

**OSAWATOMIE CITY COUNCIL
AGENDA**

September 9, 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 August 12 & August 24 City Council Meetings
 - B. Approve September 9 Agenda
 - C. Appropriation Ordinances 10-15 & 10-16
5. Comments from the Public; Presentations

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

 - A. Stormwater Utility Presentation by Wilson & Company
6. Public Hearing – none
7. Unfinished Business
 - A. Approve Invoices for Library Improvement Grant – Request No. 14
 - B. Approve Invoice for Streetscape Improvement Grant – Request No. 5
 - C. Placing Question Regarding a Storm Water Utility on the November 2 Ballot
8. New Business
 - A. Appointments – none
 - B. Proclamation – National Rehabilitation Awareness Week
9. Council Reports
10. Mayor’s Report
11. City Manager’s Report
12. Executive Session – none
13. Adjournment

REGULAR MEETING – September 23, 2010
MEETING / WORK SESSION – October 14, 2010

Library Improvements Project. During one of the rain and wind storms the Library received water damage. The contractors began cleanup the next morning. The contract requires the company to provide adequate protection against the elements.

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

/s/ Ann Elmquist
Ann Elmquist, City Clerk

Osawatomie, Kansas. **July 22, 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 Dickinson, Farley, Hunter, LaDuex, Maichel, and Walmann. Absent were Moon and Ratley. Also present were City Manager Glendening, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Webster Hawkins, Doug Carder, and Travis Perry.

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

There being no business on the agenda there was a motion made by Hunter, seconded by Maichel to adjourn. Yeas: All.

/s/ Ann Elmquist
Ann Elmquist, City Clerk

Osawatomie, Kansas. **August 12, 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 Dickinson, Hunter, Maichel, Moon, and Walmann. Absent were Farley, LaDuex, and Ratley. Also present were City Manager Glendening, City Attorney Wetzler, City Clerk Elmquist, and City Engineer Kingsley. Visitors were Donna Darner, Amanda Perry, Kirk and Shelagh Wright, Terry Upshaw, Ted Bartlett, Joe Coddington, Kevin Scott, Brian Mersman, Mark Govea, Danny Govea, Tony Savage, Web Hawkins, Doug Carder, and Travis Perry.

CONSENT AGENDA. Approval of the Minutes of July 8 and July 22 Meetings, approval of August 12 Agenda, and approval of Appropriation Ordinance 10-13 & 10-14. Motion made by Ratley, seconded by Hunter to approve the agenda as amended, the Minutes of July 22 Meeting, approval of August 12 Agenda as amended, and approval of Appropriation Ordinances 10-13 & 10-14. Yeas: All. Motion made by Moon, seconded by Hunter to approve the Minutes of July 8. Yeas: Dickinson, Hunter, Maichel, Moon, Ratley, and Walmann. Nays: Farley and LaDuex.

Public Participation; Presentations:

Donna Darner, Chamber of Commerce President, introduced Shelagh Wright hired as the Chamber's new executive director.

Terry Upshaw, employee, again asked the City to not opt out of PEERA. Concerned about what would happen when the current city manager leaves. Would like to at least have open discussion between the Governing Body and Union members and the rest of the employees.

Public Hearing:

2011 BUDGET HEARING. The Mayor opened the hearing at 7:12 p.m. There were no comments from the public. The hearing was closed at 7:17 p.m.

Unfinished Business:

APPROVE INVOICE FOR LIBRARY IMPROVEMENT GRANT – REQUEST NO. 13. Motion made by Ratley, seconded by Hunter to approve Pay Request No. 13. Yeas: All.

APPROVE INVOICES FOR STREETScape IMPROVEMENT GRANT – REQUEST NO. 4. Motion made by Ratley, seconded by Hunter to approve Pay Request No. 4. Yeas: All.

2011 BUDGET. Motion made by Hunter, seconded by Ratley to approve the 2011 budget as presented. Yeas: Dickinson, Hunter, LaDuex, Maichel, Moon, Ratley, and Walmann. Nay: Farley.

AWARD OF GRANT FOR PACIFIC/14TH/BROWN STREETS PROJECT. The City received a CDBG grant of \$500,000. Discussed funding of the project.

USDA AGREEMENT FOR ENGINEERING SERVICES WITH BG CONSULTANTS. The project budget had design and inspection services of \$158,500. After man-hours were re-calculated, services are estimated at \$133,709. Motion made by Hunter, seconded by Maichel to approve the agreement contingent upon review by the City Attorney and also with USDA-Rural Development concurrence. Yeas: All.

CONSIDER CHARTER ORDINANCE NO. 13 – ESTABLISHING STORMWATER UTILITY.

Motion made by Ratley, seconded by Hunter to approve Charter Ordinance No. 13. Yeas: Dickinson, Hunter, LaDuex, Maichel, Moon, and Ratley. Nays: Farley and Walmann.

New Business:

APPOINTMENTS. None

APPROVE ORDINANCE ADOPTING 2010 STANDARD TRAFFIC ORDINANCE. Motion made by Hunter, seconded by Ratley to approve Ordinance No. 3678. Yeas: All.

APPROVE ORDINANCE ADOPTING 2010 UNIFORM PUBLIC OFFENSE CODE. Motion made by Moon, seconded by Ratley to approve Ordinance No. 3679. Yeas: All.

BIDDING THE LEGAL PUBLICATION SERVICES/OFFICIAL PUBLICATION DESIGNATION. The Osawatomi Graphic is currently the official newspaper. The Osawatomi Journal will soon meet the qualifications. Motion made by Ratley, seconded by Hunter authorizing the City Manager to seek bids. Yeas: Dickinson, Hunter, LaDuex, Moon, Ratley, and Walmann. Nay: Maichel. Abstained: Farley. Motion passed.

Council Reports:

Maichel: Attended meeting with Union Pacific and public officials concerning the train track that UP built higher causing water drainage issues for the area. School is about to start and asked what the status was on the child that was hit on Parker Avenue. Moon said the Public Safety Advisory Board does not meet in the summer and will take the item to the September meeting.

Moon: Asked if the Swimming Pool feasibility study look at the current operation, hours open, is the pool serving the public well, etc. Have heard complaints that the hours don't always seem to be best for the community.

Hunter: Industrial Fumigant Company has begun construction.

Dickinson: Attended the scheduled Planning Commission hearing but there was not a quorum. The hearing was tabled to August.

Ratley: Recreation Director Ron Maring did exceptionally well with the baseball tournaments; wondered if there was a way to track how much money is brough into the community. He will be working with Amanda Perry on presenting to the Recreation Commission a study, questionnaires, and signatures for a skate park and a tennis court

Mayor's Report:

September 10 will be leading a public official's forum at the State Housing conference. Hopefully, will be able to tell the story of some of the successes that have moved the City forward through a difficult time period, including difficult financial times and the 2007 flood. This is an opportunity to get the word out across the state and to investors attending.

City Manager's Report:

The City Manager's Report is not only an update but contains information for items on the agenda.

EXECUTIVE SESSION – CONSULTATION WITH CITY ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP. Motion made by Moon, seconded by Walmann at 9:04 p.m. to recess into executive session for consultation with city attorney which would be deemed privileged in the attorney-client relationship for a period of 15 minutes. Yeas: All. The City Manager and City Attorney were present. Meeting reconvened at 9:20 p.m. No action taken.

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

Ann Elmquist, City Clerk

Osawatomie, Kansas. **August 26, 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 Dickinson, Farley, Hunter, LaDuex, Maichel, Moon, and Walmann. Absent was Ratley. Also present were City Manager Glendening, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Kenny Diehm, Robert Kerr, Tony Savage, Webster Hawkins, Doug Carder, and Travis Perry.

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

APPOINTMENTS OF LKM VOTING DELEGATES.

League of KS Municipalities	delegates – President Hunter & City Manager Glendening alternates – Mayor Dudley & Mike Moon
Chamber of Commerce Liaison	Mike Moon

Motion made by Maichel, seconded by Dickinson to approve the appointments. Yeas: All.

RESOLUTION DESIGNATING A STOP SIGN AT 10TH & WALNUT AVENUE. The Existing Intersection Control map was amended to include a stop sign at 10th and Walnut on the northeast corner. Motion made by Hunter, seconded by LaDuex to approve Resolution No. 632. Yeas: All.

There being no business on the agenda there was a motion made by Hunter, seconded by LaDuex to adjourn. Yeas: All.

Ann Elmquist, City Clerk

Record of Ordinances

ORDINANCE NO. 10 - 15

DATE WARRANTS ISSUED:
August 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 08/13/10			102,452.77
Payroll 08/27/10			101,978.76
FICA 08/13/10			7,500.55
FICA 08/27/10			7,464.33
KPERS			12,628.99
Louisburg Ford	Public Works Director Truck	36119	23,753.50
Midwest Distributors	Coors	36120	100.80
Crawford Sales	Budweiser	36121	173.70
Reserve Account	postage meter	36241	1,200.00
Crawford Sales	Budweiser	36242	214.80
City of Osawatomie	petty cash reimbursement	1238	5,173.78
Midwest Distributors	Coors	36243	100.80
Bradley A/C & Heating	repaired AC - Library	36244	73.76
City of Osawatomie	utilities	36245	14,166.67
KACM	dues	36246	50.00
Kansas City Wilbert	grave openings	36247	1,710.00
Suddenlink	internet	36248	130.85
Wiegand's Victory Enterprises, Inc.	Teddy Roosevelt show	36249	750.00
AT&T	RTU's	36250	222.21
Beachner Grain	pesticides, concrete mix	36251	541.21
ICC	membership	36252	100.00
KDHE	application fee	36253	25.00
L & K Services	refuse	36254	29,998.58
Locker Room Sporting Goods	worms for fishing derby	36255	150.00
Miami County Internet OnRamp	internet	36256	19.95
Orr Construction	streetscape	36257	119,689.38
Ride Into History	workshops	36258	3,750.00
Suddenlink	internet	36259	79.15
Training @ Your Place	annual support	36260	100.00
Landmark National Bank	golf carts	36261	2,178.24
Crawford Sales	Budweiser	36262	160.05
Olathe Winwater Works	water line supplies - streetscape	36263	3,116.21
Airgas Mid South	oxygen cylinder rental	36264	75.66
BMI	license fee for concert	36265	305.00
Conventry	health insurance	36266	61,416.46
Delta Dental	dental insurance	36267	6,519.51
Kansas Dept of Revenue	sales tax	36268	11,094.84
Kansas Gas Service	power plant	36269	26.21
KMEA - Nearman	electricity	36270	60,556.22
KMEA - EMP	electricity, transmission	36271	53,786.44

Record of Ordinances

ORDINANCE NO. 10-16

DATE WARRANTS ISSUED:
September 9, 2010

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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
Agruim Advanced Technologies	pesticides	36300	777.97
Airgas Mid South, Inc.	oxygen cylinder	36301	75.66
American Safety Utility Corporation	indicator, gloves, misc	36302	692.72
American Textile Mills	grease wipes	36303	342.90
Analytical Services, Inc.	analytical service	36304	611.56
Asphalt Sales Company, Inc.	rock	36305	330.88
Atlas Building Maintenance, Inc.	field marking paint	36306	396.10
Auten Pharmacy	sting kill	36307	3.38
Baker & Taylor	book	36308	8.47
BG Consultants, Inc.	streetscape	36309	3,338.29
Board of Police Commissioners	alert system user charges	36310	8.59
Bollings Bargain Bonanza	pliers, sledge hammer	36311	51.80
Brewer's Automotive Repair, Inc.	tires	36312	287.56
Void		36313	-
Void		36314	-
Void		36315	-
Void		36316	-
Void		36317	-
Brown's Hardware	supplies	36318	1,794.87
C & G Merchants Supply, Inc.	chips, candy	36319	320.49
Certifion Corporation	entersect police online	36320	79.00
Champion Brands LLC	fuses, antifreeze	36321	403.13
Coleman Equipment, Inc.	paper goods, trash bags	36322	1,082.47
Country Dirt Delivery	top soil	36323	100.00
Crash Technology Group	cabin laptop repair	36324	385.00
Cullum & Brown of KC	oil	36325	167.64
Dell	toner cartridge	36326	208.99
Division of Environment	operators certificate	36327	245.00
Electronically Speaking	mouse, battery	36328	26.98
Elizabeth Layton Center, Inc.	fireman counseling	36329	200.00
Ellis & Zolotor Law Office LLC	court appointed attorney	36330	525.00
Employee Screening Services	drug & alcohol testing	36331	311.60
Environmental Compliance Solutions	PCB audit	36332	725.00
Evco Wholesale Food Corp.	gatorade	36333	683.00
Family Center	dog food, tool box, supplies	36334	522.36
Richard M. Fisher, Jr LLC	court appointed attorney	36335	200.00
Galls	collar brass	36336	66.86
Geocorp, Inc.	charts	36337	101.62
Gerken Rental	verticuter, portable restroom	36338	102.00
Goodyear Wholesale Tire Centers	tires	36339	200.68

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Grainger	gloves, lights	36340	63.94
Graybar	wire	36341	437.42
Greeley Farm Implement Co.	flasher unit, parts	36342	118.15
Hach Company	post maintenance kit	36343	318.95
Hanes Florist & Greenhouse	balloons for baby contest	36344	24.00
Heritage Tractor, Inc.	spindle, mower parts	36345	211.17
Holman Hansen & Colville, PC	Municipal matters, City Prosecutor	36346	3,627.00
K.C. Bobcat	coil	36347	53.73
Ka-Comm, Inc.	install door popper heat alarm	36348	720.00
The Kansas City Star	subscription	36349	148.72
Kansas Municipal Utilities	regional training dues	36350	2,192.00
Mitch Kerr	Library janitorial	36351	80.00
Killough Construction, Inc.	asphalt	36352	585.00
Kincaid Ready Mix	concrete	36353	1,150.25
Kreutz Glass, Inc.	tint windows K-9 police car	36354	200.00
Kriz-Davis Co.	poles	36355	13,524.44
Landmark National Bank	golf carts	36356	2,178.24
Lang Chevrolet	lamp	36357	91.48
League of Kansas Municipalities	STO & UPOC books	36358	272.50
The Locker Room	T-shirts, whistles	36359	130.50
Louisburg Ford	nerf bars, floormats, repairs	36360	1,062.24
Lowenthal, Webb & Odermann, P.A.	final billing on 2009 audit	36361	7,705.00
Mi. County Register of Deeds	file easement	36362	68.00
Miami Co. Road & Bridge Dept	tack oil	36363	108.35
Miami Lumber, Inc.	deadbolt	36364	17.99
Mid American Signal, Inc.	covers for signal lights	36365	72.17
Mid-States Energy Works, Inc.	replaced trip coil	36366	2,269.78
Midland GIS Solutions	utility GPS.GIS project	36367	9,902.00
Midway Ford	switch assy	36368	87.41
Midwest Industrial Lighting	school light	36369	132.28
Mississippi Lime	hydrated lime	36370	1,698.30
Void		36371	-
Void		36372	-
Moon's IGA	supplies	36373	1,154.86
National Sign Company, Inc.	signs	36374	543.00
Nicholson Law Office LC	court appointed attorney	36375	130.00
NPG Newspapers	ads	36376	847.17
Oil Patch Pump & Supply, Inc.	valve, coupler	36377	72.83
Olathe Medical Services	physical - Evans	36378	224.00
Olathe Winwater Works	T-bolt	36379	80.34
OMB Express Police Supply	shirts, trousers, supplies	36380	723.75
Osawatomie Journal Newspapers	ads	36381	205.00
Pat's Signs	decals	36382	24.00
R.E. Pedrotti Co. Inc.	repaired scada system	36383	120.00
Pepsi Americas	pepsi	36384	647.99

Record of Ordinances

DATE WARRANTS ISSUED:
September 9, 2010

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CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Praxair Distribution, Inc.	welding supplies	36385	171.58
Price Bros. Equipment Co.	tooth for trencher	36386	224.56
Quill	chair, office supplies	36387	540.26
RMI Golf Carts	golf cart rental	36388	400.00
Ricoh Americas Corporation	freight for ink cartridges	36389	114.38
River City Portable Moving & Storage	storage pod	36390	303.55
G.S. Robins	chemicals	36391	7,043.15
Rural Water District #1	water	36392	212.75
Rural Water District #3	ETI water	36393	16.50
Scott Barrel Company, Inc.	trash drums	36394	72.00
Sensus	system support	36395	1,432.86
Smitty's Lawn & Garden	trimmer head	36396	110.31
Stanion Wholesale Electric Co.	electric line supplies	36397	1,648.27
Debbie Talley	Memorial Hall janitorial	36398	375.00
TFMComm, Inc.	mobile mics	36399	107.04
G.A. Thompson Co.	uniform traffic tickets	36400	466.40
Tri County Ice	ice machine	36401	50.00
Tri County Pest Control	pest control	36402	525.00
University of Kansas	fire fighter certification exams	36403	100.00
USABlueBook	hose	36404	95.78
UZ Engineered Products	drill set	36405	185.74
Viking Industrial Supply	paper goods, trash bags	36406	208.00
Vinyl Graphic	badge decals	36407	37.09
Wade Quarries	rock	36408	285.00
Weston Signs, Inc.	decals	36409	30.85
Wilson & Company	levee assessment	36410	1,630.33
John A. Wilson	court appointed attorney	36411	150.00
Winkler, Domoney & Schultz	Municipal Court Judge	36412	2,000.00
Void		36414	-
Winterscheid Auto Parts	parts	36414	1,193.17
YMCA	City share wellness program	36415	45.00
Zep	paper goods, deodorizers	36416	372.64
			89,548.73
GO	21,011.32		
WT	15,270.00		
EL	38,991.86		
Ind	16.50		
St Imp	5,532.22		
Sewer	2,265.34		
GC	6,199.59		
Trsm	261.90		
	89,548.73		



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

**Streetscape Improvements
KDOT TE GRANT
PROJECT NO. 61 TE-0345-01
ARRA-T034(501)**

**PAYMENT REQUEST
September 9, 2010
Payment Request No. 5**

Claimant	Description	Document Number	Amount
Orr Construction Management 9812 East 56th Street Raytown, MO 64133	construction	ACP #6 8/31/10	\$ 139,908.15
BG Consultants 4806 Vue Du Lac Place Manhattan, KS 66503	construction administration		\$ -
		TOTAL	\$ 139,908.15

Approved for payment by the Osawatomie City Council this 9th day of September, 2010.

Philip A. Dudley, Mayor

ORDINANCE NO. 3680

AN ORDINANCE CALLING AN ELECTION TO BE HELD ON
THE 2ND DAY OF NOVEMBER, 2010 FOR THE PURPOSE OF
VOTING ON CHARTER ORDINANCE NO. 13.

WHEREAS, the Governing Body of the City of Osawatomie, Kansas, did on the 12th day of August 2010 approve Charter Ordinance No. 13, and did by such ordinance direct that following publication of said Charter Ordinance that such Charter Ordinance would be submitted to referendum and that such Ordinance would become effective when approved by a majority of the electors voting thereon at said election.

WHEREAS, the Governing Body has directed that Charter Ordinance No. 13 be submitted to an election as provided by Article 12, Section 5, Subdivision (c)(3) of the Constitution of Kansas;

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

SECTION ONE: That an election is hereby called to be held on the 2nd day of November, 2010 for the purpose of voting on Charter Ordinance No. 13, such election to be conducted as elections for officers and by the officers handling such elections.

SECTION TWO: The proposition on the ballot shall be: Shall Charter Ordinance No. 13, entitled "A Charter Ordinance Partially Exempting the City of Osawatomie, Kansas from the Provisions of the Water Pollution Act as Contained in KSA 12-3101 et seq. by Providing Additional Provisions Relating to the Establishment, Operation, and Maintenance of a Stormwater Utility to the Osawatomie Municipal Code," take effect.

Said ordinance shall take effect if approved by a majority of the electors voting thereon.

SECTION THREE: EFFECTIVE DATE. This ordinance shall take effect when published once each week for three consecutive weeks in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 9th day of September, 2010.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley
Mayor

(SEAL)

ATTEST:

APPROVED AS TO FORM:

Ann Elmquist
City Clerk

Richard S. Wetzler
City Attorney



Proclamation

Issued by the Mayor of Osawatomie

WHEREAS, the Miami County Medical Center Rehabilitation professionals' promise of excellence to patients is "Great Recoveries, Great People;" and

WHEREAS, Miami County Medical Center, is observing and celebrating National Rehabilitation Awareness Week to recognize those professionals whose caring, empathetic and motivating attributes help guide patients through recovery; and

WHEREAS, Miami County Medical Center rehabilitation professionals, including Physical Therapists, Physical Therapist Assistants, Occupational Therapists, Speech Language Pathologists, Certified Athletic Trainers and support staff work with citizens of all ages to provide services in the hospital, in outpatient settings, at home and at school to help restore citizens to independent, productive and fulfilling lives; and

WHEREAS, the City of Osawatomie is proud and honored to have Osawatomie Rehabilitation and Miami County Medical Center Rehabilitation Services serving the community; and

NOW, THEREFORE, I, Philip A. Dudley, Mayor of the City of Osawatomie, on behalf of its citizens, do hereby proclaim the week of September 19 through September 25, 2010 as

National Rehabilitation Awareness Week

and encourage all citizens to recognize the significant contributions of rehabilitation professionals and to renew their commitment to people with disabilities and to the efforts of rehabilitative medicine to improve quality of life.

Proclaimed this 9th day of September, 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

September 9, 2010

PACIFIC/14TH/BROWN STREET PLANS:

On Wednesday, September 8 City staff, engineers and other utility companies will meet to discuss relocating various utilities and the timing of such relocation. Once the redesign is complete, each utility as well as USDA Rural Development will be provided with plans. Once Rural Development has approved the plans, the council will be asked to authorize initiating the bid process.

UPDATE ON OSAWATOMIE LIBRARY EXPANSION PROJECT:

Substantial completion is expected to be reached by Friday, September 3. Due to a delay in the shipping of the last exterior panels, the project is not expected to be completed until later this month. However, the Library is open, accessible and ready for use.

OSAWATOMIE STORMWATER UTILITY PROPOSAL:

On this agenda is the ordinance to place the second attempt to create a storm water utility on the November ballot. This ordinance to place the question on the ballot for public vote bypasses the protest petition procedure under the state constitutional home rule requirements and automatically places the item on the ballot. The County Clerk's office is fine with this timeline. So on September 9, the council will need to adopt the second ordinance.

TECHNICAL/FEASIBILITY REVIEW OF OSAWATOMIE SWIMMING POOL:

The last word we received from Burbach Aquatics (firm evaluating the Osawatomie Swimming Pool) is that the first step in the contract is nearly complete and upon its completion, will be reviewed and presented to the council. They anticipate approximately two weeks finishing this step and then they will begin the second step of the evaluation process. They anticipate making their second site visit during the first week of August, after which they will provide staff with a draft copy of the step one report to review.

TECHNICAL/FEASIBILITY REVIEW OF OSAWATOMIE ELECTRIC UTILITY:

All information requested by Sawvel and Associates to begin the study has been provided. Additionally, the GPS mapping of the electric system has been completed and is currently being reviewed for accuracy. As progress is made with this study, I will provide the council with updates.

SCHEDULE FOR LEVEE CERTIFICATION STUDY PHASE II:

The USDA LIDAR aerial photos have been taken and are currently being evaluated by Wilson # Co. Wilson & Co. can begin performing their interior drainage studies and identifying elevations as part of the levee certification requirements. In a nutshell, everything is being held up due to the LIDAR data not being delivered at this point in time.

RECYCLING PROGRAM UPDATE:

Larry Smith contacted me some time ago and I told him I would check with the council but believed that the recycling program would be easily acceptable provided it was going to result in no additional cost to the customer. With regard to yard waste, an alternative must be found for the disposal of yard waste. The city's KDHE permitted burn pile might be an option (we would first want to check with KDHE), but we would have to monitor dumping at the site rigorously to ensure that trash is not disposed of. A couple of hours every day during the week might be acceptable since during those times, we almost always have two employees on duty at the water plant. One could remain at the water plant while the other monitors the dumping of yard waste. I believe council authorization would be necessary for this to occur, but could be incorporated into a larger recycling program. As of now and through the end of the year however, L & K can continue to dispose of yard waste.

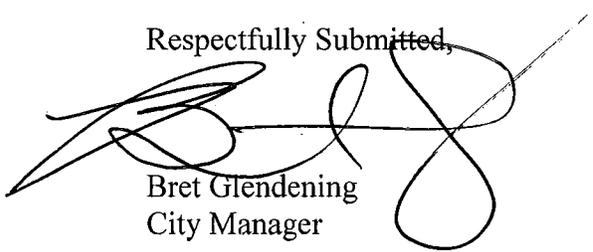
UPDATE ON REALIGNMENT OF WARD BOUNDARIES:

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.

UPDATE TO OSAWATOMIE COMPREHENSIVE PLAN:

I have spoken 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

Building Permit Activity for the Month of August 2010

Category	Total Permits	Total Value	Revenue received by City G.F.
New Single Family Dwellings	0	0	0
Re-roofs	6	\$26,140.00	\$180.00
Remodels	0	0	0
Accessory Buildings	1	0	0
Concrete	2	\$150.00	0
Mechanical	3	\$22,757.00	\$90.00
Repairs	1	\$8,000.00	0
Decks & Porches	2	\$8,660.00	\$60.00
Additions	0	0	0
Com. Buildings	0	0	0
Demolishing	2	\$200.00	\$60.00
Fences	1	\$300.00	0
Plumbing	8	\$2,200.00	\$210.00
Electrical	2	\$4,000.00	\$80.00
Ag. Buildings	0	0	0
Penalties	0	0	0
Plan Review	0	0	0
Zoning	0	0	0
Totals	28	\$72,407.00	\$680.00
Sewer Taps	0	0	0
Water Meters	0	0	0
Electric Meters	0	0	0

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

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

Terry E. Anderson
Building Official



Osawatomi Police Department

Monthly Report Aug 2010

Page 1

	<u>Current Month</u>	<u>Year to Date</u>
Escorts	4	61
Warrant attempts/arrests	18	113
Traffic Stops/investigation	150	1003
Investigate Person	6	29
DUI	4	23
Non-Injury Accident	8	112
Injury Accident	2	20
Assist EMS	22	184
Fire	4	61
Fights	8	49
Prowler	0	3
Domestic Violence	3	24
911 Misdial	8	53
Animal at large	41	281
Animal Bite	2	17
Animal Missing	7	58
Animal Welfare	12	131
Assist Outside Agency	15	122
Bank Alarm	0	2
Burn Permit	4	182
Business Alarm	6	41
Burglary	10	26
Criminal Damage to Property	10	48
Child In need of Care	4	40
Carbon Monoxide Check	0	1
Civil Stand By	26	109
Citizen Complaint	78	562
Citizen Inquiry	74	440
City Services	40	294
Drug Cases	8	31
Disturbance	15	126
Deliver Message	5	29
Extra Patrol Request	7	40
Forgery	3	12





Osawatomie Police Department

Monthly Report Aug 2010

Page 2

	<u>Current Month</u>	<u>Year to Date</u>
Fine Payment to Dispatch	22	155
Found Property	13	39
Finger Print (employment)	3	12
Gas Drive Off	3	19
HAZMAT	0	0
K9 Training Event	1	15
K9 Deployment	0	11
Loud Music Complaint	13	57
Murder	0	0
Motorist Assist	4	87
Medical Alarms	1	2
Missing Child	3	15
Missing Person	1	3
Open Door (Building Check)	15	48
Pedestrian Checks	3	12
Residential Alarms	0	2
Reckless Driver	0	3
Repossessions (notifications)	3	13
Runaway	0	1
Sexual Assault/Sex Crimes	1	7
Suspicious Activity	34	206
State Hospital Walk Away	1	4
Theft	26	129
Telephone Harassment	7	49
Unattended Death	0	4
Vehicle Lock Out	17	168
Violation of Protective Order	1	6
Verbal Dispute	0	0
Check Welfare	16	117
Incidents cleared by Arrest	26	163
Total Citations Issued for the Month	64	491

Last incident # assigned in Aug: 10-5147. 730 #s assigned



Osawatome Police Department

Monthly Report for Aug 2010

Page 3

Miles driven (Patrol Units)

	<u>Miles</u>	<u>Mileage Total</u>
Unit 3 (2004 Blazer)	457	122720
Unit 4 (2007 Chevy Impala)	3,405	45837
Unit 8 (2008 Crown Victoria)	2,746	74812

Nuisance Information

	<u>Current</u>	<u>Year to Date</u>
Nuisance Totals	30	240
Debris	44	97
Vehicle	0	15
Grass	16	129
Tickets	11	6
Cleared	27	212

Misc. Notes

Lt. Tewes attended High Risk Event planning 1
Clearance Rate continues to be averaging 78%

* 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

OSAWATOMIE CITY COUNCIL
WORK SESSION / MEETING AGENDA
September 23, 2010
7:00 p.m., Memorial Hall

WORK SESSION

1. Presentation of Swimming Pool Study by David Burbach with Burbach Aquatics
2. Storm Water

REGULAR MEETING – 7:30 p.m.

- A. Call to Order
- B. Roll Call
- C. Approval of Agenda
 1. Appointments to Advisory Committee
 2. Award of Official Publication Bid
 - 3.
- D. Adjournment of Regular Meeting



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

To: Mayor and City Council of Osawatomie

From: Bret Glendening; City Manager

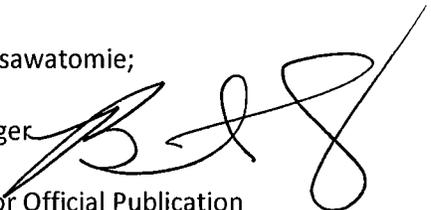
Re: Phase I Step 1 of Pool Study

Date: September 23, 2010

During tonight's council meeting, David Burbach, with Burbach Aquatics will be present to explain their findings and conclusions of the initial phase of the pool study. Previously, each of you were provided a copy of that report. Please bring that report with you to the council meeting for reference purposes.

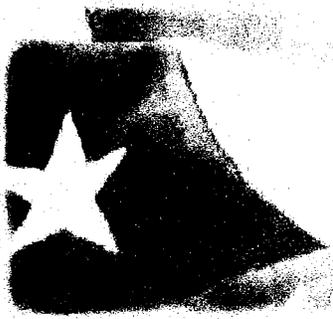


CITY OF OSAWATOMIE
439 Main Street
P.O. Box 37
Osawatomie, Kansas 66064
913-755-2146
FAX: 913-755-4164

To: Mayor and City Council of Osawatomie;
From: Bret Glendening; City Manager 
Re: Results of Bidding Process for Official Publication
Date: September 23, 2010

Attached to this memo is background documentation on both newspapers' bids and documentation verifying their eligibility to serve as the city's official publication. The bid per line, from the Osawatomie Journal is \$.55 cents. The bid per line from the Osawatomie Graphic is \$.80 cents.

Both newspapers have similar circulation numbers.



Osawatome Journal

Re: Bid for Official City Newspaper

Thank you for the opportunity to bid to be the official newspaper of Osawatome. The Osawatome Journal began publishing in Osawatome on Aug. 19, 2009. It was our intent at that time to cover Osawatome to the best of our ability, provide a reliable and affordable outlet for local advertisers and to help promote growth and stability in the city. As the only locally owned publication in town, we feel we are in a unique position to serve the city's needs as the official newspaper.

In accordance with Kansas State Statutes, The Osawatome Journal is published 52 times per year and is distributed through subscriptions and newsstands. We completed our first full year on August 11, 2010 when we published our 52nd paper. We currently have 511 paid subscribers with papers delivered weekly by carriers in the city limits and through the post office in rural areas. We sell approximately 350 each week on the newsstands in Osawatome. Our total circulation in Osawatome is 1,100 with the remaining papers going to Life Care, Vintage Park and Tri-Ko. We have an application on file and have a permit number entered at the Osawatome Post Office.

In accordance to the bid form, we are offering to publish official city documents at a price per line rate of \$.55. We intend to remain at that rate for the next two years. At that time we will review the pricing and base any increase on what is allowable by the State of Kansas.

Again we thank you for the opportunity to bid for this city service.

Sincerely,

Jeff Gulley
Publisher

The Osawatomie Journal is published 52 times per year and is distributed through subscriptions and newsstands. We completed our first full year on August 11, 2010 when we published our 52nd paper. We currently have 511 paid subscribers with papers delivered weekly by carriers in the city limits and through the post office in rural areas. We sell approximately 350 each week on the newsstands in Osawatomie. Our total circulation in Osawatomie is 1,100 with the remaining papers going to Life Care, Vintage Park and Tri-Ko.


Jeff Gulley
Publisher

State of Kansas
County of Miami
9-2-10

1 Donna F. McCoy

DONNA F. MCCOY
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 1-2-12

511
+ 350

861 pd.

1100 circ.

September 2, 2010

RE: Verification for Osawatomie Journal

This letter serves as notice that the Osawatomie Journal has received a temporary permit mailing imprint account pending the approval of their second class periodical account. If you need any further verification feel free to contact me at 913-755-4626.

Sincerely,



Ed Shartz
Postmaster
404 5th
Osawatomie, Ks. 66064-9998
913-755-4626

August 26, 2010 – REVISED September 15, 2010 to include circulation and notary

Dear Bret,

Thank you for the opportunity to bid the city legal notices. For more decades than we can remember, our newspaper has been the official newspaper of Osawatomie. And for good reason. By circulation size, geographical location, dependability, cost and news emphasis, it is, and always has been, the logical choice.

Today, you are being asked to switch newspapers. In the space below we hope to show you why a change is not necessary.

Ideally, official city legal notices would be published in all qualified newspapers in the the city. But that has proven financially difficult for most in Kansas, so state law permits the selection of one “qualified” newspaper to best serve as that medium for legals.

Here is why we believe we are the best in Miami County:

- **Professionalism and Dependability.** A proven track record speaks for itself.
- **Continuity.** Over the years people have come to look for city legals in our newspaper. Switching around now confuses readers and cheats those who subscribe to the Graphic expecting to find them there.
- **Circulation.** We meet the Kansas State Statute requirements for circulation.
- **Commitment.** We have served the City of Osawatomie and its community for decades and we are here to stay.

We respectfully submit the bid below to be considered to maintain our position as the “Official City Newspaper”.

The 2010/2011 bid to publish official city documents/notices is **\$0.80 per single line.**

The Osawatomie Graphic total VERIFIED PAID circulation in Osawatomie is 778 copies per week.

The Osawatomie Graphic total VERIFIED PAID circulation in Miami County is 1,062 per week

You will notice a slight decrease in the rate that the city has been accustomed to. The reason for this decrease is simple: First, we are committed to the communities we serve and recognize the resent hardships. And second, these rates have not been reviewed/revised in more than 12 years. While we can not guarantee that there will not be increases in future years, it is notable to remind the city that the Osawatomie Graphic has not increased the city’s legal rate since 1998. A true testament to our commitment.

Respectfully,


Sandy Nelson





August 26, 2010

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- **Circulation.** We meet the Kansas State Statute requirements for circulation.
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Respectfully,



Sandy Nelson



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

August 13, 2010

Sandy Nelson
Miami Co. Newspapers - Osawatomie Graphic
121 S. Pearl St.
Paola, KS 66071

Dear Sandy,

In accordance with the City of Osawatomie purchasing policies and the Kansas Statutes Annotated (specifically 12-1651 et seq), the City of Osawatomie is seeking bids for its designated "Official City Newspaper". Respondents must meet each of the following criteria:

- 1.) Be published at least weekly 50 times each year and have been so published for at least one year prior to the publication of any official city publication;
- 2.) Be entered at the post office of publication as second-class mail matter;
- 3.) More than 50% of the circulation must be sold to the subscribers either on a daily, weekly, monthly, or yearly basis;
- 4.) Have general paid circulation on a daily, weekly, monthly, or yearly basis in the county and shall not be a trade, religious or fraternal publication.

The respondent shall communicate the PRICE PER LINE (the base rate) it will charge for publication of official city documents/notices as well as any policies it may have with regard to increases in the base rate in future years. SEALED bids shall be remitted to the Office of the City Clerk and shall be clearly marked as such. Bids shall be due no later than 10:00 a.m. on August 26, 2010, at which time the bids will be opened and read aloud. The bid opening is open to the public.

The Governing Body of the City is required by KSA 12-1651 to designate an official city publication by resolution of the body and such designation will remain in place until a new publication is designated. The City of Osawatomie reserves the right to reject any and/or all bids, or to waive any irregularities.

Sincerely,

Bret Glendening
City Manager
City of Osawatomie

RESOLUTION NO. _____

A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER
OF THE CITY OF OSAWATOMIE, KANSAS.

WHEREAS, K.S.A. 12-1651(a) requires the Governing Body to designate by resolution a newspaper to be the official city newspaper; and

WHEREAS, the Governing Body directed staff to conduct a bid process among the publications in Osawatomie.

WHEREAS, the Governing Body has determined following review of the bids submitted that the Osawatomie Graphic, Osawatomie, Kansas, should be designated as the official newspaper of the City of Osawatomie, Kansas.

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

SECTION ONE: The official newspaper of the City of Osawatomie, Kansas, is hereby designated to be the Osawatomie Graphic, Osawatomie, Kansas.

SECTION TWO: Any notice or publication required by law to be published within the official City newspaper of the City of Osawatomie, Kansas, shall have such notice or publication take effect by being published in the Osawatomie Graphic.

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

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 23rd day of September, 2010.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley, Mayor

(SEAL)

ATTEST:

Ann Elmquist, City Clerk

RESOLUTION NO. _____

A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER
OF THE CITY OF OSAWATOMIE, KANSAS.

WHEREAS, K.S.A. 12-1651(a) requires the Governing Body to designate by resolution a newspaper to be the official city newspaper; and

WHEREAS, the Governing Body directed staff to conduct a bid process among the publications in Osawatomie.

WHEREAS, the Governing Body has determined following review of the bids submitted that the Osawatomie Journal, Osawatomie, Kansas, should be designated as the official newspaper of the City of Osawatomie, Kansas.

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

SECTION ONE: The official newspaper of the City of Osawatomie, Kansas, is hereby designated to be the Osawatomie Journal, Osawatomie, Kansas.

SECTION TWO: Any notice or publication required by law to be published within the official City newspaper of the City of Osawatomie, Kansas, shall have such notice or publication take effect by being published in the Osawatomie Journal.

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

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 23rd day of September, 2010.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley, Mayor

(SEAL)

ATTEST:

Ann Elmquist, City Clerk