

**OSAWATOMIE CITY COUNCIL  
AGENDA**

September 8, 2011  
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 9, August 11, and August 25 Council Meetings
  - B. Approve September 8 Agenda
  - C. Appropriation Ordinances 11-15 & 11-16
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 Invoice(s) for Pacific, 14th, Brown Streets Project – Request No. 11
  - B. Ordinance Increasing the Tax Revenues for the 2012 Budget Year
  - C. Old Stone Church Roof
8. New Business
  - A. Appointments
  - B. Proclamation – National Rehabilitation Awareness Week
  - C. Resolution in Support of a National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11, 2001
  - D. Ordinance to Rezone Property at 500 E. Mill from R-2 (Two-Family Residential District) to C3 (Highway Commercial District)
  - E. Resolution Granting Easement to Ingress or Egress Property Located at 29621 W. 343<sup>rd</sup>
9. Council Reports
10. Mayor's Report
11. City Manager's Report
12. Executive Session
13. Adjournment

*SPECIAL MEETING – September 14, 2011*  
*MEETING/WORK SESSION – September 22, 2011*  
REGULAR MEETING – October 13, 2011

Osawatomie, Kansas, **August 9, 2011.** The Special Council meeting was held in the City Manager's Office. Mayor Dudley called the meeting to order at 7:00 p.m. The purpose of the meeting was executive session to discuss personnel matter of nonelected personnel (City Manager Contract Negotiations). Council members present were Dickinson, Farley, Govea, Hunter, LaDuex, and Moon. Absent were Klein and Maichel.

Motion made by Hunter, seconded by Moon at 7:01 to recess into executive session for personnel matter of nonelected personnel for a period of 30 minutes. Yeas: All. Meeting reconvened at 7:31 p.m. No action taken.

Motion made at 7:32 p.m. by Hunter, seconded by Govea to adjourn. Yeas: All.

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Ann Elmquist, City Clerk

Osawatomie, Kansas. **August 11, 2011.** 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, Farley, Govea, Hunter, Klein, LaDuex, Maichel, and Moon. Also present were City Interim Jordan, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Web Hawkins, Grady Atwater, Terry Upshaw, Robert Kerr, Cindy Govea, Ryan Crowley, Danny Govea, Ed Bridges, Patrica Freeman, Travis Perry, and Jeff Gulley.

CONSENT AGENDA. Approval of the Minutes of June 9 and June 23 City Council Meetings and July 14, July 21, July 27, July 28, July 29, August 1, August 2, and August 3 Council Meetings, approval of August 11 Agenda, and approval of Appropriation Ordinances 11-13 & 11-14. Motion made by Hunter, seconded by Moon to approve August 11 Agenda and approve Appropriation Ordinances 11-13 & 11-14. Yeas: All. Motion made by Maichel, seconded by Dickinson to approve the Minutes of June 9 and June 23 City Council Meetings and July 14, July 21, July 27, July 28, July 29, August 1, August 2, and August 3 Council Meetings. Yeas: All.

Public Participation; Presentations:

Ed Bridges, 714 Brown, at one time served as the City's Codes Officer. He strongly approves the rental guidelines.

Public Hearing: none

Unfinished Business:

APPROVE INVOICE(S) FOR PACIFIC, 14TH, BROWN STREETS PROJECT – REQUEST No. 10. Motion made by Hunter, seconded by Govea to approve Pay Request No. 10. Yeas: All.

TECHNICAL/FACILITY REVIEW OF THE ELECTRIC UTILITY. The City Manager and staff were directed to work with KCPL to get details regarding the cost and options for either 34.5-kV or 161-kV connection. It will be presented to the Council for the development of a project plan. Maichel and Moon will be included.

2012 BUDGET. No comments.

New Business:

APPOINTMENTS. Motion made by Hunter, seconded by Moon to approve the appointment of DuWayne Tewes to the Library Advisory Board. Motion withdrawn by Hunter and Moon. Motion made by Hunter, seconded by Moon to table. Yeas: All.

APPROVE AUTOMATED CONTROL SYSTEM FOR SEWER PLANT. Motion made by Hunter, seconded by Govea to approve the purchase of the automated control system for \$25,450. Yeas: All.

Council Reports:

Maichel: At the next meeting would like to discuss occasionally relocating the work session meetings to the nursing home and also the assisted living facility occasionally.

Klein: Main Street needs to be addressed.

Hunter: The Freedom Festival is September 17 and 18. Economic Development Committee is working on the concept of marketing.

Moon: Had a request for crosswalk in front of Dollar General at 641 Main. He has talked to the Police Chief. Chamber of Commerce is still moving forward with the Shop Local campaign. The family fun day at the Golf Course was not well attended. Several promotional activities have been put in place trying to increase the number of rounds at the Golf Course. Pool Fun Day at the pool is this Sunday.

Govea: The Recreation Commission is recommending no smoking and no dogs at the Sports Complex. There is concern about the liability of dog bites.

LaDuex: The plans for the addition to the Library were approved by the Library Advisory Board.

Mayor's Report:

Discussed replacing the tables and chairs in Memorial Hall.

City Manager's Report:

Old Stone Church roof. Needs to be replaced to maintain the integrity of the structure. Working on funding the approximate \$9,500 cost.

EXECUTIVE SESSION – PERSONNEL MATTER OF NONELECTED PERSONNEL (City Manager Contract Negotiation). Motion made by Hunter, seconded by Moon at 7:48 p.m. to recess into executive session for personnel matter of nonelected personnel for a period of 10 minutes. Yeas: All. The City Attorney was present. Meeting reconvened at 8:03 p.m. Motion made by Moon, seconded Govea to accept the contract employment agreement with Don Cawby. Yeas: All.

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

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Ann Elmquist, City Clerk

Osawatome, Kansas. **August 25, 2011.** 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, Farley, Govea, Hunter, LaDuex, Maichel, and Moon. Absent was Klein. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Robert Kerr, Cindy Govea, Danny Govea, Grady Atwater, DJ Needham, Shelagh Wright, Diana Wright, Jackie Needham, Jamie Dees, Tamara Farris, Stacy Hazlett, Bart & Lina Needham, Kenneth Diehm, Bob & Marilyn Cook, Nancy Crowley, Doug Jones, Jessica Jones, Mike & Julie Packard, Cindy Schwalm, Tanner Schwalm, Drew Needham, Joshua Criddle, Richard Alonzo III, Cody Applegarth, Chad Jones, Dan Macek, Webster Hawkins, Mark Marquez, Travis Perry, and Jeff Gulley.

2011 BUDGET HEARING. The Mayor opened the hearing at 7:01 p.m.

Klein arrived at 7:01 p.m.

There were no comments from the public. The hearing was closed at 7:01 p.m.

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Ann Elmquist, City Clerk

Osawatome, Kansas. **August 25, 2011.** 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, Govea, Hunter, Klein, LaDuex, Maichel, and Moon. Also present were City Manager Cawby, City Attorney Wetzler, and City Clerk Elmquist. Visitors were Robert Kerr, Cindy Govea, Danny Govea, Grady Atwater, DJ Needham, Shelagh Wright, Diana Wright, Jackie Needham, Jamie Dees, Tamara Farris, Stacy Hazlett, Bart & Lina Needham, Kenneth Diehm, Bob & Marilyn Cook, Nancy Crowley, Doug Jones, Jessica Jones, Mike & Julie Packard, Cindy Schwalm, Tanner Schwalm, Drew Needham, Joshua Criddle, Richard Alonzo III, Cody Applegarth, Chad Jones, Dan Macek, Webster Hawkins, Mark Marquez, Travis Perry, and Jeff Gulley.

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

ADOPTION OF 2012 BUDGET. Motion made by Moon, seconded by Maichel to adopt the budget as published. There was discussion about the golf course. Maichel called the question. Yeas: Dickinson, Govea, Hunter, LaDuex, Maichel, and Moon. Nays: Farley and Klein. Vote on motion to adopt the budget as published. Yeas: Dickinson, Govea, Hunter, LaDuex, Maichel, and Moon. Nays: Farley and Klein. The 2012 budget was adopted.

NO-SMOKING POLICY AT SPORTS COMPLEX. There also is a problem with dogs at the Sports Complex. The City Manager was directed to proceed with an ordinance in accordance with the recommendations of the Recreation Commission.

City Manager Updates:

Pacific, 14th, Brown Streets Project. The storm sewer is finished. The target is to start asphaltting mid-September. Will be releasing the \$300,000 to \$400,000 in loan authority from USDA-Rural Development since the City will not be exercising the option of \$400,000 for Brown from 16<sup>th</sup> to 18<sup>th</sup>. This fall City staff will do major cut-outs of the problem areas on 15<sup>th</sup> Street and Slayman Drive.

Sewer Plant. City staff has been working hard at the sewer plant to drain the settling basin so they can change out the diffusers.

Chip Seal. The County chip and sealed High Drive and 341<sup>st</sup> Street at a cost of approximately \$3,400. Decided not to do Main Street because it is past the stage where sealing would help.

Old Stone Church Roof. At the September 8 Council meeting will have bids for replacement of the roof.

Library. Needs to work with the architect and City staff to determine how much work and money it will take for on-site and off-site utility and paving work that the City will have to pick up.

Audit. Made the decision to not bid out the audit for this coming year. The changeover is a time consuming process and would like to get a year's worth of budget and finance under his belt.

Lake Improvements. The Rotary Club is interested in putting in a swimming and recreation area at the City Lake. They have started work on the plans.

Planning & Zoning Regulation Review. With the County implementing the changes to the governance of the growth area, the planning and zoning regulations need to be reviewed and cleaned up. Good time to include things asked for by the Council.

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

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Ann Elmquist, City Clerk

# Record of Ordinances

ORDINANCE NO. 11-15

DATE WARRANTS ISSUED:  
August 31, 2011

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 08/12/11			92,177.91
Payroll 08/26/11			94,439.34
FICA 08/12/11			6,731.15
FICA 08/26/11			6,903.96
KPERS			12,518.17
Crawford Sales	Budweiser	38097	217.45
Pepsi Cola	Pepsi	38098	205.19
MARC	dues	38212	1,052.00
Suddenlink	internet	38213	250.75
City of Osawatomie	petty cash reimbursement	1261	7,782.79
Crawford Sales	Budweiser	38214	80.90
Midwest Distributors	Miller	38215	86.40
Ace Pest Control LLC	pest control	38216	475.00
Bradley A/C & Heating	repaired AC	38217	96.44
City of Osawatomie	utilities	38218	9,726.28
Coventry`	health insurance	38219	28,402.19
Delta Dental	dental insurance	38220	3,493.80
Kansas City Wilbert Vault	grave openings	38221	3,350.00
KDHE - Bureau of Water	wastewater certification	38222	20.00
Landmark Inn	lodging - CM interviews	38223	105.90
Ricoh Americas Corporation	copies	38224	390.54
University Enterprises	operation manual	38225	110.00
Mike Weaver	mowing Library - July	38226	25.00
AT&T	RTU's	38227	221.24
Beachner Grain, Inc.	pesticides, cat food	38228	74.48
Electronically Speaking	supplies	38229	15.28
Kansas Gas Service	power plant	38230	26.73
KMEA EMP1	electricity, transmission	38231	103,221.11
L & K Services, Inc.	refuse	38232	31,029.19
Landmark National Bank	golf cart loan	38233	2,178.24
Miami County Internet OnRamp	internet	38234	19.95
Suddenlink	internet	38235	79.15
Visa	books, supplies	38236	376.15
Crawford Sales	Budweiser	38237	450.20
Midwest Distributors	Miller	38238	450.14
Pepsi Cola	Pepsi	38239	361.42
The Home Depot	fence	38240	2,146.00
Elliott Insurance Inc.	notary bond, audit	38241	3,197.00
JCI Industries, Inc.	install actuator	38242	5,825.00
Kansas Dept of Revenue	sales tax	38243	11,444.71



# Record of Ordinances

ORDINANCE NO. 11-16

DATE WARRANTS ISSUED:  
September 8, 2011

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
Altec Parts	tester, ratchet	38266	3,546.94
American Safety Utility Corp.	rain jackets, snaphook	38267	512.83
Analytical Services, Inc.	analytical service	38268	468.84
Asphalt Sales Company, Inc.	asphalt	38269	170.78
Atco International	sealer	38270	262.80
Auten Pharmacy	hand sanitizer	38271	5.58
Baker & Taylor	books	38272	795.71
BG Consultants, Inc.	Library parking lot, st. improvements	38273	4,323.29
Board of Police Commissioners	alert system user charges	38274	14.95
Bradley A/C & Heating	parts	38275	14.16
Brenntag Mid-South, Inc.	chemicals	38276	3,311.64
Brewer's Automotive Repair	battery, tires, towing	38277	533.07
C & G Merchants Supply, Inc.	paper goods, chips, snacks	38278	271.32
Certifion Corp.	entersect police online	38279	79.00
Champion Brands	oil, supplies	38280	458.55
Coleman Equipment, Inc.	parts	38281	408.53
Comet Industrial Products	coolant, belts, hoses	38282	1,010.72
Correct Care Solutions, LLC	inmate medical care	38283	131.92
CPI Tools	drill cord	38284	32.40
Crash Technology Group	e-mail filtering, support	38285	654.00
Demco	office supplies	38286	108.51
Employee Screening Services	drug screen	38287	43.60
Environmental Laboratories, Inc.	analytical service	38288	217.00
Evco	gatorade	38289	539.75
Family Center	supplies	38291	999.94
Farwest Line Specialties	bolt cutters, fall protection system	38292	604.04
Void		38294	-
Fastenal Company	bolts	38293	52.15
Richard M. Fisher, Jr. LLC	court appointed attorney	38295	1,125.00
Gerken Rental	portable restrooms, verticuter	38296	561.30
Goodyear Wholesale Tire Centers	tires	38297	540.96
Grainger	motor, parts	38298	537.14
Grass Pad Warehouse	bluegrass	38299	18.32
Graybar	electrical line supplies	38300	707.36
Hach Company	ammonia	38301	410.83
HD Supply Waterworks	water meter, pit	38302	299.33
Helena Chemical Co.	root killer	38303	100.00
Heritage Tractor, Inc.	o-ring, parts	38304	7.19
Holliday Sand & Gravel Company	sand	38305	140.71
Integrity Management Solutions, LLC	database license, barcode scanner	38306	2,050.00



## Record of Ordinances

DATE WARRANTS ISSUED:  
September 8, 2011

Page No. 2

CLAIMANT	NATURE OF CLAIM OR SERVICE	CLAIM NUMBER	AMOUNT
Intoximeters	intoximeters	38307	435.95
ITT Water & Wastewater	tubing, clamps	38308	182.57
John Deere Landscapes	fescue	38309	1,077.19
Jordan Consulting, LLC	Interim City Manager	38310	3,750.00
Kansas Dept of Health & Environment	wastewater permits	38311	245.00
Killough Construction, Inc.	asphalt	38312	3,827.48
Kriz-Davis Co.	wire, supplies	38313	3,990.46
Kustom Signals, Inc.	replaced speaker	38314	212.09
Laborchex	City Manager background check	38315	223.00
Language Line	interpreter	38316	17.55
Laser Impressions, Inc.	engraved book spines	38317	786.42
League of Kansas Municipalities	ads, books	38318	4,289.83
Logan Contractors Supply, Inc.	marking paint	38319	46.68
Louisburg Ford Sales, Inc.	replaced compressor, parts	38320	370.78
Martin, Pringle Attorneys	City Attorney	38321	6,178.68
Miami Co. Highway Dept.	oil, salt	38322	5,937.40
Miami County Sheriff's Office	prisoner care	38323	1,480.00
Mid-States Energy Works, Inc.	installed voltage regulator	38324	1,896.91
Midwest Tow, Inc.	towed bucket truck	38325	290.00
Void		38326	-
Void		38327	-
Void		38328	-
Void		38329	-
Moon's IGA	supplies	38330	1,060.37
Navrat's	copy paper	38331	850.00
NEKLS	patron library cards	38332	260.00
Void		38333	-
Void		38334	-
Nicholson Law Office, LC	court appointed attorney	38335	740.00
O'Reilly Auto Parts	belts, hammer	38336	24.57
Oil Patch Pump & Supply, Inc.	fittings	38337	45.84
Olathe Winwater Works	saddles, valve box, riser	38338	604.00
OMB's Express Police Supply	tactical pants, supply	38339	272.35
The Osawatomie Journal	treasurers report	38340	95.00
Osawatomie Pet Clinic	supplies	38341	85.50
Paola Hardware	adapter, bushing	38342	18.70
Penworthy	books	38343	409.65
Quill	office supplies	38344	330.92
RMI Golf Carts	golf cart rental	38345	1,840.00
Reeves-Wiedeman Company	tees, bushing	38346	28.58
G.S. Robins	hypochlorite	38347	4,176.00
Rural Water Dist. #3	ETI water	38348	16.50
Sawvel and Associates, Inc.	consulting services	38349	1,168.00
Sensus	system support	38350	1,576.15
AFS Architecture	Library addition	38351	8,007.02





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

**PACIFIC, 14TH, BROWN STREETS PROJECT**  
**CDBG GRANT # 10-PF-045**  
**PAYMENT REQUEST**  
**September 8, 2011**  
**Payment Request No. 11**

<b>Claimant</b>	<b>Description</b>	<b>Document Number</b>	<b>Amount</b>
Governmental Assistance Services 905 Joseph Drive Lawrence, KS 66049	administration	8/31/11	\$ 2,529.60
BG Consultants 4806 Vue Du Lac Place Manhattan, KS 66503	design services	8/14/11	\$ 1,137.00
BG Consultants 4806 Vue Du Lac Place Manhattan, KS 66503	inspector	8/14/11	\$ 2,496.79
BG Consultants 4806 Vue Du Lac Place Manhattan, KS 66503	correction to Pay Request #5	2/14/11	\$ (2,375.00) \$ 3,259.50
	TOTAL		\$ 7,047.89

Approved by the Osawatomie City Council this 8th day of September, 2011 contingent upon approval by the funding agencies.

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Philip A. Dudley, Mayor



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

**PACIFIC, 14TH, BROWN STREETS PROJECT**  
**CDBG GRANT # 10-PF-045**  
**PAYMENT REQUESTS — PROJECT-TO-DATE**  
**September 8, 2011**

Claimant	Description	#4 (2/10/11)		#5 (3/10/11)		#10 (8/11/11)		#11 (9/8/11)		To-Date TOTALS
		Document Number	Amount	Document Number	Amount	Document Number	Amount	Document Number	Amount	
GAS	administration	1/13/11	\$1,083.02	2/1-3/10	\$1,252.40	7/18/11	\$ 1,246.20	8/31/11	\$ 2,529.60	\$ 10,826.32
BG Consultants	engineering design	1/14/11	\$2,375.00	2/14/11	\$2,375.00	7/14/11	\$ 184.50	8/14/11	\$ 1,137.00 \$ (2,375.00) \$ 3,259.50	\$ 25,402.50
	inspection					7/14/11	\$ 1,189.06	8/14/11	\$ 2,496.79	\$ 4,910.25
	survey work									\$ 1,960.50
	easement descriptions	1/14/11	\$2,075.00							\$ 5,830.75
	design/easement change									\$ -
Orr Wyatt Construction	construction					App #1	\$165,075.84			\$ 273,815.64
						App #2	\$108,739.80			
	<b>TOTALS</b>	—	\$5,533.02	—	\$3,627.40	—	\$276,435.40	—	\$ 7,047.89	\$ 322,745.96



## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** September 8, 2011

**AGENDA ITEM:** 2012 Budget Ordinance

**PRESENTER:** Don Cawby, City Manager

**ISSUE SUMMARY:** K.S.A. 79-2925b requires all taxing subdivisions (except community colleges and school districts) to adopt a resolution or ordinance if they approve an appropriation or budget which is funded by revenue from property taxes that are higher than the preceding year. The computation to determine the maximum dollar amount of tax levy adjusts the previous year's levy by excluding the following: new improvements to real property, increased personal property valuation (not including oil and gas leaseholds and mobile homes), property resulting from newly annexed territory, property which changed in use, and any debt service levy.

This calculation is essentially the old "cap" that was placed on cities in the seventies and eighties, but was removed in the nineties by the Kansas Legislature. As a compromise, the requirement to calculate the cap was left in place, requiring cities to adopt ordinance to take a second official action to adopt a levy in excess of the previous year.

This ordinance is normally adopted with the annual budget but I failed to get it on the agenda at the last meeting. The County Clerk and the State both require this to be submitted with our official budget documents.

**COUNCIL ACTION NEEDED:** Vote to adopt the ordinance.

**STAFF RECOMMENDATION TO COUNCIL:** Adoption of the ordinance as it is in accordance with the budget which was approved at the last Council Meeting.

(Published in the Osawatomie Graphic, September 14, 2011) 1t

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ATTESTING TO AN INCREASE IN TAX REVENUES FOR BUDGET YEAR 2012 FOR THE CITY OF OSAWATOMIE.**

WHEREAS, the City of Osawatomie must continue to provide services to protect the health, safety, and welfare of the citizens of this community; and

WHEREAS, the cost of providing essential services to the citizens of this city continues to increase.

WHEREAS, the City experienced its largest decrease, a \$874,365 drop from the 2010 valuation to the 2011 valuation, which is equal to 3.7 percent for one year; and

NOW THEREFORE, be it ordained by the Governing Body of the City of Osawatomie:

SECTION ONE: In accordance with state law, the City of Osawatomie has scheduled a public hearing and has prepared the proposed budget necessary to fund city services from January 1, 2012 until December 31, 2012.

SECTION TWO: After careful public deliberations, the Governing Body has determined that in order to maintain the public services which are essential for the citizens of this city, it will be necessary to budget property tax revenues in an amount exceeding the levy in the 2011 budget.

SECTION THREE: This ordinance shall take effect after publication once in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 8th day of September, 2011.

APPROVED AND SIGNED by the Mayor.

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Philip A. Dudley, Mayor

(SEAL)

ATTEST:

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Ann Elmquist, City Clerk



**STAFF AGENDA MEMORANDUM**

**DATE OF MEETING:** September 8, 2011

**AGENDA ITEM:** Replace Shingles on Old Stone Church

**PRESENTER:** Don Cawby, City Manager

**ISSUE SUMMARY:** A few weeks ago water damage was noticed on the ceiling of the Old Stone Church. After a cursory inspection of the roof, it was noticed that shingles were missing or damaged. It was also learned that the roof was about 20 years old.

Because we believed bids may be under \$10,000 for the project, we solicited at least three bids for the project. The bids were for wood shingles and we asked for bids to include fire treated shingles. The companies solicited and their bids were as follows:

<u>Company</u>	<u>Location</u>	<u>Bid (Fire Treated)</u>
C&M Construction	Lane	DNB
Cedarside Roofing	Louisburg	\$ 12,620.00
Mike King Construction	Lane	DNB
Keaton Roofing	Paola	\$ 16,682.78
Complete Home Remodeling	Osawatomie	DNB
Danny Sullivan		DNB
Sam Inscore Construction	Osawatomie	\$ 13,320.00

Since the project came in over \$10,000, the Council can either award the bid or direct city staff to go back out to bid on a sealed bid basis.

**COUNCIL ACTION NEEDED:** Award the bid.

**STAFF RECOMMENDATION TO COUNCIL:** Award the bid to Cedarside Roofing, subject to acceptance of bid specifications and timeline by the City Manager. Authorize the City Manager to award the bid to the next lowest bidder should the company not be able to meet the established specifications and timeline.

NEW BUSINESS

8.A. Appointments

League of KS Municipalities

2 delegates  
2 alternates

KMEA Board of Directors

Director #1

New City Manager





## ***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 18 through September 24, 2011 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 8th day of September, 2011.

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Philip A. Dudley, Mayor

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF OSAWATOMIE IN  
SUPPORT OF A NATIONAL MOMENT OF REMEMBRANCE  
OF THE 10<sup>TH</sup> ANNIVERSARY OF SEPTEMBER 11, 2001**

WHEREAS, The Osawatomie Governing Body wishes to express its support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 12:00pm CST (noon) on September 11, 2011, in honor of the 10<sup>th</sup> anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, ten years after September 11, 2001 the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day and September 11 will never, and should never, be just another day in the hearts and minds of all the people of the United States, and

WHEREAS, the Osawatomie Governing Body wishes to recognize September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and offer its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and honor the heroic service, actions, and sacrifices of first responders, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and recognize the valiant service, actions, and sacrifices of the United States Armed Forces and their families, who have given so much, including their lives and well being, to support the cause of freedom and defend the security of the United States, and

WHEREAS, The Osawatomie Governing Body wishes to call upon all of the people and institutions of Osawatomie to observe a moment of remembrance on September 11, 2011 including media outlets, houses of worship, veterans organizations, sports teams, local governments, police, fire, educational institutions, businesses and other public and private institutions to observe a moment of remembrance to last for 1 minute beginning at 12:00 a.m. (noon) to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens, and

WHEREAS, The Osawatomie Governing Body will sound the Outdoor warning sirens for a short blast in the city at 12:00pm (noon), September 11, 2011 and will lower all flags at city owned buildings to half staff for the day; and

WHEREAS, the Osawatomie Governing Body asks citizens to join them and appropriately display their American Flag on September 11, 2011.

**NOW THEREFORE, BE IT RESOLVED by the Governing Body of the City of Osawatomie, Kansas, that September 11, 2011 at 12:00 a.m. is hereby declared to be a Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11, 2001.**

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 13th day of May, 2010, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

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Philip A. Dudley  
Mayor

(SEAL)

ATTEST:

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Ann Elmquist  
City Clerk



## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** September 8, 2011

**AGENDA ITEM:** Rezoning of 500 E Mill Street

**PRESENTER:** Don Cawby, City Manager

**ISSUE SUMMARY:** Penwell-Gabell Funeral Home has applied for the rezoning of 500 E Mill in order to place a structure for services and business. The zoning is currently R-2 Two-Family Residential and would be changed to C-3 Highway Commercial.

A public hearing was held by the Planning Commission on August 24<sup>th</sup> and no one appeared in opposition to the application. The Planning Commission voted 8-0 to recommend approval of the rezoning application.

**COUNCIL ACTION NEEDED:** Vote to approve or override the recommendation, or return to the Planning Commission for further consideration.

**STAFF RECOMMENDATION TO COUNCIL:** Approve the recommendation of the Planning Commission to rezone the property know as 500 E Mill.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE PROVIDING FOR THE REZONING OF CERTAIN PROPERTY IN THE CITY OF OSAWATOMIE, KANSAS FROM R-2 (TWO-FAMILY RESIDENTIAL) TO C-3 (HIGHWAY COMMERCIAL); AMENDING THE ZONING MAP INCORPORATED BY REFERENCE IN ORDINANCE NO. 3647, AND AMENDMENTS THERETO.

WHEREAS: after due and lawful notice, the Osawatomie Planning Commission on August 24, 2011 held a public hearing, and recommended approval of the request to rezone from R-2 (Two-Family Residential) to C-3 (Highway Commercial); and

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

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

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

Beginning at the Southwest corner of the Northwest Quarter of Section 12, Township 18 South, Range 22 East, of the Sixth Principal Meridian, thence North 01 degrees 37 minutes 00 seconds West for a distance of 204.77 feet along the West line of said Quarter Section, thence North 88 degrees 23 minutes 00 seconds East for a distance of 138.12 feet to a point on the West right of way line of Highway 169, thence South 02 degrees 25 minutes 37 seconds West for a distance of 205.59 feet along said Highway right of way, thence South 88 degrees 31 minutes 36 seconds West for a distance of 123.62 feet along the South line of said Quarter Section to the point of beginning, In the City of Osawatomie, Miami County, Kansas.

Commonly known as 500 E Mill Street, is hereby changed from R-2 (Two-Family Residential) to C-3 (Highway Commercial).

SECTION TWO: That the Zoning Map adopted by Ordinance No. 3647 is hereby amended to reflect the rezoning, as set forth in Section One.

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

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, a majority being in favor thereof, this 8<sup>th</sup> day of September, 2011.

APPROVED and signed by the Mayor.

---

Philip A. Dudley  
Mayor

(SEAL)

ATTEST:

---

Ann Elmquist  
City Clerk

### Building Permit Activity for the Month of August 2011

Category	Total Permits	Total Value	Revenue received by City G.F.
New Single Family Dwellings	1	\$76,000.00	\$694.66
Re-roofs	2	\$3,900.00	\$60.00
Remodels	5	\$21,700.00	\$763.83
Accessory Buildings	4	\$90,4000	\$707.43
Concrete	2	\$2,000.00	0
Mechanical	6	\$7,200.00	\$200.00
Repairs	1	\$3,300.00	0
Decks & Porches	3	\$1,900.00	\$90.00
Additions	0	0	0
Com. Buildings	0	0	0
Demolishing	2	0	\$60.00
Fences	1	\$5,125.00	0
Plumbing	9	\$3,525.00	\$290.00
Electrical	5	\$2,350.00	\$240.00
Ag. Buildings	0	0	0
Penalties	1	\$60.00	\$60.00
Plan Review	3	\$200.00	\$200.00
Zoning	1	\$200.00	\$200.00
Totals	46	\$217,860.00	\$3,565.92
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

NEW BUSINESS

8.A. Appointments

Library Advisory Board	Tammy Walmann's position Application(s) received: DuWayne Tewes
League of KS Municipalities	2 delegates 2 alternates
KMEA Board of Directors	Director #1      New City Manager





## STAFF AGENDA MEMORANDUM

**DATE OF MEETING:** September 8, 2011

**AGENDA ITEM:** Driveway Easement at 29621 W. 343rd

**PRESENTER:** Don Cawby, City Manager

**ISSUE SUMMARY:** The owner of 29621 W. 343rd has requested an easement for the driveway access to the property adjacent to the Northland area (see map). The property is landlocked from the road and access to the property can only be granted through our property or adjacent private property. The driveway has existed for years when the State Hospital owned the land, but an easement was never granted. The property owner is now selling the land and has a contract pending contingent on the City granting the easement.

Included is a map of the property with the proposed driveway easement marked in red.

**COUNCIL ACTION NEEDED:** Vote on the proposed resolution.

**STAFF RECOMMENDATION TO COUNCIL:** Approve the resolution granting the driveway easement, subject to any further information and findings by the City Attorney.

**City of Osawatomie  
Public Service Application**

Date: 8/20/11

Name: DuWayne Tewes

Address: 224 Brown ave

Home/Cell #: 913-636-6949 Work #: 913-755-2101

Are you a registered voter?  Yes  No

Place of employment: City of Osawatomie

Position: Police Lieutenant / Fire Chief

Brief description of job duties / responsibilities: Enforce laws + Assist Public, Supervisor.  
As Fire Chief - direct department activities

Spouse's place of employment (optional): Lake Mary Center

Position (optional): Human Resources

Committee, Board, Commission or Task Force (Please check one):

- |                                                         |                                                           |
|---------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Economic Development Committee | <input type="checkbox"/> Public Safety Advisory Committee |
| <input checked="" type="checkbox"/> Library Board       | <input type="checkbox"/> Recreation Commission            |
| <input type="checkbox"/> Old Stone Church Committee     | <input type="checkbox"/> Tourism Committee                |
| <input type="checkbox"/> Parks Board                    | <input type="checkbox"/> Zoning Appeals Board             |
| <input type="checkbox"/> Planning Commission            | <input type="checkbox"/> Public Housing Authority         |
| <input type="checkbox"/> Other:                         |                                                           |

Have you served on any other Osawatomie Board or Commission? NO

If so, please indicate board or commission and experience: \_\_\_\_\_

Have you read attached Resolution No. 299?  Yes  No

**FOR OFFICE USE ONLY**

Appointed by Mayor \_\_\_\_\_ Date of Confirmation \_\_\_\_\_

Term Expires \_\_\_\_\_ Appointed to: \_\_\_\_\_

# Driveway Easement for 29621 W. 343<sup>rd</sup> Street





## MEMORANDUM

**To:** Mayor and City Council  
**From:** Don Cawby, City Manager  
**Re:** **Projects & Issues Update**  
**Date:** September 8, 2011

### Projects

**Brown & Pacific.** The project is proceeding as planned. They are close to finishing the tear-out of the last two blocks of Brown and sidewalks are moving along at a good pace. Steve Coffelt tells us that the contractors have freed up a couple more concrete guys from another project and they will now be working on ours, so it should speed up considerably.

On August 24<sup>th</sup>, Donna Crawford, our CDBG Administrator met with the Dept. of Commerce Field Representative on this project and we got a clean bill of health. Our financial records were accurate and we are meeting all the requirements. We were reminded that we will need to conduct a final public hearing on the project to review grant performance prior to the closing of the project.

**Sewer Plant.** The diffusers have been replaced at the plant and the basin is up and running. We had a couple of problems with alarms and the computer running accurately for a few days afterwards, but Dennis and Bruce have kept an eye on it and we are hoping it holds on until the new parts get here at the end of the month.

**Street Work.** The city crews are milling out the bad spots on Brown from 7<sup>th</sup> Street to 12<sup>th</sup> Street. While the whole street could be classified as bad, Steve has managed to find the worst of the worst and we are using our asphalt grinder to cut out what we can and patch back in. This is merely a band-aid to keep it passable and it will be far from perfect. Unfortunately, it will make the rest of the "good" part seem much worse.

**Railroad Sill at the Levy.** Right when I started Union Pacific sent in a crew over that weekend to pour the sill for the railroad at the south stop log gap on the levy. It wasn't done evenly and Steve Coffelt followed up with them and they came back and re-poured the sill last week. This time it looks good.

**Library Expansion.** I met with members of the Library Board, their architect and the consulting firm writing the grant for the library expansion. We are hoping to use our commitment to the parking lot in order increase the match for the project, which should improve its chances of getting picked. I did note that there will likely be some on-site and off-site expenses related to the project such as electrical relocation, alley improvements and a possible sewer line relocation. The identification of those expenses is still on our radar for this fall.

## Issues

**Lake Improvements.** I visited the property with Councilman Govea to get a better idea on the plan for a swimming and recreation area. As this moves along, I will work with the Rotary to make sure this is something that is zero to minimal maintenance and will fit into our project schedule. One thing I noticed is that the shelter house needs some attention. I will work with staff to get a couple of things fixed out there.

I am also investigating what actions, if any, are required from a water quality standpoint to allow recreational use of the City Lake. The lake is already classified for recreational use from KDHE's perspective, but I am not sure what testing of the water occurs since it is not an active water source for our City.

**Trees.** Several tree issues have come up so I wanted to address them all as a group. First, I plan on removing the dead Cedar in front of City Hall as soon as I can find a suitable replacement or alternate plan for the front entrance area.

Second, some of the trees by the railroad have bagworms. This summer's heat hasn't helped either. Staff sprayed the trees before I got here; however, spraying is usually only effective in the spring. We will plan to spray them this spring and I hope to find a group to adopt them to help pick off bag worms and burn them this fall.

Third, there are several struggling trees out at the cemetery, but there are three young pin oaks that are dead. As I understand it these trees were planted in early June when the temperature got up to 95. That is a rough time to plant trees anyway, but the excessive heat gave them no chance to survive this summer. We are going to remove those trees and work with the individual to see if they can find replacements for them. Fall is the best time to plant so we will probably time all of these so that they occur in early October.

**Recycling.** We had a meeting with L&K last week on the recycling plan and we got quite a bit of coverage in the local papers. Attached to this report is the website FAQs from L&K's website. We will make sure to keep our website up-to-date to improve public awareness. We also have the smaller and larger bins in City Hall for the public to see.

The bigger issue with the recycling change will be the yard waste and forestry dump. City staff is working on gates so we can control access to this area. On Monday morning in our department head meeting we will discuss signage, making the area customer friendly and how to deal with issues that come up.

My major concern is illegal dumping at the site and the potential problems that could cause for our KDHE burn permit. If we get caught, through no fault of our own, with illegal materials out at that site KDHE could pull our permit. This has been a problem in other communities and one that would cost us a bunch of money if we could no longer burn. If we begin experiencing these kinds of problems we will most likely have to look at the additional service for yard waste pickup which would increase residential bills by \$2 to \$3 per month.

**De-annexation Request.** Mr. Carl Sarica of 36530 Plum Creek Road has requested that his property be de-annexed from the City. It appears that the property was brought into the City as part of an island annexation in 1997 (Ordinance 3430) to allow the city manager's residence to be in the city limits. The city does not provide any services to the site, but it has since been connected to the city through the annexation of the US-169 corridor. I will work with the City Attorney to investigate the de-annexation process and what paths we should consider for this process as it relates to the neighboring land owners.

**Ward Realignment.** I managed to find some block maps online from the census information but the data is in a format I can't convert. This is the information I need to begin working on ward distributions. The Legislative Redistricting Committee has been out on the road for the last couple of weeks, so I hope to make contact with one of them in the next two weeks to see if we can get some of their information in a spreadsheet format.

**Christmas Festival.** Grady Atwater, Shelagh Wright and I met last week to "reinvent" the Christmas Festival. We have decided to move it up a week, to the Saturday before Thanksgiving, because of the lack of past attendance and the conflict with people travelling over the long Thanksgiving weekend, Black Friday, and so many other Christmas kick-off activities in the metro area. We are still putting together plans and hope to create an event which is familiar, but also has some new twists.

**Recognition**

Steve Coffelt "rocked the house" at the Paola Roots Festival two weekends ago while playing with the Blue Moon All-Stars. We are proud to have such a talented blues man as part of our City team.

**Upcoming Meetings**

- Sept 14            Joint Recreation Commission/City Council Meeting (7:00 at Memorial Hall)
- Sept 22            Council Meeting
- Oct 8-11          LKM Annual Meeting in Wichita

**Manager's Out-of-town Schedule**

- Oct 8-11          LKM Annual Meeting in Wichita