ELECTRIC UTILITY RATES:**

I have completed the review of the city's electric and utility rates. While electric rates are still adequate to meet our fund balance goal (and then some), water rates, if the council wishes to achieve a 15% fund balance in the fund, would require approximately an 8% to 10% increase.

**TECHNICAL/FEASIBILITY REVIEW OF OSAWATOMIE ELECTRIC UTILITY:**

At the last work session, Councilwoman Maichel inquired about the city's generating capacity and whether we needed to evaluate the technical/feasibility requirements of replacing the diesel generators with new, more efficient, natural gas generators. This request is a timely one in that the revenue bond for the substation has been retired for a year or so now. Additionally, the rate review for the electric utility indicates there is room in our revenue flow to finance a revenue bond issue. In the event the council wishes to move forward, an RFP would need to be developed to find a consulting engineering firm for this work. I would also suggest that we

include in that work, an evaluation of the entire electric distribution system and identify any other items that could possibly require attention. For example, when we lose our interconnect, the power plant currently can only generate for a portion of the community. This needs to be addressed.

**FARM GROUND BID RESULTS:**

As we did last year, we have advertised and solicited bids and awarded the bids to the highest bidder on the leasing of the Northland farm and pasture ground. These revenues have been appropriately placed in the Industrial Fund for economic development purposes. One option I would like the council's approval on is to solicit bids from licensed HVAC contractors to evaluate and update the HVAC system at the ETI building. If we want to have the best opportunity of selling the building (proceeds must be remitted to the state), we need to replace the air conditioning units at the building. The heater units were removed by the previous tenant and in talking to the Police Department, the possibility of getting restitution on the matter is zero. A simple motion to advertise for bids would be appreciated and once the bids are opened, if the cost is in excess of \$10,000, an approval from the council would be required to engage the successful bidder.

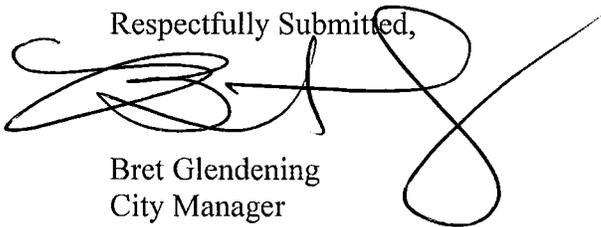
**DISASTER TAX CREDIT ENDING SOON:**

The 2008 legislature adopted favorable tax credit legislation to assist communities impacted by the 2007 Flood. The "disaster tax credit" was designed to provide businesses who expand or locate facilities in one of the flooded communities an opportunity to apply for up to a 10% (of investment made, maximum of \$100,000) income tax credit. Alternatively, the tax credit applicant could elect to take cash in lieu of the credit on the business' income taxes. The maximum cash payment was 50% of whatever amount they were eligible for under the tax credit option. This credit expires soon. Businesses who are interested in applying MUST have "placed into service" facilities and/or equipment and be operational before June 26, 2010.

**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).

Respectfully Submitted,



Bret Glendening  
City Manager



## Osawatomie Police Department

Monthly Report Jan. 2010

Page 1

---

	<u>Current Month</u>	<u>Year to Date</u>
Escorts	7	7
Warrant attempts/arrests	7	7
Traffic Stops/investigation	111	111
Investigate Person	5	5
DUI	1	1
Non-Injury Accident	15	15
Injury Accident	0	0
Assist EMS	24	24
Fire	12	12
Fights	4	4
Prowler	1	1
Domestic Violence	2	2
911 Misdial	5	5
Animal at large	23	23
Animal Bite	0	0
Animal Missing	15	15
Animal Welfare	18	18
Assist Outside Agency	12	12
Bank Alarm	0	0
Burn Permit	30	30
Business Alarm	3	3
Burglary	2	2
Criminal Damage to Property	4	4
Child In need of Care	6	6
Carbon Monoxide Check	0	0
Civil Stand By	7	7
Citizen Complaint	47	47
Citizen Inquiry	45	45
City Services	44	44
Drug Cases	4	4
Disturbance	15	15
Deliver Message	4	4
Extra Patrol Request	4	4
Forgery	2	2



## Osawatome Police Department

Monthly Report Jan. 2010

Page 2

	<u>Current Month</u>	<u>Year to Date</u>
Fine Payment to Dispatch	17	17
Found Property	0	0
Finger Print (employment)	1	1
Gas Drive Off	4	4
HAZMAT	0	0
K9 Training Event	5	5
K9 Deployment	1	1
Loud Music Complaint	2	2
Murder	0	0
Motorist Assist	21	21
Medical Alarms	0	0
Missing Child	2	2
Missing Person	0	0
Open Door (Building Check)	4	4
Pedestrian Checks	0	0
Residential Alarms	0	0
Reckless Driver	0	0
Repossessions (notifications)	4	4
Runaway	0	0
Sexual Assault/Sex Crimes	1	1
Suspicious Activity	22	22
State Hospital Walk Away	1	1
Theft	16	16
Telephone Harassment	9	9
Unattended Death	1	1
Vehicle Lock Out	20	20
Violation of Protective Order	0	0
Verbal Dispute	0	0
Check Welfare	15	15
<b>Incidents cleared by Arrest</b>	<b>9</b>	<b>9</b>
<b>Total Citations Issued for the Month</b>	<b>42</b>	<b>42</b>

**Last incident # assigned in Jan: 10-556. 556 #s assigned**



## Osawatomi Police Department

Monthly Report for Jan. 2010

Page 3

### Miles driven (Patrol Units)

	<u>Miles</u>	<u>Mileage Total</u>
Unit 1 (2007 Crown Victoria)	1,981	95784
Unit 3 (2004 Blazer)	1,012	117111
Unit 4 (2007 Chevy Impala)	2,964	28099

### Nuisance Information

	<u>Current</u>	<u>Year to Date</u>
Nuisance Totals	12	12
Debris	8	8
Vehicle	5	5
Grass	0	0
Tickets	1	1
Cleared	12	12

### Misc. Notes

Off. Polster completed reciprocity training for Kansas Law Enforcement Certification

\* 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 January 2010

Category	Total Permits	Total Value	Received by City
New Residences	0	0	0
Re-roofs	1	\$7,650.00	\$30.00
Remodels	1	\$25,000.00	\$246.00
Accessory Buildings	0	0	0
Concrete	0	0	0
Mechanical	5	\$12,685.00	\$170.00
Repairs	1	\$600.00	\$30.00
Decks & Porches	1	\$1650.00	\$30.00
Additions	0	0	0
Com. Buildings	0	0	0
Demolishing	1	\$200.00	\$30.00
Fences	0	0	0
Plumbing	4	\$1,800.00	\$120.00
Electrical	4	\$6,350.00	\$140.00
Ag. Buildings	0	0	0
Penalties	0	0	0
Plan Review	0	0	0
Totals	18	\$55,935.00	\$796.00

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



**Osawatomie Police  
Department  
2009 Year in Review**



# Understanding What We Do

## Mission Statement

The primary mission of the city of Osawatomi Police Department is to improve the quality of life in the City of Osawatomi. We are committed to leading the community problem solving efforts that improve the quality of life for all citizens of Osawatomi as well as our guests. We will work assertively with the community to address conditions that provide for the safety and security of our citizens while reducing crime and the fear of crime.

## Structure

The Police Department is led by Director of Public Safety, Mike Stiles. Mike also carries the title of Chief of Police. He is responsible for the daily administrative and operational oversight of the department. Other command staff includes Asst. Chief Bob Butters who has a primary focus of investigations as well as general operations and Lieutenant DuWayne Tewes who directly oversees patrol.

## Staffing

See attached Organizational Chart for the staffing of the Police Department. There are currently 13 full time certified officers, four part-time officers, one K9, and 9 civilian employees (four Dispatchers, two part-time dispatchers, Court Clerk, Secretary, Nuisance officer)

## **Osawatomie Police 2009 Overview**

2009 was an impressive year for the department. Arrests were up 17%. The department maintained a 60% clearance rate for crimes reported. Citations issued were up 3%. A full time Nuisance officer was able to identify and abate over 450 nuisance issues. There was a large amount of success in investigations into property crimes and narcotics this year.

Several major incidents took place this year including very active narcotics investigations, successful burglary/theft investigations, storms, and a very disturbing case of elder abuse.

One member of the department was deployed with the Kansas National Guard to assist with training military units in Washington State since March of 2009.

The Police Department applied for numerous grants in 2009, so far only receiving approximately \$13,000 for car video cameras and a laser radar unit.

The following list does not represent all major activity by the department, but rather a sampling of events from 2009.

### **January:**

Four search warrants for narcotics served in Osawatomie during the month. Several arrests made.

### **February:**

A cooking meth lab is discovered after citizen complaints of an odd odor. Two persons charged.

### **March:**

Officers investigate a case of mistreatment of a dependent adult/elder abuse.

### **April:**

Det. Basore attended the Kansas Crime Victims Conference.

### **May:**

Asst. Chief Butters attended the Joint Kansas Peace Officers Conference

**June:**

A heart attack results in a car going off of 169 into the Marais de Cygne River. Officers assist with investigation.

Officers assisted with the city wide response to a severe storm that damaged houses/property in Osawatomie during the night.

**July:**

Officers attended active shooter training to be prepared should a school shooting type event take place.

Officer Stuteville attended tactical pistol training.

**August:**

A string of 15+ burglaries cleared through investigation. 5 Juveniles charged. Search warrants for stolen property and narcotics served with several arrests.

**September:**

Officer Hudson attended narcotics training.

Lt. Tewes was certified to enter and dismantle methamphetamine labs.

**October:**

Lt. Tewes attends the Rural Law Enforcement Technology Institute.

**November:**

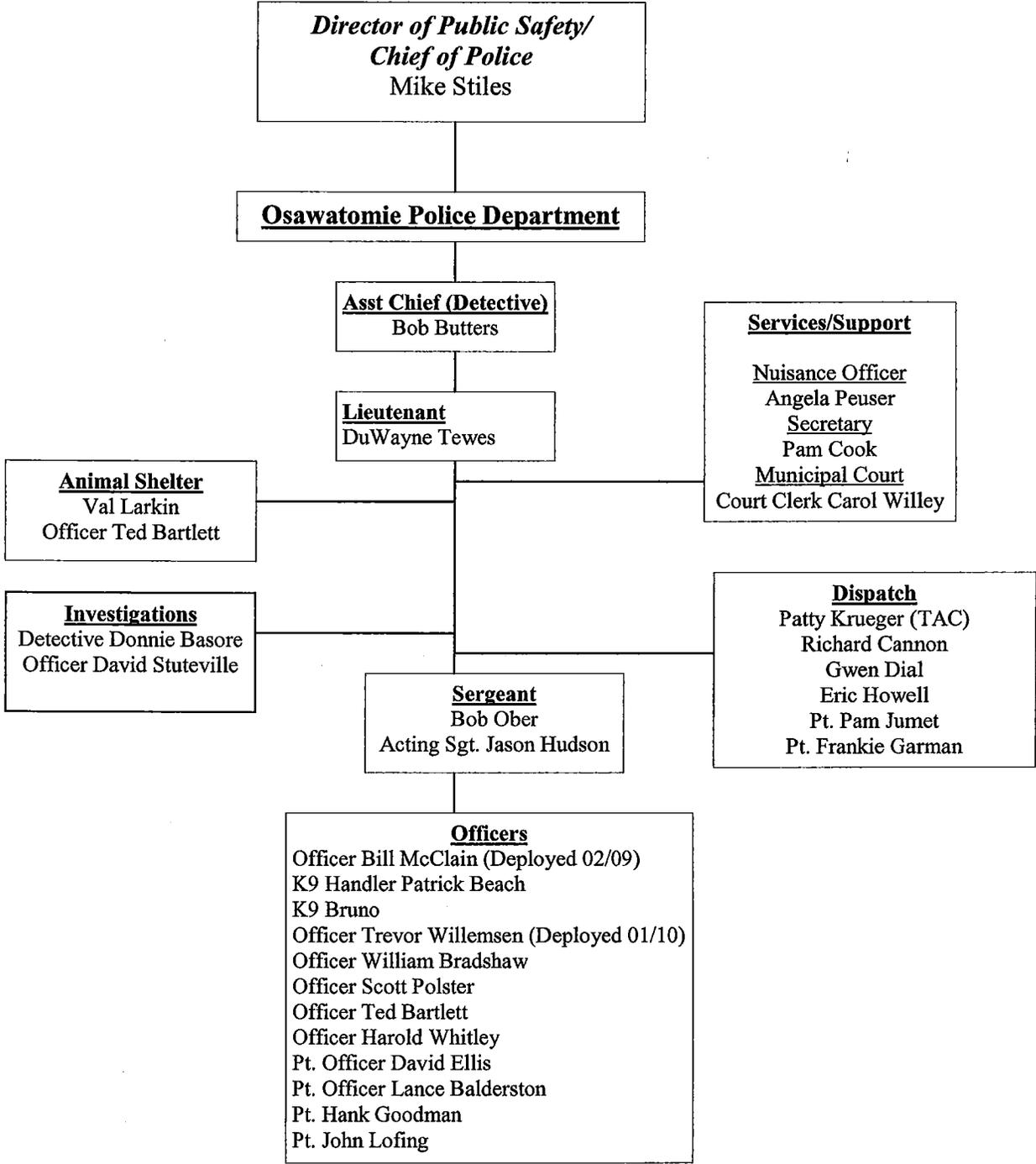
Officers investigated a suicide in John Brown Park.

**December:**

Officers patrol and respond to calls for service in the first blizzard since 1982.



**Osawatomie Police Department (as of 12/31/2008)**  
13 Full Time Certified Police Officers (authorized 13)  
9 Non Certified Employees





## Osawatomi Police Department

2009 Year in Review

Page 1

Incident Type	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Escorts	8	8	7	14	14	18	15	11	8	5	6	8	122
Warrant attempts/arrests	9	8	6	11	6	14	28	20	10	15	8	13	148
Traffic Stops/Investigation	106	50	88	78	119	113	88	129	111	84	101	83	1150
Investigate Person	1	1	2	4	1	6	7	3	4	1	1	1	33
DUI	2	4	1	6	3	5	3	2	3	1	3	2	35
Non-Injury Accident	11	11	10	9	14	17	12	11	14	13	13	15	150
Injury Accident	0	2	0	1	0	3	3	0	0	1	3	3	16
Assist EMS	24	18	20	29	30	18	23	16	22	15	17	22	254
Fire	5	1	22	13	5	5	2	7	9	9	5	13	96
Fights	7	7	7	3	3	11	7	7	2	9	9	3	75
Prowler	0	0	0	0	0	0	3	0	0	1	1	0	5
Domestic Violence	5	3	0	3	12	4	11	3	3	6	5	4	60
911 Misdial	4	4	9	6	5	8	4	0	3	11	6	8	68
Animal at large	29	34	27	29	34	47	41	53	52	38	30	31	445
Animal Bite	4	2	2	4	4	4	3	0	1	0	0	0	24
Animal Missing	8	9	8	9	10	7	14	5	4	12	11	4	101
Animal Welfare	21	10	12	9	8	14	13	18	22	17	13	8	165
Assist Outside Agency	22	15	16	5	12	25	19	21	26	12	9	20	202
Bank Alarm	0	0	0	1	1	0	0	1	2	0	0	0	5
Burn Permit	50	55	70	29	15	6	8	8	7	14	6	15	283
Business Alarm	4	12	7	6	3	6	7	4	4	7	2	3	65
Burglary	4	4	3	4	2	1	2	4	4	1	2	1	29
Criminal Damage to Property	1	6	11	12	15	9	10	13	4	4	4	3	95
Child In need of Care	5	6	11	12	15	9	10	13	4	4	4	2	23
Carbon Monoxide Check	2	0	1	1	7	1	1	2	1	3	3	1	2
Civil Stand By	0	0	0	0	0	0	0	0	0	1	1	0	2
Citizen Complaint	8	9	7	5	5	13	9	9	7	14	10	17	113
Citizen Inquiry	53	60	76	100	105	94	105	95	76	93	56	46	959
City Services	48	38	64	61	77	70	82	59	72	49	58	58	736
Drug Cases	19	25	21	21	65	40	44	61	30	28	20	39	413
Disturbance	14	3	1	4	8	7	6	2	8	1	4	7	65
Deliver Message	12	15	18	15	11	15	12	17	10	10	6	10	151
Extra Patrol Request	3	5	4	1	6	6	10	4	12	10	2	8	71
Forgery	4	10	5	4	12	3	8	9	6	8	11	4	84
	7	0	3	3	1	5	1	4	4	1	7	1	37



## Osawatomi Police Department

2009 Year In review

Page 2

Incident Type	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total
Fine Payment to Dispatch	39	20	15	12	18	17	30	17	27	23	20	12	250
Found Property	1	4	6	7	6	6	13	8	17	2	5	0	75
Finger Print (employment)	3	3	4	2	3	2	5	3	1	0	0	1	27
Gas Drive Off	3	3	1	3	1	4	4	4	3	2	2	3	33
HAZMAT	0	0	0	0	0	0	0	0	2	0	0	0	2
K9 Training Event	1	0	0	0	1	1	0	0	0	0	0	1	4
K9 Deployment	1	2	3	2	0	2	2	0	0	0	4	2	18
Loud Music Complaint	6	3	6	11	11	11	5	7	8	10	10	2	90
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0
Motorist Assist	10	4	10	10	13	15	12	16	14	9	12	28	153
Medical Alarms	3	0	5	3	1	0	0	0	0	1	0	0	13
Missing Child	2	0	3	2	3	1	1	5	1	2	0	0	20
Missing Person	0	0	2	0	0	1	0	0	1	6	0	0	10
Open Door (Building Check)	3	3	4	4	5	2	0	4	1	3	3	7	50
Pedestrian Checks	2	0	5	1	7	3	2	3	4	0	1	1	29
Residential Alarms	2	2	0	1	2	3	0	0	0	0	0	0	10
Reckless Driver	1	0	0	0	0	0	0	4	2	1	0	0	2
Repossessions (notifications)	1	0	0	1	0	2	2	0	0	0	3	1	15
Runaway	0	0	0	1	2	1	0	2	0	0	0	0	1
Sexual Assault/Sex Crimes	1	2	2	1	2	1	0	2	4	3	0	1	19
Suspicious Activity	25	18	27	39	31	19	25	35	34	13	6	10	282
State Hospital Walk Away	3	2	0	0	1	0	0	0	1	1	2	0	10
Theft	25	19	13	26	26	16	45	30	24	12	17	14	267
Telephone Harassment	5	3	17	5	5	9	7	9	9	9	10	1	89
Unattended Death	1	0	0	0	2	0	0	0	0	0	1	0	4
Vehicle Lock Out	26	24	30	21	20	19	21	21	17	25	29	26	279
Violation of Protective Order	0	1	1	0	1	0	0	1	0	2	2	2	7
Verbal Dispute	0	1	0	3	1	1	0	0	1	0	2	0	8
Check Welfare	23	10	18	22	8	13	13	12	12	15	9	9	164
Incidents cleared by Arrest	20	9	11	19	14	19	24	25	15	15	11	18	200
Citations for the Month	67	27	50	34	60	49	51	40	57	30	33	31	529

09-7564 was last case # issued in 2009.



**Osawatomie Police Department**  
**2009 in review**

Police Fleet Summary				
Vehicle	Year	Current Mileage	Driven in 2009	Notes about vehicle
Ford Explorer (Police Chief)	2005	33,458	7133	
Ford Explorer (Fire Chief)	2005	37,061	4995	
Ford Crown Victoria Patrol Unit 1	2007	92,482	31084	Transmission overhauled
Chew Blazer Patrol Unit 3	2004	114,811	9627	
Ford Crown Victoria Patrol Unit 4	2003	175,405	15044	
Chew Impala Patrol Unit 4	2007	23550	7573	
Chew Lumina Detective Unit	1997	82,398	16787	
Ford Explorer K9 Unit	1997	101,979	5593	
		<b>Total Miles Driven in 2009:</b>	<b>97,836</b>	<b>2008: 127,241</b>
				<b>-23% Change</b>



Arrest warrants served in Osawatomie

News - Osawatomie

Written by Kevin Gray

Thursday, 15 January 2009 13:04



Officers from Osawatomie, Paola and Gardner police departments and deputies from the Miami County Sheriff's Office served arrest warrants at 1618 Parker Ave., Osawatomie, for identity theft and identity fraud.

(Photo by Kevin Gray)

Detectives from the Miami County Sheriff's Office, along with Osawatomie, Paola and Gardner police departments, served arrest warrants Thursday morning in Osawatomie for identity theft, identity fraud and counterfeiting.

Osawatomie Assistant Police Chief Bob Butters said five people were in the house at 1618 Parker Ave., and three were taken into custody.

Butters said Osawatomie detectives received

information about suspicious activity at the house and obtained a search warrant.

"We believe the charges will be tied to alleged cases in Kansas City," Butters said.

[< Prev](#)

[Next >](#)



Police serve search warrant

News - Osawatomie

Written by Kevin Gray

Monday, 26 January 2009 18:23

Officers from the Osawatomie Police Department served a search warrant at 1411 Parker Ave. in Osawatomie for controlled substances.

Osawatomie Assistant Police Chief Bob Butters said two people, a male and a female and both residents of the house, were arrested and taken into custody.

“The male had a warrant on him from the Olathe Police Department,” Butters said.



Photo by Kevin Gray

Further charges are pending lab results, Butters said about what was found in the house.

“This is the fourth warrant the Osawatomie Police have been involved in serving since the beginning of 2009,” Butters added.

[< Prev](#)

[Next >](#)

Man suspected of elder abuse



News - Osawatomi

Written by Kevin Gray

Wednesday, 18 March 2009 07:27

The Osawatomi Police Department investigated a possible case of elder abuse or mistreatment of a dependant adult Monday.

An 89-year-old female was transported by Miami County EMS to an area hospital from her residence at 607 First Street for treatment and evaluation, said Osawatomi Fire Chief DuWayne Tewes.

“The Osawatomi police became aware of the situation at approximately 12:45 p.m. and served a search warrant at the residence and worked late into the night collecting evidence,” Tewes said.

The police received support from the Osawatomi City Fire Department in the form of lighting and shelter, Tewes said.

“A suspect has been taken into custody. His name and relationship are being withheld pending review by Miami County Attorney David Miller. The investigation is ongoing,” Tewes said.

[< Prev](#)

[Next >](#)

[fox4kc.com/news/wdaf-car-river-cygne-accident-061809,0,571513.story](http://fox4kc.com/news/wdaf-car-river-cygne-accident-061809,0,571513.story)

**WDAF**

## **Divers Pull Man's Body From Car In River Accident**

Meagan Kelleher, Web Producer

June 18, 2009

OSAWATOMIE, KS

A dive team has located the body of a man in his 70s in the Marais de Cygne River after a car crashed into the water Thursday morning. The accident happened on Highway 169 in Osawatomie, Kan.

Osawatomie Police got the call around 6 a.m. and requested an Overland Park dive team to help locate the vehicle. At first, the search proved difficult because the river is so high. Investigators were concerned the car had drifted downstream, but were later able to find it.

The name of the victim has not been released yet.

Copyright © 2010, [WDAF-TV](http://www.wdaf-tv.com)



Police Arrest Youths

News - Osawatomi

Written by Brandon Steinert

Wednesday, 05 August 2009 07:00

The Osawatomi Police Department recently apprehended two individuals in connection with multiple burglaries that occurred within the past three weeks. Police are continuing the investigation on the incidents, which occurred at Osawatomi High School six times, Osawatomi Middle School four times and the First Presbyterian Church five times.

Assistant Police Chief Bob Butters said he received an anonymous phone call July 15 with a tip on who was involved. The call was originally associated with a residential burglary that occurred June 26, where a large TV, some cell phones and jewelry were stolen.

There are a total of five Osawatomi juvenile suspects ranging in age from 13 to 15 years old.

The two juveniles were arrested July 21 and released after their 48-hour detention period was over July 23.

Police are piecing together evidence to send to the Miami County Attorney's Office for prosecution.

At press time, Butters said the evidence should be ready this week.

He said the extent to which they will be prosecuted is determined by the county attorney and depends on their personal history and whether they've ever been in trouble.

A cash box, cans of pop and a can of mace, among other things, were stolen from the First Presbyterian Church.

"It grieves us very much that we can't be more help to children who are having problems like that," said the Rev. Leslie King.

[< Prev](#)

[Next >](#)

Police Seize Stolen PropertyNews

Written by Travis Perry

Wednesday, 26 August 2009 07:00

Members of the Osawatomie Police Department arrested two men on drug possession charges and another on burglary charges Thursday after searches for stolen property.

Rodney Flemming, 701B Parker Ave., was charged with possession of a narcotic with intent to sell after officers discovered 2.4 grams of cocaine and 38 grams of marijuana in his residence, authorities said. Assistant Police Chief Bob Butters said that because the initial search warrant was for stolen property, officers were forced to pause the search after discovering the narcotics to acquire an additional warrant to look for drugs. Also, \$2,000 was found in Flemming's possession, police said.

Officers also searched the residence of William Allender, 316 E. Pacific Ave., on Thursday. Allender was arrested on charges of possessing a small amount of marijuana.

"(The searches) went very well," Detective Donnie Basore said. "We were expecting the worst, and we wound up with the best."

The two searches were the culmination of an investigation conducted by Osawatomie police officers Jason Hudson and David Stuteville, and they were sparked by several thefts allegedly committed by James Shiner, Osawatomie, who was arrested Thursday and charged with burglary of a nondwelling, theft and burglary of a vehicle.

"Nobody has been charged with possession of stolen property, but stolen property was recovered," Hudson said.

Stolen property found by officers during the searches Thursday included one weed and lawn trimmer, a Husky tool chest with various tools, a Hitachi framing nailer, a Porter Cable air compressor and a Stanley toolbox filled with various tools. The recovered property is valued at \$2,000.

Officers also found an Xbox 360 game console at Allender's residence with a serial number that links it to a burglary case in Ottawa.

"We have had a good year," Butters said of the department's recent case closures. "It's important that the community knows we're out here doing something; we're out here and we're getting results."

[< Prev](#)[Next >](#)

Osawatomie police officers Willie Bradshaw (left) and DuWayne Tewes search the residence of William Allender, 316E Pacific Ave. on Thursday in connection with an investigation of several burglaries. Authorities said officers recovered several pieces of stolen property and a small amount of marijuana from the residence. (photo by Travis Perry)



## Tewes Travels To California Conference

### News

Written by Travis Perry

Tuesday, 10 November 2009 08:00

Osawatomie Police Lt. DuWayne Tewes attended the eighth-annual Rural Law Enforcement Technology Institute in Coronado, Calif., last month in a bid to help generate fresh ideas for his department.

The institute, which extends invitations to U.S. law-enforcement agencies with less than 50 officers, is designed to revolve around the needs of smaller organizations. While Tewes was there, he spoke about the computer and records management system the Osawatomie Police Department installed in 2005 and how it has benefited the agency.

Other topics discussed at the event included crime mapping, aviation technologies, communications and low-cost firearms simulation technology.

Tewes said the conference helped him discover new and innovative ways other small law-enforcement agencies across the nation are managing or solving issues.

"I found that there were many other people dealing with budget shortfalls, the need to get technology and how they get through it," Tewes said.

The benefit of the conference is twofold, he added: it informed him of new ways to find resources for technology and supplies, and it allowed him to network with other small agencies.

"That's one of the great things about this particular conference; nobody with over 50 officers was there," Tewes said, adding that larger law-enforcement agencies manage issues using methods that often aren't feasible for a smaller department.

[< Prev](#)

[Next >](#)

Man Commits Suicide In Park



News - Osawatomie

Written by Travis Perry

Wednesday, 25 November 2009 08:00

John Brown Memorial Park was briefly closed to the public Saturday afternoon after Osawatomie police officers responded to a report of a gunshot and a subject down near the shelter house.

The report was issued at 12:52 p.m. Officers discovered the body of a 34-year-old Osawatomie man, killed by an apparently self-inflicted bullet wound to the head.

Bob Butters, assistant police chief, said there were several people in the park at the time who heard the sound of the gun firing.

“It’s, unfortunately, pretty cut and dry,” he said.

The park since has been reopened.

Sgt. Jason Hudson is continuing the Osawatomie Police Department’s investigation of the death.

[< Prev](#)

[Next >](#)

**OSAWATOMIE CITY COUNCIL**  
**WORK SESSION / MEETING AGENDA**  
**PUBLIC HEARING**  
February 25, 2010  
7:00 p.m., Memorial Hall

**WORK SESSION**

1. Discuss Water & Electric Rates
2. Discuss RFP for Engineering Services for Electric Utility
3. Review Scope of Service Proposals for the Swimming Pool/Aquatic Center

**REGULAR MEETING – 7:30 p.m.**

A. Call to Order

B. Roll Call

C. Approval of Agenda

1. Proclamation – Boy Scouts of America 100 Years of Scouting Day
2. RFP for Engineering Services for Electric Utility
3. Scope of Service Proposals for the Swimming Pool/Aquatic Center
4. Amendment to Library Construction Project Contract
5. Executive Session - Personnel matter of nonelected personnel

D. Adjournment of Regular Meeting

From: 'Dave Schwartz' <DSchwartz@wedesignpools.com>  
To: <parkrec@cebridge.net>  
Subject: pool evaluation proposal -

**Sent:** Tue Feb 9 10:33  
**Priority:** Normal

Good morning Ron.

Please accept this email as our proposal to evaluate the Osawatomie swimming pool.

We offer to evaluate your outdoor pool facility for the lump sum amount of \$3,500, including our expenses.

We plan to make two trips, one for the evaluation and one to present our report to you.

Our evaluation will include the following work scope:

- Review original drawings and specifications, if available
- Tour existing pool facilities and provide visual review for condition, function, durability and remaining life
- Assess the pool for ADA, Virginia Graeme Baker drains, and other appropriate codes and laws
- Interview available staff for pool operation history
- Visit pool while empty to evaluate basin structure
- Hammer test the structure to determine durability
- Review pool hydraulic design relative to current standards
- Review water treatment facilities relative to current standards and condition
- Review pool facilities and features for safety, including diving, underwater lights, and others as identified
- Review the bathhouse and other pool buildings for condition and function
- Prepare a written report with our findings and our recommendations
- Develop costs for completing the improvements we recommend
- Create options for renovating and replacing your pool, along with cost information
- Present our report to you or others as requested

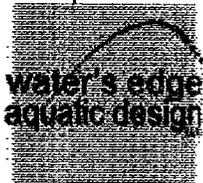
We ask for one month to conduct our site visit and prepare our report. This is best done when the pool is empty and the weather is reasonable, perhaps in March or April.

Please contact me with any questions. If this is acceptable to you, I will be glad to prepare a letter contract between the City and our firm.

Stay safe and warm.

**Dave Schwartz, P.E.**

Principal



**Water's Edge Aquatic Design**

11205 W 79th St

Lenexa, KS 66214

Phone: (913) 438-4338

Fax: (913) 438-1465

[www.wedesignpools.com](http://www.wedesignpools.com)

From: 'Dave Schwartz' <DSchwartz@wedesignpools.com> - pool evaluation proposal -

<http://webmail.cebridge.net/reademail.pl?id=cur/1265729634.H678054P5147.atmail7.ibbso...> 2/9/2010

# BURBACH AQUATICS, INC. ARCHITECTS & ENGINEERS

2994 State Highway 80 South P.O. Box 721

Waukesha, Wisconsin 53818

TEL (608) 348-3262 FAX (608) 348-4970

TEL (608) 348-3262

Keystone, CO 80435

PH (815) 238-5245 FAX (815) 238-0950

baac@centurytel.net

www.burbachaquatics.com

February 3, 2010

Mr. Ron Maring, Recreation Director  
City of Osawatomie  
439 Main Street, P.O. Box 37  
Osawatomie, KS 66064

Sent via Email: parkrec@cebridge.net

Phone Ref: 913-755-4460

Dear Mr. Maring:

Please accept this letter and project information as a follow-up to our phone conversation which took place today, Wednesday, February 3, 2010. Burbach Aquatics, Inc. is of the understanding that the City of Osawatomie is interested in considering the professional services of a firm who is experienced in conducting a technical evaluation of your existing outdoor municipal swimming pool facility and, if needed, creating a feasibility study for a new family aquatic center. I am forwarding information to you about Burbach Aquatics, Inc. Please feel free to make multiple copies to share with the recreation department and the city. Burbach Aquatics, Inc. is a highly qualified Professional Architectural / Engineering firm that has been successfully providing aquatic evaluation, design, engineering and project management for the past 31 years.

As you begin to read through the material, please note that, in communities with existing aquatic facilities, we often recommend beginning the project with a technical evaluation of the existing aquatic facility as stated in Phase I-Step #1. Our Phase I-Step #1 provides an evaluation of the entire facility, looking at 32 different categories to determine what is in code and what is not; what is in good operating condition and what is not; and the opinion of probable construction cost to bring your existing facility up to good operating condition. This study usually provides a good project foundation. In many cases, communities move on to the next step: Phase I-Step#2-Feasibility/Marketing Study, to reveal a conceptual design for a new or expanded facility featuring such amenities as a state of the art bathhouse and mechanical buildings, family aquatic centers with zero depth entries, water play features, spray parks, competitive pools, ADA federal compliance and much more. This feasibility study will also determine the opinion of probable construction cost and possible funding methods.

Once the city of Osawatomie has a clear idea of the project's direction based on the completed Phase I studies, the project will enter Phase II-Design and Engineering and then move to the final stage, Phase III-Public Bidding, Construction Management / Observation and Facility Opening. Burbach Aquatics, Inc. feels our presence is critical throughout the entire project. Our level of service to the city and efficiency throughout the project exceeds all other firms in the industry today.

There are tremendous differences between professional firms. Burbach Aquatics, Inc. is a full service Architectural and Engineering firm, consisting of a close knit group of Professional Aquatic Engineers, Architects and Project Managers / Consultants that work solely for the Owner. All of our professional

work is completed in-house. This combination of staff all in one firm creates a streamline approach to your project, providing consistency from project inception through opening day and beyond.

Upon your review of the enclosed material, I would welcome the opportunity, as Western Division Director, to meet with you, the city staff and council and a pool committee to discuss the project goals in detail. The staff at Burbach Aquatics, Inc. is enthused to be given the opportunity to share in creating your vision of aquatics in Osawatomie and the stewardship of your Community's future. As you read through the enclosed material, should you have any questions, please feel free to contact me at our Western office at 815-238-5243.

Sincerely,

BURBACH AQUATICS, INC.

*Nancy J. Ronto*

Nancy J. Ronto  
Director of Western Operations



*A division of Larkin Group, Inc.*

9200 Ward Parkway, Suite 200

Kansas City, Missouri 64114

Phone: 816-361-0440

Fax: 816-361-0045

e-mail: [info@larkinaquatics.com](mailto:info@larkinaquatics.com)

website: [www.larkinaquatics.com](http://www.larkinaquatics.com)

November 12, 2009

Ron Maring, Recreation Director  
Osawatomie Recreation Commission  
439 Main Street  
PO Box 37  
Osawatomie, Kansas 66064

Re: Osawatomie Outdoor Swimming Pool  
Facility Evaluation

Dear Mr. Maring,

Larkin Aquatics would like to thank you for contacting us about the potential design work for the repairs and renovation of the outdoor swimming pool. We appreciate you giving us the time to visit with you and see your facility last week. We hope we are able to help you as you move forward with your project.

From our conversation, and visit to the existing pool, it is Larkin's understanding that you wish to have us identify and develop a plan to repair the deteriorating sections of the pool basin and deck. You also would like to consider a renovation plan that would modify the pool configuration to incorporate a zero-depth entry, upgrade the recirculation system and modernize the bathhouse/changing areas.

At the request of the City, Larkin has separated the necessary scopes of service and fees for each of the two potential projects; pool repair and pool renovation. Below is a description of the work Larkin Aquatics anticipates performing for each item. Please review each and let us know if you have any questions. Also, please let us know if there are additional services you wish to see included. Larkin is more than willing to tailor the scopes of service to your needs.

### ***Deck and Pool Basin Repair***

To determine the extent of the repairs required Larkin Aquatics would make one (1) visit to the current facility. During this visit we would inspect the entire pool deck and pool basin. Our goal would be to identify all deteriorating sections. Once the damaged areas are detected during the field inspection Larkin would develop the necessary repair plans for the City to either perform the repairs or hire a contractor.

The repair plans would include:

- Site plan
- Location of areas of the deck and basin to be removed and demolished
- Location of areas to be repaired
- Structural steel reinforcement requirements
- Specifications for concrete mixture, placement and curing
- Quality control requirements

It should be noted that during a repair project like this it is difficult to accurately predict the necessary repairs without doing some destructive investigation. Larkin can provide the City with an opinion of the amount of repair and cost, however the actual amount will not be realized until sections of the structure are removed. Because of this limitation Larkin proposes a fee based on our hourly rates (enclosed). We will bill the City at these rates up to a maximum of \$10,500. This fee would include 2 trips to Osawatomie. The first trip would be to evaluate the facility, as stated above. The second trip would be to review the completed construction work. If during construction an issue, or issues, are identified requiring Larkin's presence on site, this would be billed at our hourly rates, and would not be part of the maximum price of \$10,500.

### ***Renovation Plan***

Larkin Aquatics can assist the City with creating a renovation plan for the existing facility. To accomplish this Larkin would perform the following services.

- Evaluate the following items of the existing facility with comparison to current public swimming pool regulations:
  - o Recirculation system for the pool (e.g. recirculation pumps, filters, gutter system, etc.)
  - o Chemical/sanitation system
  - o Main drain compliance with the Virginia Graeme Baker Pool and Spa Safety Act
  - o American with Disabilities Act (ADA) accessibility
  - o Patron capacity
  - o Lifeguarding requirement
  - o Bathhouse layout with regards to ADA requirements
  - o Concession area
  - o Staff space
  - o First aid administering area/space

Ron Maring, Recreation Director  
November 12, 2009  
Page 3

- Concept development
  - o One (1) meeting with City staff to discuss objectives of renovation. Visit to occur in conjunction with facility evaluation.
  - o Develop one (1) renovation concept
  - o Review concept with City staff via teleconference
  - o Revise renovation concept based on meeting with City
  - o Present renovation concept to City staff and council during schedule council meeting.
- Develop an opinion for the cost of construction
- Develop construction documents. Documents shall include:
  - o Site plan
  - o Mechanical plan
  - o Electrical plan
  - o Civil plan (where applicable)
  - o Plumbing and sanitary plan
  - o Material requirements
- Assist City with contractor procurement
- Perform construction administration on behalf of the City
  - o Review material and shop drawing data
  - o Visit the construction site at critical construction milestones (anticipate 4 visits)
  - o Provide telephone consultation throughout the construction period
  - o Review and recommend payment of the Contractor's payment requests
  - o Create a punch list of final work to be completed by the contractor following substantial completion of the project
  - o Provide project start-up to put all equipment in service and confirm proper operation of each system and component

Our fee for the **Renovation Plan** would be 10.0% of the final construction cost. For example, if the final construction cost is \$750,000 Larkin Aquatics' fee would be \$75,000

Again, thank you for contact Larkin Aquatics. Please do not hesitate us if you have any questions.

Sincerely,



Andrew D. Smith, P.E.  
Larkin Aquatics Principal



Kyle A. McCawley, P.E.  
Project Manager



LARKIN AQUATICS  
Billing Rate Schedule  
Effective January 1, 2009

Professional Services	BILLING RATE RANGE		
PRINCIPAL	\$160	to	\$220
ASSOCIATE	\$95	to	\$155
ASSOCIATE ENGINEER	\$90	to	\$130
INTERN ENGINEER/ENGINEER IN TRAINING (IE/EIT)	\$70	to	\$110
AQUATIC DESIGN MANAGER	\$90	to	\$145
AQUATIC DESIGNER	\$65	to	\$135
PROJECT REPRESENTATIVE	\$60	to	\$105
DESIGN TECHNICIAN	\$80	to	\$135
CAD TECHNICIAN	\$50	to	\$100
SURVEY PARTY CHIEF	\$60	to	\$85
ROD-INSTRUMENT OPERATOR	\$55	to	\$75
PROJECT RELATED SUPPORT SERVICES	\$45	to	\$115

Salary adjustments normally occur at approximately the end of each calendar year.

Equipment Charges:

AUTOMOBILE MILEAGE	\$ 0.55/mile
SURVEY VEHICLE MILEAGE	\$ 0.65/mile
GLOBAL POSITIONING SYSTEM	\$ 25.00/hour

REVISED @  
12/17/08



## **PROCLAMATION**

### **In Honor of Scouting's Contributions to Society**

**WHEREAS**, the Boy Scouts of America was established in 1910 to teach patriotism, courage, self-reliance and kindred values; and

**WHEREAS**, the Boy Scouts of America has been at the forefront of instilling timeless values in youth since its founding; and

**WHEREAS**, this national youth movement has made serving others through its values-based program its mission; and

**WHEREAS**, the Boy Scouts of America is committed to helping youth succeed by providing the support, friendship, and mentoring necessary to live a happy and fulfilling life; and

**WHEREAS**, the Boy Scouts of America today is the largest youth service organization in America, with nearly 3 million members learning responsible citizenship, character development, and self-reliance through participation in a wide range of outdoor activities, educational programs and career-oriented programs in partnership with community organizations; and

**WHEREAS**, the Boy Scouts of America will celebrate its 100th Anniversary in 2010; and

**WHEREAS**, a core value of the Boy Scouts of America is service to others; and

**NOW, THEREFORE, I**, Philip A. Dudley, Mayor of the City of Osawatimie, do hereby recognize the impact of this great organization and the importance of its 100 years of service to the citizens of this community and communities across America, by proclaiming February \_\_\_\_, 2010 as

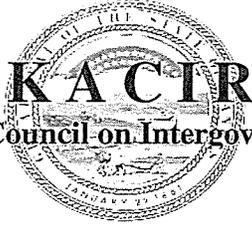
### **Boy Scouts of America 100 Years of Scouting Day**

in the City of Osawatimie, and encourage all citizens to recognize the significant contributions of the Boys Scouts of America in the lives of our youth.

Proclaimed this 25<sup>th</sup> day of February, 2010.

---

Philip A. Dudley, Mayor



Kansas Advisory Council on Intergovernmental Relations

Joan Wagnon, Chairperson

Mark Parkinson, Governor

---

House Taxation Committee

February 11, 2010

Joan Wagnon

Testimony in Support of House Bill 2549

Representative Carlson, Chair, and Members of the Committee:

There has literally been an explosion of new sales tax exemptions in recent decades--some of them very significant in size, such as the expansion of the manufacturing machinery & equipment exemption, the addition of exemptions for churches and a host of other non-profits, custom software, aircraft repair, to name a few. Between 1985 and 2009, the number of sales tax exemptions has more than tripled, growing from 30 to 96. Sales tax exemptions shrink the tax base. Since 2003, the estimated value of foregone sales and use tax revenue from exemptions has grown from \$3 billion to \$4.2 billion in 2009. This is more than double the consensus revenue estimate for FY 10 state sales and use tax receipts, \$1.88 billion.

At present, we are facing a revenue deficit of over \$400 million to fund the FY 2011 budget. House Bill 2549 provides a strategy for reducing that deficit without raising any tax rates, and for partially restoring the sales tax base.

House Bill 2549 provides for the elimination of certain sales tax exemptions and defines taxable "maintenance" services to include janitorial cleaning services for commercial property. The total fiscal note for FY2011 is \$194.5 million, including the consumer utility exemption. The Department of Revenue's fiscal note is attached. This list was compiled by using the following policy choices:

- Repeal all exemptions granted "by name" to a specific organization, listed below:

Public Policy: Exemptions to Charitable Organizations by Name		FY 2010 (\$ in millions)	FY 2011 (\$ in millions)
3606 (vv)	Property purchased by the following organizations who are organized under the federal income taxation code as a 501 (c)(3): American Heart Association, Kansas Affiliate; Kansas Alliance for the Mentally Ill, Inc.; Kansas Mental Illness Awareness Council; in 2004 added: Heartstrings Community Foundation, Cystic Fibrosis, Spina Bifida Assn, CHWC, Inc., Cross-lines Cooperative Council, Dreams Work, Inc., KSDS, Inc., Lyme Association of Grater Kansas City, Inc Dream Factory, Ottawa Suzuki Strings, International Assn of Lions Clubs, Johnson County young Matrons, American Cancer Society, Community Services of Shawnee, Angel Babies Assn, Kansas Fairground Foundation.	\$ 0.82	\$ 0.85
3606 (ww)	Property purchased by the Habitat for Humanity for use within a housing project	\$ 0.12	\$ 0.12
3606 (ggg)	Property and services purchased by or on behalf of the Kansas Academy of Science.	Minimal	Minimal
3606 (kkk)	Not Used	\$ -	\$ -
3606 (lll)	Property and services purchased by Special Olympics Kansas, Inc., and sales made by or on behalf of Special Olympics.	\$ 0.03	\$ 0.03
3606 (mmm)	Property and services purchased by Marillac Center, Inc. and sales made by or on behalf of the Marillac Center.	\$ 0.06	\$ 0.06
3606 (nnn)	Property and services purchased by West Sedgwick County - Sunrise Rotary Club for constructing boundless playground.	\$ 0.02	\$ 0.02
3606 (qqq)	Property and services purchased by TLC for Children and Families, Inc. and sales made by or on behalf of TLC	\$ 0.18	\$ 0.18
3606 (sss)	Property and services purchased by catholic charities or youthville and sales made by or on behalf of catholic charities or youthville	\$ 0.67	\$ 0.69
3606 (uuu)	Property and services purchased by Kansas Children's Service League and sales made by or on behalf of the KCSL	\$ 0.16	\$ 0.16
3606 (vvv)	Property and services purchased by Jazz in the Woods and sales made by or on behalf of such organization	\$ 0.01	\$ 0.01
3606 (www)	Property purchased by or behalf of Frontenac Education Foundation and sales made by or on behalf of such organization	Minimal	Minimal
3606 (xxx)	Property and services purchased by the Booth Theatre Foundation, Inc. Provides for refund of sales taxes paid from January to July '07.	\$ 0.03	\$ 0.03
3606 (yyy)	Property and services purchased by the TLC Charities Foundation, Inc. and sales made by or on behalf of these organizations.	Minimal	Minimal
3606 (zzz)	Property purchased by Rotary Club of Shawnee Foundation	Minimal	Minimal
3606 (aaa)	Property and services purchased by or on behalf of Victory in the Valley and sales made by or on behalf of such organization	\$ 0.02	\$ 0.02
3606 (bbb)	Guadalupe Health Foundation, sales of entry or participation fees, charges or tickets for annual fundraising event	\$ 0.11	\$ 0.12
3606 (ccc)	Property and services purchased by or on behalf of Wayside Waifs for the purpose of providing such organizations annual fundraising event and sales made by or on behalf of such organization	\$ 0.01	\$ 0.01
3606 (ddd)	Property or services purchased by or on behalf of Goodwill Industries or Easter Seals o Kansas, Inc for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment	\$ 0.04	\$ 0.04
3606 (eee)	Property or services purchased by or on behalf of All Beef Battalion, Inc. for the purpose of educating, promoting and participating as a contract group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services.	\$ 0.00	\$ 0.00
3606 (fff)	Property and services purchased by Sheltered Living, Inc for the purpose of providing residential and services for people with developmental disabilities or mental retardation, or both; and sales made on behalf of such organization	\$ 0.03	\$ 0.03
<b>Subtotal</b>		<b>\$ 2.30</b>	<b>\$ 2.38</b>

- **Tax all admissions to recreation activities or events, whether operated by a non-profit organization, city, county or private organization:**

Public Policy: Exemption of Services		FY 2010 (\$ in millions)	FY 2011 (\$ in millions)

3603 (m)	Fees and charges by any political subdivision, youth recreation organization exclusively providing services to persons 18 or younger organized as a 501(c)(3) for sports, games and other recreational activities and entry fees and charges for participation.	\$ 0.94	\$ 0.97
3603 (n)	Dues charged by any organization pursuant to paragraph 8 and 9 of 79-201 (veteran & humanitarian organizations) and sales of memberships to nonprofit 2008	\$ 0.34	\$ 0.36
<b>Subtotal</b>		<b>\$ 1.28</b>	<b>\$ 1.33</b>

- **Reestablish the policy that was set by the Hodge Commission<sup>1</sup> that all non-profit and religious organizations pay sales tax on their purchases, so revoke the following exemptions:**

	Public Policy: Religious Exemption	FY 2010 (\$ in millions)	FY 2011 (\$ in millions)
3606 (aaa)	Property and services purchased by religious organizations and used exclusively for religious purposes	\$ 17.96	\$ 18.59
<b>Public Policy: Charitable, Religious, Benevolent Exemptions</b>			
3603 (e)	Admission to any cultural and historical event which occurs triennially	Minimal	Minimal
3606 (v)	Sales of food products purchased by contractor for use in preparing meals for delivery to homebound elderly persons. In 2004, expanded exemption to all personal property purchased by contractor and sales of food products by or on behalf of contractor or organization	\$ 0.86	\$ 0.89
3606 (ii)	Property purchased by nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities and sales of property by or on behalf of such organization	\$ 2.72	\$ 2.81
3606 (oo)	Property purchased by a community action group or agency to repair or weatherize housing occupied by low income individuals.	Minimal	Minimal
3606 (qq)	Property and services purchased by a nonprofit museum or historical society which is organized under the federal income taxation code as a 501 (c)(3)	\$ 0.41	\$ 0.42
3606 (rr)	Property which will admit purchases to an annual event sponsored by a nonprofit organization organized under the federal income taxation code as a 501 (c)(3)	\$ 0.03	\$ 0.04
3606 (tt)	Property and services purchased by not-for-profit corporation for the sole purpose of constructing a Kansas Korean War memorial and is organized under the federal income taxation code as a 501 (c)(3)	\$ -	\$ -
3606 (xx)	Property and services purchases by nonprofit zoo or on behalf of a zoo by an entity that is a 501(c)(3)	\$ 0.62	\$ 0.65
3606 (yy)	Property and services purchased by a parent-teach association or organizations and all sales of tangible personal property by or on behalf of such association	\$ 0.59	\$ 0.61
3606 (bbb)	Sales of food for human consumption by organizations exempt by 501(c) (3) pursuant to food distribution programs which offer such food at a price below cost in exchange for the performance of community service by the purchaser.	Minimal	Minimal
3606 (hhh)	Property and services purchased by or on behalf of Domestic Violence Shelters as members of the Kansas coalition against Sexual and Domestic Violence	\$ 0.06	\$ 0.06
3606 (iii)	Property and services purchased by organizations distributing food without charge to other nonprofit food distribution programs. Includes taxes paid on and after July 1, 2005 and prior to July 1, 2006.	\$ 0.25	\$ 0.25
3606 (ppp)	Property and services purchased by non-profit Homeless Shelters, and sales made by or on behalf of these organizations.	\$ 0.11	\$ 0.11
3606 (ttt)	Property and services purchased a contractor for a purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum which is a qualified under the governor hometown heritage act (KSA 75-5071)	\$ 0.11	\$ 0.11
<b>Subtotal</b>		<b>\$ 23.72</b>	<b>\$25.54</b>

- **Repeal miscellaneous consumer exemptions, such as lottery tickets, bingo, and coin-operated laundries:**

	Public Policy: Miscellaneous Exemptions	FY 2010 (\$ in millions)	FY 2011 (\$ in millions)
3602 (ii)	Modified definition of sales or selling price to not include cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale. The exemption is granted from July 1, 2006 and ending June 30, 2009.	\$ -	\$ -
3603 (b)	Taxes telephone and telegraph services except certain interstate and international services and value-added nonvoice data services	\$ 1.50	\$ 1.55
3606 <sup>3</sup> (f)	Coin operated Laundry Services	\$ .38	\$ .39
3603 (o)	Motor vehicles exchanged for corporate stock, corporate transfer to itself and immediate family member sales.	\$ 0.22	\$ 0.22
3603 (v)	Sales of bingo cards, bingo faces and instant bingo tickets. Tax rate 2.5 on July 1, 2001 to June 30, 2002; exempt on July 1, 2002	\$ 2.83	\$ 2.93
3606 (x)	Sales of propane, gas, LP-gas, coal, wood, and other fuel sources for the production of heat or lighting for noncommercial use in a residential premise. Effective Jan 1 2006, exemption for residential and agricultural moved hereto 3603(c).	\$ -	\$ -
3606 (ee)	Lottery tickets and shares made as part of a lottery operated by the State of Kansas	\$ 14.61	\$ 15.12
3606 (ooo)	Sales made by or on behalf of a public library	\$ 0.01	\$ 0.01
3606 (mm)	Sales made by or on behalf of a county law library	\$ .11	\$ .12
	<b>Subtotal</b>	<b>\$19.66</b>	<b>\$20.34</b>

- **Clarify the original construction labor “exemption” statute to remove “repair” and tax separately certain listed “repairs” to personal property in residences. (Currently these services are taxed if they include the alteration or repair of tangible personal property.) There are problems distinguishing taxable from non-taxable labor services in the repair area from original construction for residences. The bill revises 79-3603(o) to ensure that all the labor services for repair of certain household appliances and other property in residences are taxed, with or without the application of tangible personal property to real property.**

	Public Policy: Consumer Exemption	FY 2010 (\$ in millions)	FY 2011 (\$ in millions)
3603 (p)	Amend to remove the exemption on labor services for residential repair work.	\$ 3.0	\$ 3.1

- **Revise 79-3603(q) so that taxable “maintenance” services include janitorial cleaning services for commercial property. Under current law, washing a floor is not taxed, but waxing a floor (applying tangible personal property) is taxed. The proposal would make clear that washing a commercial property floor is also taxable.**
- **Repeal the state tax exemption on residential utilities and the local exemption on water for residential use (K.S.A. 12-189a(a)):**

	Public Policy: Consumer Exemption	FY 2010 (\$ in millions)	FY 2011 (\$ in millions)
3603 (c)	Electricity, gas and heat utilities exemption for residential use. Exemption is limited to state sales tax only.	\$ 128.28	\$ 137.77
3606 (w)	Water exemption for residential use.	\$12.0	\$12.42
	Subtotal	\$140.28	\$146.19

The bill exempts certain fund-raising events of non-profit organizations and require all existing exemptions to come into compliance with this policy by 2012. It is estimated a fund-raising exemption, limited to certain types of activities, would reduce state sales tax revenues by \$10 million in fiscal year 2012. To be exempt, the fund-raising sales must meet the following requirements:

- 1) the organization is not in the business of retail sales,
- 2) the sales must be conducted by members of the organization and not by a retailer, or other for-profit business,
- 3) the sales cannot occur at a retail place of business,
- 4) the sales must not be in direct competition with a for-profit business at the same event,
- 5) the organization shall be limited to not more than 3 fund-raising events of not more than a day's duration during any 12-month period, and including not more than 2 fund-raising events occurring over a period of time in which members of the organization take orders for items, except as noted below,
- 6) all proceeds derived from the sales are used by the organization to further its exempt purpose,
- 7) the organization shall maintain an accounting of all sales and provide that information upon request by the department of revenue,
- 8) tangible personal property, including meals, and services purchased for the fund-raising event shall be subject to sales tax when purchased.

The following would not be considered exempt as fund-raising sales:

1. sales resulting from agreements or contracts entered into with companies and organizations to participate in fund-raising campaigns for a percentage of the gross receipts where members of the organization act as agents or salesmen by selling or taking orders for the sale of tangible personal property;
2. admissions; or
3. concession sales.

<sup>1</sup>The Joint Committee on the State Tax Structure, otherwise known as the Hodge Commission, was created in 1968 "to make studies, and provide reports with recommendations thereon to the legislature, concerning the various taxes of the state and their relationship to each other and to the economy and public interest."