



OSAWATOMIE CITY COUNCIL
AGENDA

September 22, 2022

6:30 p.m. | Memorial Hall | 411 11th Street

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Invocation
5. 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. September 22, 2022 Agenda
 - B. September 8, 2022 Meeting Minutes
 - C. Pay Application(s)
 - 20-1414L – Wastewater Treatment Plant Improvements - \$13,466.00
 - 22-1022L – Mill & Overlay Support - \$2,254.50
 - 22-1194L – Water Treatment Plant Design - \$70,055.70
 - 22-1195L – Water Distribution Design - \$46,035.00
 - 22-1307L – Northland Sewer Assessment - \$1,500.00
 - 22-1139L – Pave the Way Design Services - \$53,235.00
 - D. Special Event Permit(s)
 - Border War BBQ
 - Turkey Trot
6. Comments from the Public
 - Citizen participation will be limited to 5 minutes. Stand & be recognized by the Mayor.*
7. Public Hearing
8. Presentations, Proclamations, and Appointments
9. Unfinished Business
10. New Business
 - A. Resolution 1050 – Accepting Dept. of Energy Annual Report and Directing the Filing Thereof
 - B. Resolution 1051 – Amending the Personnel Policies to Codify the Juneteenth Holiday in lieu of the Floating Holiday
 - C. Resolution 1052 – Authorization to Execute KDHE SRF Loan Paperwork
11. Executive Session – Non-Elected Personnel in Accordance with K.S.A. 75-4319(b)(1)
12. Executive Session – Non-Elected Personnel in Accordance with K.S.A. 75-4319(b)(1)
13. Council Report
14. Mayor's Report
15. City Manager & Staff Report
16. Adjourn

NEXT REGULAR MEETING – October 13, 2022

Osawatomie, Kansas. **September 8, 2022.** The Council Meeting was held at Memorial Hall located at 411 11th Street. Mayor Nick Hampson called the meeting to order at 6:30 p.m. Council members present were: Wright, Macek, Dickinson, LaDuex, Filipin and Caldwell. Council members Diehm was absent. Council member Bratton arrived at 6:34 p.m. City Staff present at the meeting were City Manager, Mike Scanlon, Deputy City Manager Bret Glendening, City Clerk Tammy Seamands, City Attorney Jeff Deane, Director of Utilities Terry Upshaw, Public Works Director Michele Silsbee, Assistant to the City Manager Sam Moon and Business Liaison Kari Bradley. Members of the public were: Stan Eichorn, Doug Smith, Leah Smith, Virginia Adams, Michelle Chester, Gib Davis, John Shaw, Harriett Shaw, Renee Slinkard, James Katzer, Marva Katzer, Renee Lofing, Betty Gamblin, Steven Gamblin, Garrett Nordstrom, Johnny Cultertson, Mendi Abegg, Daniel Abegg, Dale Samuels, Derek Henness, Steve Grimes, Lindsay Freeman and JR Balog.

INVOCATION. – Pastor Dale Samuels, Faith Community Church

CONSENT AGENDA. Approval of September 8th Agenda, August 25th Council Meeting Minutes, September 1, 2022 Northland Neighborhood Meeting, Pay Application – BG Consultants - \$1,050.00 – Design Services Brown from 16th -18th, Killough Construction – Pay App #1, \$254,039.00. **Motion** made by Dickinson, seconded by LaDuex to approve the consent agenda as presented. Yeas: All.

COMMENTS FROM THE PUBLIC. – None.

PUBLIC HEARINGS.

USDA – RD AND KDHE SRF PUBLIC HEARINGS FOR WATER TREATMENT/DISTRIBUTION LOANS – The Mayor opened the public hearing at 6:34 p.m. Garrett Nordstrom stated that they are in the process of making an application with USDA to cover the loan and the cost of the water treatment plant in the amount of \$38,324,560.00 which is the cost estimate. KDHE will handle the interim financing and then USDA will come in and buy out the KDHE loan. We are holding two public hearing concurrently for the USDA and KDHE SRF loans. The Mayor asked if there were any comments. The mayor asked a second time if there were any comments regarding the USDA and KDHE SRF Public Hearing. The mayor asked a third time if there were any comments. Hearing no comments, the mayor closed the hearing at 6:35 p.m.

PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.

CONSTITUTION WEEK – Renee Slinkard with Daughters of the American Revolution gave a brief history on how constitution week came about. LaDeux read the proclamation. **Motion** made by Dickinson, seconded by Wright to accept the Proclamation setting September 17th through September 23, 2022 as Constitution Week as presented. Yeas: All.

DIRECT SUPPORT PROFESSIONAL RECOGNITION WEEK - LaDuex read the proclamation. **Motion** made by Dickinson, seconded by Filipin to accept the Proclamation setting

September 11th through September 17, 2022 as Direct Support Professionals Recognition Week as presented. Yeas: All.

UNFINISHED BUSINESS.

RESOLUTION 979 – AUTHORIZATION TO EXECUTE POWER PURCHASE AGREEMENT FOR SOLAR FACILITY – Staff has been operating under the MOU approved by the City Council back in October 2021 (Resolution 934) and the Solar Development Agreement approved in January 2022 (Resolution 952). We are now ready for the development phase of this project. We have finished negotiations of the power negotiations of the power purchase agreement with Evergy. Once this agreement is executed, Evergy will be released to begin engineering and procurement of the facility. Lindsay Freeman with Evergy reported that the final pricing came in at 4.95 cents per KW hour and the levelized cost over 35 years will be 3.23 cents per KW hour. The government has passed an inflation reduction act. Within the act there are some benefits for solar projects. They can't guarantee that we will get approved for that but if it does get approved Evergy will amend our agreement regarding the pricing. Another added benefit is that the city would now be able to buy out the lease agreement in 3 years and that Evergy does not have to use the panels from their warehouse so all of the panels in the array can be the latest technology. **Motion** made by Dickinson, seconded by LaDuex to approve Resolution 979 – Authorizing the execution of a power purchase agreement to purchase power from a 5MW solar array installed by Evergy Kansas Central, Inc. as presented. Yeas: All.

NEW BUSINESS.

RESOLUTION 1044 – GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) WAIVER – This resolution allows all financial statements and financial reports of the municipality to be prepared on the basis of cash receipts and disbursements, as adjusted to show compliance with the cash-basis and budget laws of Kansas. **Motion** made by Macek, seconded by Caldwell to approve Resolution 1044 – Waiving the GAAP requirements of K.S.A. 75-1120A(a) for the year ended 2023 as presented. Yeas: All.

RESOLUTION 1045 – DIRECTING STAFF TO PREPARE & ISSUE RFP FOR AUDITING SERVICES – Periodically, cities solicit proposals for auditing services to ensure they're getting the most value for the money that is spent on the audit. The last time the city solicited proposals for auditing services was in 2019. **Motion** made by LaDuex, seconded by Filipin approve Resolution 1045 – Directing City Staff to prepare and issue an RFP for auditing services for the City of Osawatomie as presented. Yeas: All.

RESOLUTION 1046 – DE-ANNEXATION OF CERTAIN RESIDENTIAL PROPERTIES IN THE NORTHLAND – Current Kansas State Law allows an area to petition the City Council for de-annexation. A petition has been delivered to the city from the neighborhood. We've hosted several meetings over the last three months and provided cost estimates related to possible sanitary sewer connections. We have also conducted a survey and mapping exercise related to gauge the neighborhoods desire for de-annexation. That map yielded 22 people who asked to be de-annexed. **Motion** made by Bratton, seconded by Cathy to approve Resolution 1046 – to de-annex portions of the city's northland area as presented. Yeas: All.

RESOLUTION 1047 – AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH TENPENNY LAW LLC FOR SERVICES RELATED TO NATIONAL HISTORIC PARK DESIGNATION – This resolution would authorize the city manager to execute an agreement with Tenpenny Law, LLC, in an amount not to exceed \$25,000 to begin the process of National Historic Park designation for the John Brown Cabin and Park. **Motion** made by LaDuex, seconded by Bratton to approve Resolution 1047 –Approving a contract with Tenpenny Law LLC as presented. Yeas: All.

RESOLUTION 1049 – AUTHORIZATION BROWN AVENUE CHANGE ORDER #1– After placing survey markers for the start of construction on the Brown Ave project, the resident at 1801 Brown Ave called in with a drainage concern. Specifically, he was worried that the placement of the storm sewer outfall for the intersection at 18th St would cause flooding around his house. Per original design, the outfall of the storm sewer main would have ended between the front door walkway and the driveway on his property. We determined that the end of the storm sewer main did need to be extended to avoid impacting the property due to the front yard topography and a fully blocked driveway culvert. Working with BG Consultants and the private property owners at the intersection, we were able to determine the most effective way to mitigate the drainage concern. As a result, the storm sewer main was extended 100 LF and a new 40', 12" culvert was installed under the driveway to maintain drainage of the property. **Motion** made by Bratton, seconded by LaDuex to approve Resolution 1049 – Authorizing a change order to the Brown Avenue Street construction contract and the payment thereof as presented. Yeas: All.

ORDINANCE 3815 –ADOPTING THE 2022 STANDARD TRAFFIC ORDINANCE –. The Standard Traffic Ordinance (STO) for Kansas Cities have been published by the League of Kansas Municipalities. They are designed to provide a comprehensive traffic code for Kansas Cities. **Motion** made by LaDuex, seconded by Bratton to approve Ordinance 3815 – Regulating traffic within the corporate limits of the City of Osawatomie, Kansas; Incorporating by reference the” Standard Traffic Ordinance for Kansas Cities” edition of 2022, with certain omissions changes, and additions; prescribing additional regulations; amending chapter 14, article 1, of the City of Osawatomie Municipal Code; and repealing existing provisions as presented. Yeas: All.

ORDINANCE 3816 –ADOPTING THE 2022 UNIFORM PUBLIC OFFENSE CODE – The Uniform Public Offense Code (UPOC) for Kansas Cities have been published by the League of Kansas Municipalities. They are designed to provide a comprehensive criminal code for Kansas Cities. **Motion** made by Dickinson, seconded by LaDuex to approve Ordinance 3816 –Regulating public offenses within the corporate limits of the City of Osawatomie, Kansas; incorporating by reference the “Uniform Public Offense Code for Kansas Cities” Edition of 2022; amending and repealing Chapter 11, Article 2, Section 201 of the City of Osawatomie Municipal Code; and repealing existing provisions as presented. Yeas: All.

EXECUTIVE SESSION – None.

COUNCIL REPORTS

Lawrence Dickinson ~ Freedom Festival is September 17th & 18th in the park.

Tammy Filipin ~ If anyone has any firewood they could donate they are still needing some for the Freedom Festival.

Cathy Caldwell ~ The Tourism Committee has a subcommittee for fundraising. They met on Wednesday and a letter has been put together for fundraising. There is also a Tourism meeting on Thursday.

MAYOR'S REPORT – I want to thank Sam for getting everything put on the new web site. If you haven't had a chance to see our new web site. Go out and look at it. It's packed with stuff for all their work both tonight and getting to tonight for all the street projects started, about to be started and in our future.

There's a whole slew of grant announcements coming in regards to the City of Osawatomie - some of these will include the Governor, US Reps and US Senators. Some of these are being planned to happen right here in Osawatomie. I've asked Mr. Scanlon to get out dates ASAP so we have a chance to get them on our calendars.

For all of that to happen I want to thank Mr. Scanlon and the City Staff for all the work they've put in to get our grant requests and applications to the finish line. It's their dedication to our town that's making a huge difference. So, thank you all.

CITY MANAGER & STAFF REPORTS. – September 16-21st Bret, Sam and Mike will be attending the ICMA conference in Columbus Ohio. Bret, Mike, Lindsay with Every and Jon Peacock (county manger from Pitkin County, CO) will be presenting on community solar arrays. Mike will also be involved in a roundtable on Downtown Development. Mike has been asked by ICMA to serve on their planning committee for their conference in Austin, TX next year.

Mike was also asked to set on the MARC housing advisory board.

Next Monday Bret and Mike will be meeting with the school district to present a plan asking the school to donate property that abuts property owned by Stan Gray. We think that we can create 14 to 15 lots. We have a grant application that with their blessing we will apply and we would have a good shot at it. It would combine a school district, the city and affordable housing component in an area that is very walkable.

We will be presenting to the county commission in a month the RHID for 10 acres.

We met with Palace Market this morning and we think that we found a location that's even better than where they are.

Raise Grant – US Representative Sharice Davids, US Representative Jake LaTurner, and Senator Moran will be at our trailhead October 29th. We will have a breakfast and they will be talking

about the Raise grant. About 7 million is dedicated to the portion of our trail between Osawatomie and Rantoul. KDOT would also like to participate because their grant ties into the trailhead. The John Brown Levy Loop. The South Levy Loop then ties into the Sixth Street Project that Bret and Michele are working on.

Tammy is also out of town the same time that Mike and Bret are out of town. Terry Upshaw will be the acting City Manager during that time.

Sam Moon – The Arts Commission has met two times and they are working on the next set of murals that was funded by the Hawkins Foundation. We hope to have an update at the next council meeting. There are some special guest speakers at the Freedom Festival this year.

Kari Bradly – There is a sign-up sheet for volunteers if you would like to volunteer.

OTHER DISCUSSION/MOTIONS.

Motion made by LaDuex, seconded by Dickinson to adjourn. Yeas: All. The mayor declared the meeting adjourned at 7:37 p.m.

/s/ Tammy Seamands
Tammy Seamands, City Clerk

September 6, 2022

Bret Glendening, Deputy City Manager
 City of Osawatomie, Kansas
 439 Main Street
 Osawatomie, KS 66064

Re: 20-1414L - Osawatomie WWTP Improvements

-----Invoice for Consulting Services-----

This invoice is for services which were performed during the month of **August** as follows:

Engineering Services:

<u>Task</u>	<u>Lump Sum Amount</u>	<u>Completion Progress</u>	<u>Total</u>
1. Preliminary Design Phase	\$117,000.00	100.0%	\$117,000.00
2. Final Design Phase*	\$92,000.00	100.0%	\$92,000.00
3. Bidding and Negotiating Phase	\$20,000.00	100.0%	\$20,000.00
4. Approvals and Permitting	\$15,000.00	100.0%	\$15,000.00
5. Construction Substantial Completion	\$5,000.00	0.0%	\$0.00

*Updated, refer to Contract Amendment 01

Subtotal Amount Due: \$0.00
 Total Completed to date: \$244,000.00
 Prior Billings to Date: \$244,000.00

Resident Project Observation

Contract Amount	\$ 234,000.00	
Work Completed to Date	\$ 36,314.96	16%
Work Previously Billed	\$ 22,848.96	
Subtotal	\$13,466.00	

Additional Services

Contract Amount	\$ 5,000.00	
Work Completed to Date	\$ 5,000.00	100%
Work Previously Billed	\$ 5,000.00	
Subtotal	\$0.00	

Total Amount Due: \$13,466.00

Sincerely,

BG CONSULTANTS, INC.



Paul Owings, P.E.
 Project Engineer

Construction Administration and Observation

Position	Hours/Miles/Units	Hourly Rate	Total Cost	
Principal		\$	222.00	\$ -
Project Engineer 4	14.5	\$	177.00	\$ 2,566.50
Project Engineer 3	64.5	\$	167.00	\$ 10,771.50
Project Engineer 1		\$	135.00	\$ -
Design Engineer	1.0	\$	128.00	\$ 128.00
Architect		\$	185.00	\$ -
Design Architect		\$	117.00	\$ -
Technician II		\$	99.50	\$ -
Senior Construction Observer		\$	140.00	\$ -
Certified Construction Observer		\$	114.00	\$ -
Drexel Planroom Expense		\$	201.56	\$ -
Mileage		\$	0.58	\$ -
Total			\$	13,466.00

Additional Services

Position	Hours	Hourly Rate	Total Cost	
Principal		\$	222.00	\$ -
Project Engineer 4		\$	177.00	\$ -
Project Engineer 3		\$	167.00	\$ -
Project Engineer 1		\$	135.00	\$ -
Architect		\$	185.00	\$ -
Design Architect		\$	117.00	\$ -
Technician II		\$	99.50	\$ -
Senior Construction Observer		\$	140.00	\$ -
Certified Construction Observer		\$	114.00	\$ -
Mileage		\$	0.58	\$ -
Total			\$	-

Notes:

Prepared for construction phase services.

September 5, 2022

City of Osawatomie
Bret Glendening
PO Box 37
Osawatomie, KS 66064

Re: City Engineer Duties
22-1022L

-----Invoice for Consulting Services-----

This invoice is for services which were performed during the month of August as follows:

Street Resurfacing Bidding Specifications

Principal (Hoskinson)	13.5 hrs @	\$167.00	per hour	\$2,254.50
			Subtotal:	\$2,254.50
			Previous billings:	\$0.00
			Not to Exceed Budget:	\$2,500.00
			Total Amount Due:	\$2,254.50

Sincerely,

BG CONSULTANTS, INC.



Brian P. Kingsley
Principal



BG CONSULTANTS

ENGINEERS · ARCHITECTS · SURVEYORS

* **by email only** *

City of Osawatomie
Attn: Bret Glendening, Deputy City Manager
439 Main Street
Osawatomie, KS 66064

September 4, 2022

INVOICE #5

Re: 2023 Osawatomie WTP Improvements
Osawatomie, Kansas

BG Project No. 22-1194L

-----**Invoice for Consulting Services**-----

This Invoice is for services performed during the month of August 2022 as follows:

	Lump Sum Amount	% Complete Progress	Subtotal
Basic Services			
Preliminary Design.....	\$ 1,015,300.00	19.10%	\$ 193,922.30
Final Design.....	\$ 835,700.00	0.00%	\$ -
Bidding.....	\$ 25,000.00	0.00%	\$ -
Construction Phase.....	\$ 532,500.00	0.00%	\$ -
Post-Construction.....	\$ 7,500.00	0.00%	\$ -
		Subtotal #1 =	\$ 193,922.30

Resident Project Representative (RPR)

RPR Services (Not to Exceed).....	\$ 980,000.00		
Engineer IV.....	0.0 hrs @ \$ 144.00 /hr	\$	-
Engineer II.....	0.0 hrs @ \$ 130.00 /hr	\$	-
Senior Construction Observer.....	0.0 hrs @ \$ 120.00 /hr	\$	-
Certified Construction Observer.....	0.0 hrs @ \$ 103.00 /hr	\$	-
	Subtotal #2 =	\$	-
Total Construction Observation Services Billed Thru this Invoice.....		\$	-
Contract Value of Construction Observation Services Remaining.....		\$	980,000.00

Total Amount of Services Complete (Subtotals #1 + #2).....	\$ 193,922.30
Less Previous Amount Billed (Thru Invoices: #4).....	\$ 123,866.60
Total Amount Owed this Invoice.....	\$ 70,055.70
Plus Previous Invoices Unpaid (<i>none</i>).....	\$ -
Total Amount Owed to Date.....	\$ 70,055.70

TOTAL AMOUNT DUE THIS INVOICE	\$ 70,055.70
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For questions, please contact me at 785-749-4474 or paul.owings@bgcons.com.

Sincerely,

Paul Owings, P.E.
Project Manager

* *by email only* *

City of Osawatimie
 Attn: Bret Glendening, Deputy City Manager
 439 Main Street
 Osawatimie, KS 66064

September 4, 2022

INVOICE #2

Re: 2023 Osawatimie Water Distribution Improvements
 Osawatimie, Kansas

BG Project No. 22-1195L

-----**Invoice for Consulting Services**-----

This Invoice is for services performed during the month of August 2022 as follows:

	Lump Sum	% Complete	
	Amount	Progress	Subtotal
Basic Services			
Preliminary Design.....	\$ 613,800.00	10.50%	\$ 64,449.00
Final Design.....	\$ 502,200.00	0.00%	\$ -
Bidding.....	\$ 40,000.00	0.00%	\$ -
Construction Phase.....	\$ 229,000.00	0.00%	\$ -
Post-Construction.....	\$ 15,000.00	0.00%	\$ -
		Subtotal #1 =	\$ 64,449.00

Resident Project Representative (RPR)

RPR Services (Not to Exceed).....	\$ 974,000.00		
Engineer IV.....	0.0 hrs @ \$ 144.00 /hr	\$	-
Engineer II.....	0.0 hrs @ \$ 130.00 /hr	\$	-
Senior Construction Observer.....	0.0 hrs @ \$ 120.00 /hr	\$	-
Certified Construction Observer.....	0.0 hrs @ \$ 103.00 /hr	\$	-
	Subtotal #2 =	\$	-

Total Construction Observation Services Billed Thru this Invoice..... \$ -
 Contract Value of Construction Observation Services Remaining..... \$ 974,000.00

Total Amount of Services Complete (Subtotals #1 + #2).....	\$ 64,449.00
Less Previous Amount Billed (Thru Invoices: #1).....	\$ 18,414.00
Total Amount Owed this Invoice.....	\$ 46,035.00
Plus Previous Invoices Unpaid (<i>none</i>).....	\$ -
Total Amount Owed to Date.....	\$ 46,035.00

TOTAL AMOUNT DUE THIS INVOICE	\$ 46,035.00
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For questions, please contact me at 785-749-4474 or paul.owings@bgcons.com.

Sincerely,



Paul Owings, P.E.
 Project Manager



BG CONSULTANTS

ENGINEERS · ARCHITECTS · SURVEYORS

* **by email only** *

City of Osawatomie
Attn: Bret Glendening, Deputy City Manager
439 Main Street
Osawatomie, KS 66064

September 4, 2022

INVOICE #1

Re: Conceptual Wastewater Collection Planning
Northeast Incorporated City Limits
Osawatomie, Kansas

BG Project No. 22-1307

-----**Invoice for Consulting Services**-----

This Invoice is for services performed during the month of August 2022 as follows:

	Lump Sum Amount	% Complete Progress	Subtotal
Basic Services			
Stormwater Master Plan.....	\$ 1,500.00	100.00%	\$ 1,500.00
		Subtotal #1 =	\$ 1,500.00

Total Amount of Services Complete (Subtotals #1).....	\$ 1,500.00
Less Previous Amount Billed (Thru Invoices: #0).....	\$ -
Total Amount Owed this Invoice.....	\$ 1,500.00
Plus Previous Invoices Unpaid.....	\$ -
Total Amount Owed to Date.....	\$ 1,500.00

TOTAL AMOUNT DUE THIS INVOICE	\$ 1,500.00
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For questions, please contact me at 785-749-4474 or paul.owings@bgcons.com.

Sincerely,

Paul Owings, P.E.
Project Manager

* **by email only** *

City of Osawatometie

September 6, 2022

Attn: Bret Glendening, Deputy City Manager

439 Main Street

Osawatometie, KS 66064

INVOICE #7

Re: Brown Street Improvements (16th to 18th Street) BG Project No. 22-1139L
 Main Street Terrace (18th Street to 16th Street) / Walnut Avenue (6th Street to 4th Street)
 18th Street (Main Street to Brown Avenue) / Brown Avenue (12th Street to 7th Street)
 6th Street (Lincoln Avenue to Kelly Avenue)
 Osawatometie, Kansas

-----**Invoice for Consulting Services**-----

This Invoice is for services performed during the month of August 2022 as follows:

	Lump Sum Amount	% Complete Progress	Subtotal
<u>Design Phase Services</u>			
Design, Bid, and Const. Eng. Services (Lump Sum Fee).....	\$ 760,500.00	39.00%	\$ 296,595.00
		Subtotal #1 =	\$ 296,595.00
Contract Value of Design Phase Services Remaining.....			\$ 463,905.00

Construction Observation

Observation Services (Not to Exceed).....	\$ 120,000.00		
Principal II.....	0.0 hrs @ \$ 226.00 /hr	\$	-
Engineer IV.....	0.0 hrs @ \$ 144.00 /hr	\$	-
Engineer II.....	0.0 hrs @ \$ 130.00 /hr	\$	-
Engineer I.....	0.0 hrs @ \$ 111.00 /hr	\$	-
Senior Construction Observer.....	0.0 hrs @ \$ 120.00 /hr	\$	-
Certified Construction Observer.....	0.0 hrs @ \$ 103.00 /hr	\$	-
	Subtotal #2 =	\$	-
Total Construction Observation Services Billed Thru this Invoice.....		\$	-
Contract Value of Construction Observation Services Remaining.....		\$	120,000.00

Reimbursable Expenses

None this month.....	\$	-
	Subtotal #3 =	\$ -

Total Amount of Services Complete (Subtotals #1 + #2 + #3).....	\$ 296,595.00
Less Previous Amount Billed (Thru Invoices: #6).....	\$ 243,360.00
Total Amount Owed this Invoice.....	\$ 53,235.00
Plus Previous Invoices Unpaid (<i>none</i>).....	\$ -
Total Amount Owed to Date.....	\$ 53,235.00

TOTAL AMOUNT DUE THIS INVOICE	\$ 53,235.00
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For questions, please contact me at 785-749-4474 or diane.rosebaugh@bgcons.com.

Sincerely,



Diane Rosebaugh, P.E.

Project Manager | Associate Principal



Osawatomie
KANSAS
439 Main Street | P.O. Box 37
Osawatomie, KS 66064
(913) 755-2146

SPECIAL EVENT PERMIT APPLICATION

Office Use Only
Date Record

Submitted _____

Tourism Approved _____

Council Approved _____

1. NAME OF APPLICANT AND/OR ORGANIZATION
DEE ROEHL / JOHN BROWN FOUNDATION

2. EVENT CONTACT INFORMATION INCLUDING PHONE NO., ADDRESS, AND EMAIL
785.418.9669 BORDERWARBBQ@GMAIL.COM

3. TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR (DESCRIBE YOUR EVENT)
BBQ COMPETITION

4. ROAD CLOSURES ☐ YES ☒ NO
LOCATION AND TIMING OF BARRICADES

5. LOCATION OR ADDRESS OF SPECIAL EVENT
JOHN BROWN MEMORIAL PARK
1000 MAIN STREET
OSAWATOMIE, KS 66064

6. DATE(S) AND TIME(S) FOR PERMIT, INCLUDING SET UP AND TEAR DOWN
October 20th, 21, & 22, 2022

7. ENTRY TO EVENT: FEE YES ☐ NO ☒
PUBLIC ☒ OR PRIVATE ☐

8. TRAFFIC OR POLICE ASSISTANCE REQUESTED?
YES ☐ NO ☒
IF YES, TIMEFRAME AND NUMBER OF OFFICERS REQUESTED

9. # OF EXPECTED
ATTENDEES:
300

10. WILL ALCOHOL OR CMB FOR PERSONAL CONSUMPTION BE ALLOWED AT THE EVENT? YES ☒ NO ☐
WILL CMB BE SOLD AT THE EVENT? YES ☐ NO ☒
WILL THERE BE AN ENTRY FEE TO THE AREA WHERE CMB IS PROVIDED BY A THIRD PARTY? YES ☐ NO ☒
IF YES TO ANY OF THE ABOVE, APPLICANT DATE OF BIRTH IS REQUIRED _____

11. APPLICANT AGREES TO ABIDE BY ANY RULES OF CONDUCT AND OPERATIONS POLICIES FOR THE
DURATION OF THEIR EVENT, OR RISKS PENALTY AND FORFEITURE OF ANY DEPOSITS ☒ YES ☐ NO

12. IS THERE LIABILITY INSURANCE COVERAGE FOR THE EVENT ☒ YES ☐ NO
IF YES, NAME OF INSURANCE COMPANY, AGENT MPR - CITY OF OSAWATOMIE
AMOUNT OF COVERAGE: _____

STATEMENT OF APPLICANT

I HAVE REVIEWED THIS APPLICATION COMPLETELY AND EVERYTHING CONTAINED HEREIN IS TRUE AND CORRECT. I AGREE TO HOLD THE CITY OF OSAWATOMIE HARMLESS FROM AND AGAINST ANY LOSS, COST OR DAMAGE OF ANY NATURE ARISING OUT OF ANY ACTION OR CLAIM AGAINST THE CITY OF OSAWATOMIE OR ITS EMPLOYEES, IN CONNECTION WITH THE EVENT. I ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF ALL ORDINANCES AND ATTACHMENTS AND I FULLY UNDERSTAND THAT I WILL BE HELD RESPONSIBLE FOR ANY VIOLATIONS OF STATE LAWS, CITY OF OSAWATOMIE ORDINANCES, AND ANY RESTRICTIONS OR REQUIREMENTS ASSOCIATED WITH THIS PERMIT AT THE LOCATION AND TIME SPECIFIED ON THIS PERMIT.

SIGNATURE Dee Roehl

DATE 9/13/2022

PERMIT APPLICATION: APPROVED _____

DENIED _____

DECISION BY: _____

DATE OF DECISION: _____

COMMENTS: _____



Osawatomie
KANSAS

439 Main Street | P.O. Box 37
Osawatomie, KS 66064
(913) 755-2146

SPECIAL EVENTS PERMIT APPLICATION for MILE ZERO TRAILHEAD

Office Use Only
Date Record

Submitted _____

Tourism Approved _____

KDWP Approved _____
(If Applicable)

Council Approved _____

1. NAME OF APPLICANT AND/OR ORGANIZATION

2. CONTACT PHONE NO., ADDRESS, AND EMAIL

3. TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR (RACE, FUNDRAISER WALK, BIKE EVENT, ETC.)

4. REQUESTING ACCESS TO

ELECTRIC HOOKUP

WATER HOOKUP

TABLE/CHAIR/TENT STORAGE BOX

5. WILL EVENT REQUIRE ACCESS TO STATE PORTION OF
FLINT HILLS TRAIL? YES NO

IF YES, HAS A STATE PERMIT BEEN COMPLETED AND
APPROVED? YES NO

6. DATE(S) AND TIME(S) FOR PERMIT, INCLUDING SET UP AND TEAR DOWN:

7. ENTRY TO EVENT: FEE YES ____ NO ____

PUBLIC ____ OR PRIVATE ____

8. TRAFFIC OR POLICE ASSISTANCE REQUESTED?

YES NO

IF YES, TIMEFRAME AND NUMBER OF OFFICERS REQUESTED _____

9. # OF EXPECTED
ATTENDEES: _____

10. WILL ALCOHOL OR CMB FOR PERSONAL CONSUMPTION BE ALLOWED AT THE EVENT? YES ____ NO ____

WILL CMB BE SOLD AT THE EVENT? YES ____ NO ____

WILL THERE BE AN ENTRY FEE TO THE AREA WHERE CMB IS PROVIDED BY A THIRD PARTY? YES ____ NO ____

IF YES TO ANY OF THE ABOVE, APPLICANT DATE OF BIRTH IS REQUIRED _____

11. APPLICANT AGREES TO ABIDE BY THE ATTACHED RULES OF CONDUCT AND OPERATIONS POLICY FOR THE
DURATION OF THEIR EVENT, OR RISKS PENALTY AND FORFEITURE OF ANY DEPOSITS YES NO

12. IS THERE LIABILITY INSURANCE COVERAGE FOR THE EVENT YES NO

IF YES, NAME OF INSURANCE COMPANY, AGENT _____

AMOUNT OF COVERAGE: _____

STATEMENT OF APPLICANT

I HAVE REVIEWED THIS APPLICATION COMPLETELY AND EVERYTHING CONTAINED HEREIN IS TRUE AND CORRECT. I AGREE TO HOLD THE CITY OF OSAWATOMIE HARMLESS FROM AND AGAINST ANY LOSS, COST OR DAMAGE OF ANY NATURE ARISING OUT OF ANY ACTION OR CLAIM AGAINST THE CITY OF OSAWATOMIE OR ITS EMPLOYEES, IN CONNECTION WITH THE EVENT. I ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF ALL ORDINANCES AND ATTACHMENTS AND I FULLY UNDERSTAND THAT I WILL BE HELD RESPONSIBLE FOR ANY VIOLATIONS OF STATE LAWS, CITY OF OSAWATOMIE ORDINANCES, AND ANY RESTRICTIONS OR REQUIREMENTS ASSOCIATED WITH THIS PERMIT AT THE LOCATION AND TIME SPECIFIED ON THIS PERMIT.

SIGNATURE _____ DATE _____

PERMIT APPLICATION: APPROVED _____ DENIED _____

DECISION BY: _____ DATE OF DECISION: _____

COMMENTS: _____



USD3670-01

BHAGER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/29/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Elliott Group 304 Baptiste Drive, Suite 102 Paola, KS 66071	CONTACT NAME: Becky Hager	
	PHONE (A/C, No, Ext): (913) 294-2110 FAX (A/C, No): (913) 294-2128	
	E-MAIL ADDRESS: Becky@elliottinsurancegroup.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : EMC Property & Casualty	25186
	INSURER B : Employers Mutual Casualty (EMC) Company	21415
	INSURER C : RAS - Risk Administration Services, Inc	
	INSURER D :	
	INSURER E :	
	INSURER F :	

INSURED

USD #367 Osawatomie
1200 Trojan Drive
Osawatomie, KS 66064

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			1D62853	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			1E62853	1/1/2022	1/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			1J62853	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
C	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y / N If yes, describe under DESCRIPTION OF OPERATIONS below		N / A	WC020-0054671-2022A	1/1/2022	1/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of Osawatomie
PO Box 37
Osawatomie, KS 66064

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Jan Dostel



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	10.B
	Date:	August 23, 2021
Director of Utilities	From:	Terry Upshaw

RE: RESOLUTION NO. 1050 – A Resolution accepting the 2021 Annual Electrical Report as presented by staff.

RECOMMENDATION: City Staff recommends that Council approve Resolution 1050 – A Resolution accepting the 2021 Annual Electrical Report.

DETAILS: The City is required as a condition of our power purchase agreements to provide an Annual Electrical Report. This is for Governing Body and General Public information purposes.

Related Statute / City Ordinances	N/A
Line Item Code/Description	N/A
Available Budget:	N/A

CITY OF OSAWATOMIE, KANSAS

RESOLUTION NO. 1050

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF OSAWATOMIE
ACCEPTING THE 2021 ANNUAL ELECTRIC REPORT TO THE U.S. DEPARTMENT OF
ENERGY AS SUBMITTED BY STAFF.**

WHEREAS, it is required that the city produce an annual electrical report to comply with power purchase agreements; and

WHEREAS, the annual electric report provides the Governing Body and community with an update on the overall operations of the Electric Utility; and

WHEREAS, it shows good financial and operations management responsibility to produce such a report.

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

Section 1. The City Council accept the 2021 Annual Electric Report as presented by staff.

PASSED AND APPROVED by the Governing Body of the City of Osawatomie, Kansas, this 22ND day of September, 2022, a majority voting in favor of.

APPROVED and signed by the Mayor.

Nick Hampson, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk

2021 Annual Report of the Electric System

City of Osawatomie, Kansas

Presented to the City Council

September 22nd 2022



2021 ANNUAL REPORT OSAWATOMIE ELECTRIC SYSTEM

Description of the System

The City's electric system (the "System") was established in 1939 to provide electricity to the residents of the City, with numerous improvements and expansions occurring over the years. The System currently has 2,020 meters, an average hourly peak of 3.9 megawatts and a peak load of approximately 8.5 megawatts. In 2011, the system hit its historical peak of approximately 9.9 megawatts. The city distributes power on a 2400/4160, and 7200/12470 voltages through two interconnects with Evergy and two substations. The current power plant is comprised of the original power plant which was built in 1939, with a major addition added in 1968. In 2020, the electric system served approximately 4,300 residents of Osawatomie plus numerous businesses and industries.

As of the end of 2021, the city currently owns and operates 5.6 megawatts of onsite diesel generators and 12.0 megawatts of new onsite diesel generation, which primarily serve as emergency back-up and as capacity coverage for power the City purchases at wholesale pursuant to several purchase contracts described below. The existing purchase contracts provide the City with 4.3 megawatts of electricity during summer months and 3.3 megawatts during other times of the year. Between generating capabilities and purchase contracts, the City currently has the ability to provide up to 21.9 megawatts of power during summer months and 20.9 megawatts at other times.

Description of Existing Facilities of the System

The Electric Utility System consists of one plant building, a network of distribution facilities, necessary transformers and switch stations, and three generating units with the following capacities:

<u>Unit</u>	<u>Capacity</u>	<u>Manufacturer</u>	<u>Installation</u>
2	1800 KW	Nordberg	1957
4	1000 KW	Nordberg	1952
5	2800 KW	Nordberg	1967
11	2000 KW	Caterpillar	2016
12	2000 KW	Caterpillar	2016
13	2000 KW	Caterpillar	2016
14	2000 KW	Caterpillar	2016
15	2000 KW	Caterpillar	2016
16	2000 KW	Caterpillar	2016

New Generation Project

In December 2015, the City of Osawatomie issued \$6,095,000 in revenue bonds for a \$5.9 million project which will increase the capacity of the System, provide for a more secure source of power and reduce operating costs. The project includes the acquisition and installation of six 2-megawatt diesel powered generators, each of which has approximately two thousand hours (more or less) of run time. The generators are 2006 Caterpillar 3516 generators with diesel engines. The generators come with 480-volt step-up transformers and switch gear. As of the end of 2018, all six of the project generators were online and operable.

The project also provides for an upgrade to the 7th Street Substation and, the construction of a new 9th Street substation to replace the current power plant substation. These upgrades have allowed the city to begin a self-funded, staff-performed upgrade of the entire distribution system so the community can operate at the more efficient 12470 volts. The project also provided for the construction of a new 7,500 sq. ft., \$450,000 electric distribution building which was completed in the summer of 2019.

Now fully operational, the project generators have more than replaced the electricity capacity provided by the Nearman contract, by increasing to 21.9 megawatts. The capacity from the new generators alone will be sufficient for the System to provide all current necessary power to the City even if loses its connection to the regional electric distribution grid. The additional capacity will also allow the System to provide future service to a large area in the northern portion of the City that is currently undeveloped as well as potentially allow the System to sell electricity to other communities. Furthermore, due to the relatively high fixed and variable costs of the Nearman contract, the City has realized a net operating savings of at approximately \$240,000 a year by purchasing power elsewhere or generating power itself.

At the end of calendar year 2015, the city secured the purchase of the generator units, had the units delivered to a temporary site, and engaged JEO Consulting Group and the project engineers to begin designing the details for the project. At the end of 2018 the City had \$192,785 remaining of the \$5.85 million in bond proceeds to be expended on the project, primarily for final payments on the 9th Street Substation, communications for telemetry, and finishing the new electric shop.

Generation Project Budget

	Updated Budget
PROJECT COSTS	
Generators	
Generator Units/Delivery	\$ 1,876,600
Warranty/Service Agreement (3 yrs)	110,000
Load Testing & Startup	137,000
Substations	
7 th Street Substation Modifications	718,609
9 th Street Substation	1,823,712
New Electric Shop	450,000
Engineering/Permitting	366,050
Contingencies	403,819
TOTAL PROJECT COSTS	\$ 5,886,390
FINANCING	
Bond Proceeds	\$ 5,848,570
(Over)/Under Budget	\$ (37,820)

Electric Production

The following table shows the System's production and sales for the past five years.

<u>Year</u>	<u>kWh Generated</u>	<u>kWh Purchased</u>	<u>kWh Sold</u>
2021	182,300	34,520,345	29,546,809
2020	37,250	34,221,132	28,277,049
2019	65,000	34,714,675	30,163,850
2018	20,000	36,149,320	30,707,378
2017	170,600	33,833,384	29,360,565
2016	9,800	35,492,725	30,822,864
2015	20,000	35,473,725	29,899,406

Note: The difference between kWh Generated and kWh Purchased less kWh Sold is primarily due to line loss and power provided for street lighting. As a result of undertaking the project and future improvements, the city anticipates eventually upgrading the system to a more efficient 12470 volts and reducing line loss to approximately 6-8%.

Power Supply Requirements

Peak demands and average energy loads are depicted in the following table. The City's staff believes that variation in peak and average is attributable to a number of factors including seasonal weather conditions.

<u>Year</u>	<u>Net Peak Demand</u>		<u>Average Load</u>	
	<u>mW</u>	<u>% Increase</u>	<u>mW</u>	<u>% of Peak</u>
2021	8.5	1.25	3.961	46.6
2020	6.8	-1.82	4.428	65.1
2019	8.3	-2.3	2.899	34.9
2018	8.5	0	4.127	48.6
2017	8.5	-4.5	3.862	45.4
2016	8.9	0	4.053	45.5
2015	8.9	2.3	4.052	45.5

Electric Power Supply Resources

The city meets its supply obligations to its electric customers through a combination of resources including the operation of its own power production facilities and through purchasing power under the Supply Agreements described below.

Supply Agreements

The ability of the System to service its Debt Service Requirements is in part contingent on the availability of a supply of electric energy. The following outlines agreements the city has for supply of electric energy. All of these contracts, with the exception of the arrangement with EMP1, are of a "take or pay" nature. However, there is no guarantee that the suppliers will not default on the obligation to supply electric energy to the System or that circumstances will not prevent the supply of electric energy to the System.

Available Capacity	2016	2017	2018	2019	2020	2021
On-site Generation	5.6	11.6	17.6	17.6	17.6	17.6
GRDA	3.0	3.0	3.0	3.0	3.0	3.0
SPA	0.4	0.4	0.4	0.4	0.4	0.4
WAPA	0.9	0.9	0.9	0.9	0.9	0.9
Nearman-BPU	-	-	-	-	-	-
Subtotal	9.9	15.9	21.9	21.9	21.9	21.9

Nearman Creek Power Plant (Nearman) - Nearman Creek Power Plant is a 235 MW coal fired power plant that is located in Kansas City, Kansas. The Kansas Municipal Energy Agency (KMEA) has a Participation Power Sales Agreement with the Kansas City, Kansas Board of Public Utilities (BPU) under which KMEA purchases electric power and energy. The city had an underlying participation agreement with KMEA under which the city purchased, on a take or pay basis, 2.5 MW hourly of Nearman power plant electric power and pays monthly demand, fuel, operation & maintenance, transmission, and KMEA administration charges. During the summer of 2014, the City voted to opt out of this agreement pursuant to an offer by BPU to buy out the current contract with many cities, in advance of a major facility upgrade to the Nearman plant. The Project, financed with proceeds of the Bonds, replaced the capacity the City previously acquired under the Nearman contract which ended December 31, 2015.

Grand River Dam Authority of Oklahoma (GRDA) - The City has a wholesale power agreement with the Grand River Dam Authority of Oklahoma ("GRDA") via the Kansas Power Pool ("KPP") in effect as of 2000 and expires in the year 2026. Under the terms of the agreement, GRDA agrees to supply 3.0 MW during summer months and 2.2 MW for all other months during a contract year at a formula-based rate.

Southern Power Administration (SPA) - A Hydro Power Pooling Contract from SPA, originally signed with the Kansas Municipal Energy Agency (KMEA) on December 20, 1983, was extended until midnight, December 31, 2018. In June 2019, the city agreed to an extension of the SPA agreement to June 1, 2034. The hydro peaking power is obtained from the Southwestern Power Administration (SWPA) through KMEA subject to the terms of a contract between those agencies. The City is allocated 400 kW capacity under this contractual arrangement.

Western Area Power Administration (WAPA)- A Hydro Power Pooling Contract between WAPA and KMEA provides power to 47 participating Kansas cities, including the City, through the KMEA. Power under this contract is scheduled to allow the City and other participants to avoid demand charges and replace high-cost peak-hour energy. The pooling contract between WAPA and KMEA is effective until 2054. The City is allocated 852 kW during the summer months and 742 kW during the winter months under this arrangement.

Energy Management Project No. 1 (EMP1) Under the EMP1 arrangement, six participating Kansas cities of KMEA—Osawatimie, Baldwin, Gardner, Garnett, Ottawa and Pomona—have combined their electric systems for the purpose of purchasing power as a centrally dispatched group and to manage power resources in the Nearman, GRDA, SPA and WAPA projects. EMP1 is also used to jointly purchase load following service from Kansas City Power and Light. The EMP1 arrangement does not involve a minimum purchase amount or price.

Cost of Electricity by Source

The following table sets forth the City's cost of electric energy by source:

	2021		2020		2019		2018	
SOURCE	COST	MWh	COST	MWh	COST	MWh	COST	MWh
GRDA	\$1,036,455	21,906	\$859,755	21,960	\$ 866,349	21,906	\$951,621	21,960
Nearman*	-	-	-	-	-	-	-	-
WAPA	89,955	2,802	83,466	2,803	83,466	2,803	83,466	2,803
SPA	32,625	919	28,541	1,052	30,921	1302	26,535	839
EMP1	9,575	8,891	161,885	8,405	200,534	8,704	342,950	10,601
Transmission	186,921	-	296,544	-	296,543	-	318,497	-
TOTAL	\$1,355,531	34,518	\$1,252,139	34,220	\$ 1,477,813	34,715	\$1,723,069	36,149

Note: Total annual cost figure shown above do not exactly match contractual costs of electric production shown in the City's audited financial statements due to timing of billing by power providers and payment by the City.

* The City's contract with Nearman expired December 31, 2015 and was not renewed.

Largest Electric Utility Customers

The following table lists the top 10 largest users of the System for 2021

Customer	Product or Service	Purchased kWh	Billing	Percentage of Total System Charges
USD #367	School District	3,618,569	\$ 346,008	9.02%
Life Care	Nursing Home	1,155,169	105,056	2.74%
City of Osawatomie	Government Utilities	1,099,928	118,672	3.09%
Casey's General x 2	2 Convenience Stores	771,709	68,760	1.79%
TRI-KO	Community Service Provider	358,691	40,936	1.06%
Vintage Park	Assisted Living	283,704	27,626	0.72%
Sonic Drive-in	Restaurant	278,181	25,213	0.65%
Crystal/Justin Metcalfe	Long/Short Term Rental Rooms	233,197	34,736	0.90%
Union Pacific Railroad	Transportation	156,968	20,773	0.54%
Dollar Tree Stores, Inc.	Discount Store	156,818	14,874	0.38%
Subtotal		8,112,934	802,654	20.89%

Sales

The following table indicates the sales by type of customer for 2020 and 2021.

Type	2021 Sales	Active Meters	2020 Sales	Active Meters
Residential	2,297,599	1,764	\$2,218,035	1,775
Commercial	1,240,437	196	1,086,983	261
Industrial	18,168	2	12,219	2
City	<u>84,669</u>	<u>58</u>	<u>84,669</u>	<u>15</u>
Total	\$ 3,834,140	2,020	\$3,401,906	2,053
Total kWh	29,546,809		28,277,049	

Historical Customers

The following table sets forth the historic number of customers served by the System for the years indicated

<u>Year</u>	<u>Customers</u>
2021	2,020
2020	2,053
2019	2,097
2018	2,074
2017	2,097
2016	2,085
2015	1,987

Note: Increase in customers is a result from how multiple meters at an address are counted. Only minor changes in the number of meters.

RATES AND CHARGES

Utility System Billings and Collections

The System bills customers monthly on an individual basis. Under present policies, utility bills are due when received, but contain a delinquency date which provides ten days for payments. Service is terminated if full payment is not received within 20 days after notice of termination is given. Customers can request a hearing after notice of termination is given and termination may be postponed under certain circumstances.

State and Federal Regulation

The rates, fees and charges for electric service through the System as currently constructed and operated will be exempt from rate regulation by the Kansas Corporation Commission. The precise nature and extent future government regulation and the resulting impact of such regulation on the operation and profitability of the System cannot now be determined. The City has covenanted in the Resolution to comply with all such governmental regulation.

Electric Service Rates

In May of 2021, the city implemented an effective average rate increase of .008 per kilowatt hour.

In August of 2019, the city implemented an effective average rate increase of approximately \$0.005 per kWh to again bridge the gap between the current operating costs and expected excess capacity sales to occur in 2021 and forward. Those increases are reflected in the projected financials below. The City maintains the right and has covenanted in the Ordinance authorizing the issuance of the Bonds to increase fees and charges as needed to ensure adequate revenues to operate the utility, pay debt service on outstanding bonds, and provide required reserves.

For 2018, the city raised rates by an average of 3.95%, which would have generated an additional \$135,000 if applied to 2017 sales. The need for the increase was the result of increased operational costs, mild weather for several years, the loss of the grocery store in 2016, which was

a major customer, and delays in selling some of the system's excess capacity.

Prior to 2018, the City's rates had not been increased since September 25, 2008. In 2010 rates were reduced slightly and in 2012 the monthly Residential and Small General meter charges were reduced by \$1. In 2015, the City made a change in the ECA calculation method to capture the savings from the termination of the Nearman contract and the application of that savings to the bond payments for the project.

Residential*	
Meter Charge	\$11.75
First 500 kWh per month	\$0.119
All kWh over 500 kWh per month	\$0.093
Small General*	
Meter Charge	\$15.00
First 500 kwh per month	\$0.119
Next 4,500 kwh per month	\$0.108
All over 5,000 kwh per month	\$0.093
Large General (Demand Meters)*	
Monthly Customer Charge	\$80.00
Demand	Minimum kW demand or 60% of highest
Demand Charge per kW of Demand	\$5.858
Usage Rate for first 150 demand kWh (150 x demand)	\$0.078
Usage Rate for next 150 demand kWh (150 x demand)	\$0.072
Usage Rate for all additional kWh	\$0.063
Minimum bill	demand + customer charge
School District*	
Demand Meters	
Monthly Customer Charge	\$80.00
Demand	Minimum kW demand or 60% of highest summer kW demand
Demand Charge per kW of Demand	\$5.858
Usage Rate for first 150 demand kWh (150 x demand)	\$0.074
Usage Rate for next 150 demand kWh (150 x demand)	\$0.068
Usage Rate for all additional kWh	\$0.063
Minimum bill	demand + customer chg
City Use & School District Non-Demand*	
Usage Rate kWh per month	\$0.101
Outside City limits	50% over rates listed above
Energy Cost Adjustment (ECA) Charge*	
Base Rate for Calculation (Calculation in Ordinance)	\$.048/kWh beg May 2021
ECA Calculation Period	Based on energy costs for actual billing period

* ECA applied to all electric rates.

Note: 15-312. Energy Cost Adjustment (ECA).

(a) All electric bills are subject to a monthly Energy Cost Adjustment (ECA) and shall be calculated as follows:

The rate for energy to which this adjustment is applicable shall be adjusted by \$.0001 per kilowatt-hour (kWh) in the aggregate cost of energy as computed by the following formula:

$$\frac{((P + G + O)/(K + C)) \times L}{(B)} = \text{Adjustment}$$

P = The current month actual total cost of power purchased.

G = The current month actual total cost of City generation.

O = The current month actual total cost of any other associated power supply expenses.

K = The current month actual total kWh of the delivered purchased power.

C = The current month actual total kWh of the delivered City generation power.

L = The current City losses determined annually $\frac{((\text{Purchased Power} + \text{City Generation}) - \text{City Billed})}{\text{City Billed}}$.

B = The Base will be established by a fee resolution, as specified in Section 15-308.

Future Rate Increases

In December of 2020, the City complete an electric rate review which will includes a transformer impact fee to accounts for the increasing number of service upgrades being done in our residential areas. The City maintains the right and has covenanted in the Ordinance authorizing the issuance of the Bonds to increase fees and charges as needed to ensure adequate revenues to operate the utility, pay debt service on outstanding bonds, and provide required reserves. Then, and as a result of the winter storm in 2021, the city, in order to pay its large energy bill from primarily GRDA, utilized a one-time low interest special loan program established by the State of Kansas in order to help municipal utilities. In order to retire this debt, the city adopted a nominal rate increase to be collected for the next 10 years (retires in 2031) of .008/kWh which is reflected in the rates provided previously in this report.

Electric System Competition

The city has authority to provide electric service to customers within the boundaries of the City. The city is singly certificated and it alone is authorized to provide electric service in the city, except that the Osawatomie State Hospital and a small residential area that was annexed into the city within the last 10 years, are certificated by Kansas City Power and Light (KCPL). The city has not purchased the rights to those existing services at this time. The certificated area is surrounded by areas certificated to Kansas City Power and Light (KCPL).

2018 Annual Rate Comparisons to Evergy

<u>Customer Examples</u>	Osawatomie			Evergy Comparison		
	<u>kWh</u>	<u>Total Cost</u>	<u>\$/kWh</u>	<u>Total Cost</u>	<u>\$/kWh</u>	<u>% Diff</u>
Residential (non-demand)	10,025	\$ 1,252	\$ 0.124	\$ 1,545	\$ 0.154	23.4%
Small General Service (non-demand)	8,992	1,396	0.155	1,879	0.209	34.6%
Medium General Service (demand)	1,167,118	110,296	0.095	141,076	0.121	27.9%

Note: City has no Large General Service customers. No estimates given for rate differential.

DEBT STRUCTURE OF THE SYSTEM

Current Indebtedness of the System

The following table sets forth all of the outstanding obligations of the System as of December 31, 2019:

<u>Project</u>	<u>Series</u>	<u>Original Amount</u>	<u>Principal Outstanding</u>	<u>Final Maturity</u>
Electric Utility System Revenue	2015-A	\$6,230,000	\$4,750,000	09-01-35

Historical & Projected Financials

The following is a summary of the historical **revenues**, operating expenditures, and payments of bonds for the System.

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Revenues	\$ 3,664,640	\$ 3,941,249	\$ 3,748,846	\$ 3,653,841	\$ 5,273,255
Operation & Maintenance Expense (1)	<u>2,766,515</u>	<u>3,053,363</u>	<u>2,539,762</u>	<u>2,225,028</u>	<u>3,043,763</u>
Net Income	\$ 898,247	887,886	1,209,084	1,428,813	2,229,492
Debt Service	\$ 435,725	\$ 435,725	\$ 432,501	\$ 434,100	\$ 435,353
Debt Service Coverage	2.06x	2.04x	2.80x	3.29x	2.45x

The following is a projected summary of the **future** revenues, operating expenditures, and payments of Bonds for the System.

	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Revenues	\$4,034,500	\$4,263,155	\$ 4,458,161	4,480,017
Operation & Maintenance Expense (1)(2)	<u>2,578,485</u>	<u>3,080,952</u>	<u>3,087,739</u>	<u>3,359,810</u>
Net Income	\$1,456,015	\$ 1,182,203	\$ 1,370,422	\$ 1,120,207
Debt Service	\$715,638	\$431,525	\$436,800	\$435,400
Debt Service Coverage	2.03x	2.74x	3.14x	2.57x

- (1) Excludes capital outlay expenditures and discretionary transfers out of the System for non-utility related purposes (e.g. recreation, golf course, tourism, general capital improvements). Such transfers are subordinate to the repayment of the Bonds and may only be made from the Surplus Fund.
- (2) As a result of completion of the Project and termination of its purchase contract with Nearman Creek Power Plant, the City experienced a net decrease in operation and maintenance costs of approximately \$240,000 per year. Additionally, the City anticipates lower production costs due to reduction of line loss and future potential revenue growth from the sale of power made possible by the Project.

Sources: Historical Financials - Audited Financial Statements
Revenue & Expense Projections – City of Osawatomie
Debt Service Requirements - 2015-A Issuance Debt Service Schedule



ACTION ITEM SUMMARY	Item Number:	10.C.
	Date:	September 8, 2022
Deputy City Manager	From:	Bret Glendening

RE: Amending City Personnel Policies

RECOMMENDATION: Adoption of the proposed amendments to the personnel policies

DETAILS: Back in April, the City Council approved the observation of Juneteenth for the City of Osawatomie. Part of that presentation entailed bringing back to the council a proposal that would remove one of the other city holidays. Included in that discussion was eliminating the city “floating” holiday that has typically been used during the Christmas season. Resolution 1051 codifies the addition of Juneteenth to the city’s list of observed holidays as well as removes the city floating holiday.

Additionally, and in the same section (Ch. 12, Section I) is language detailing how part-time employees will receive holiday pay. This formula is convoluted and requires city staff to spend almost as much time figuring out what a part-time employee’s eligibility is to receive holiday pay as what the policy is attempting to save in terms of cost. Revising subsection e) of Chapter 12, Section I simplifies this process and pays part-time employees who work on a city recognized holiday 1.5 times their hourly rate.

Related Statute / City Ordinances	914, 993
Line Item Code/Description	N/A
Available Budget:	N/A

RESOLUTION NO. 1051

A RESOLUTION AMENDING THE PERSONNEL POLICIES FOR THE CITY OF OSAWATOMIE, KANSAS

WHEREAS, the City of Osawatomie, Kansas, has personnel policies in place that are applicable to all city employees; and

WHEREAS, these personnel policies have been in effect since January 1, 2015 and have been amended as needed from time to time; and

WHEREAS, on April 14th, 2022 the Governing Body approved the observance of Juneteenth as a city holiday; and

WHEREAS, additional modifications to the personnel policies are needed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Osawatomie, Kansas:

Section 1. the Governing Body hereby amends Chapter 12, Section I of the city's personnel policies to read as follows:

Chapter 12: Employee Privileges, Time Off and Leaves of Absence

I. Holidays. Employees are eligible for holidays beginning the first day of employment.

a) Employees receive the following ~~ten (10)~~ **eleven (11)** holidays per year:

New Year's Day	January 1 st
Martin Luther King Jr. Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4 th
Labor Day	First Monday in September
Veterans Day	November 11 th
Thanksgiving Day	4 th Thursday in November
The Day after Thanksgiving Day	Friday after Thanksgiving
Christmas Day	December 25 th

~~b) Additionally, one observed City-designated 8-hour floating holiday will be determined by the City Manager in December of the preceding year. This holiday will usually coincide with one of the other established holidays so as to create a four day weekend (for example, if Christmas fell on a Thursday the floating holiday for the City may be Friday December 26th). For example, this day might be declared to lengthen a weekend such as New Year's Day, Independence Day or Christmas.~~

b) Holidays that fall on a Saturday will be observed on the preceding Friday, and those that fall on a Sunday will be observed on the following Monday. Exceptions will be made for shift workers who will observe the holiday on the same day.

- c) Full-time employees who do not work on an observed City holiday will receive eight hours holiday pay.
- d) Full-time, non-exempt employees who are required to work on an observed holiday shall be compensated at 1½ times the employee's regular rate of pay for the first eight hours worked and 2 times the employee's rate of pay for hours worked beyond eight. In addition, the employee will receive eight hours holiday pay at the employee's regular rate of pay. Police Department employees assigned to patrol will receive compensation at the rate of 2 times the employee's rate of pay for hours worked beyond eight only if they have over 80 hours in the pay period in which the holiday falls.
- e) Regular part-time employees ~~scheduled to~~ who work **on city recognized holidays shall receive 1.5 times their regular rate of pay. Employees will only receive holiday pay for hours worked on the actual holiday, not on observed days or dates.** ~~a minimum of 15 hours per week will receive holiday pay for those holidays that fall on their normal workday; holiday pay will be pro-rated based on employee's work schedule (i.e. 15 hours per week will receive 3 hours holiday pay; 30 hours per week will receive 6 hours holiday pay).~~
- f) To be eligible for holiday pay, an employee must be in a paid status for the entire last scheduled working day before the holiday and the entire first scheduled working day after a holiday.

PASSED AND ADOPTED by the Governing Body of the City of Osawatomie, Kansas this 22nd day of September, 2022, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Nick Hampson, Mayor

(SEAL)

ATTEST:

Tammy Seamands, City Clerk



ACTION ITEM SUMMARY	Item Number:	10.D.
	Date:	September 22, 2022
Deputy City Manager	From:	Bret Glendening

RE: Authorizing the execution of the necessary paperwork to apply for KDHE State Revolving Loan Financing

RECOMMENDATION: Adoption of the resolution

DETAILS: With the public hearing out of the way for the KDHE SRF water treatment plant and distribution system interim financing out of the way, we now need to adopt the resolution authorizing the appropriate city officials to sign the necessary documents to make application to the state revolving loan fund. Once that application has been made, accepted by KDHE, and the funding has been set aside, we will be able to file for reimbursement of all expenses associated with the design of the facility to date, which are the invoices we started receiving in April.

Related Statute / City Ordinances	941, 977, 978
Line Item Code/Description	N/A
Available Budget:	N/A

RESOLUTION NO. 1052

A RESOLUTION AUTHORIZING THE COMPLETION OF AN APPLICATION TO THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT REGARDING A LOAN FROM THE KANSAS PUBLIC WATER SUPPLY LOAN FUND

WHEREAS, the CITY OF OSAWATOMIE Kansas is a duly incorporated CITY OF THE 2ND CLASS (the City) organized under the laws of the state of Kansas (the “State”) which operates a public water supply and distribution system (the” System”); and

WHEREAS, the CITY COUNCIL OF the City has heretofore determined in to be in the best needs of the customers of the System to undertake certain modifications and improvements to the WATER SYSTEM; and

WHEREAS, the pursuant to K.S.A. 65-163c *et seq.* (the “Act”), the Kansas Department of Health and Environment (“KDHE”) administers the Kansas Public Water Supply Loan Fund (the “Fund”) from which loans are made to certain qualified Municipalities (as said term is defined in the Act) to finance modification and improvements to public water supply systems; and

WHEREAS, the CITY has heretofore made an application to KDHE for a loan in an amount not to exceed **\$38,324,560** (the loan) to finance the Project; and

WHEREAS, the Governing Body has conducted a public hearing on September 8, 2022 on the advisability of proceeding with the completion of the application for the Loan and desires to authorize the appropriate officials of the City to accomplish the completion process.

**BE IT RESOLVED BY THE GOVERNING BODY OF OSAWATOMIE, KANSAS,
AS FOLLOWS:**

Section 1. Loan Application. The Mayor and the Council are hereby authorized to cause to be prepared and to execute a Loan Application, including all attachments thereto (jointly, the “Application”); in substantially the form presented to the Governing Body this date, in order to provide financing for the Project. The Application shall be forwarded to KDHE as soon as possible.

Section 2. Further Proceedings. The Mayor and the City Clerk and the other officers and representatives of the City are hereby authorized and directed to take such other action as may be necessary to complete the Application and to coordinate processing of a loan agreement for the Loan (the “Loan Agreement”); provided that the authorization to execute the Loan, Agreement shall be subject to further resolution of the Governing Body.

Section 3. Further Authority. 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 22nd day of September, 2022, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

(SEAL)

Nick Hampson, Mayor

ATTEST:

Tammy Seamands, City Clerk



City of Osawatomie

ACTION ITEM SUMMARY	Item Number:	
	Date:	September 22, 2022
Director of Community Development	From:	Ed Beaudry

DETAILS: 411 11th Street Memorial Hall Roof

The City Council approved the repair of the Memorial Hall roof on July 28, 2022. Included in the winning bid from Wright Construction they would replace the hip girder joists, tie the remaining rafters back into the new hip and re-sheath the affected area on the Northwest Corner.

When Wright Construction began the work at the northwest corner, it was discovered the hip rafter was broken. Staff spoke with a Structural Engineer, who is familiar with this building. He stated the best option would be to completely replace the roof with engineered trusses, deck and shingles at a cost of \$300,000.00. Unfortunately, this is not in our budget.

A more in-depth inspection of the three existing hip rafters will be performed during the removal of the soffit and fascia. If work is required on the existing 3 rafters (sistering), this could cost approximately \$33,000.00. This cost is for material and labor. This is also not in the budget.

The structural engineer confirmed that the sistering will work for the short term (making it look better). But if we want to maintain this structure in the long-term, we will need to invest approximately \$300,000.00 to replace the complete roof structure and we simply don't currently have those funds on hand to take on the project.

This building will continue to need repairs, the large cantilevered overhang is something special that building designers do not use because of the added weight on the rafters/ truss ends. Engineered beams and or steel trusses are being used more and more on these roof structures, which is why the replacement prices are so high.

COUNCIL ACTION NEEDED: Discuss and provide city staff with direction.

STAFF RECOMMENDATION:



CITY OF OSAWATOMIE

DEPUTY CITY MANAGER'S REPORT ON OPERATIONS

September 22, 2022

2023 Budget Finalized:

Now that the budget is finalized the Mayor and City Council, as well as the department heads should have all received a copy of not only the line-item detail, but also the state budget form. If there are any questions, please do not hesitate to ask.

Water Treatment Plant Status:

At the June 9th council meeting, we held a public hearing for the full application to the State of Kansas/USDA for financing. This public hearing will need to be repeated due to the amount of time that has passed since the initial hearing and the time we ended up needing to obtain the cultural resources study (as requested by the Kansas State Historical Society) and the environmental study. Luckily, it can be held simultaneously with the KDHE public hearing to access SRF monies on September 8th. The state revolving loan fund will be used for the temporary financing portion of the project. All funds expended to this date for the design of the plant and distribution system will be reimbursable. Additionally, the environmental assessment reports have been completed as of the end of May. A cultural resources study of the water treatment plant site was requested by the Kansas State Historical Society which has been completed. None of these items will hold up progress on design however. Lastly, we are still waiting on a letter of conditions to be issued by the Agency(ies). We won't get the letter of conditions on this project until after the cultural resources study is complete due to the size of the project. Additionally, we are eligible under the USDA rules to qualify for an interest rate of 2% for permanent financing and 1.29% for the temporary financing and we will also be eligible for some yet to be determined level of principal forgiveness.

Wastewater Treatment Plant Status:

Our ongoing battle with inflow and infiltration (I&I) continues to be an issue. BG Consultants issued an RFP for CCVT companies to bid to in order to identify sewer lines in the city that have not been part of the previous sewer main rehabilitation phases 1, 2 or 3. Unfortunately, we only received one bid, but they are the most reputable firm that provides this kind of service. Their price was \$110,250. This covers approximately 60,000 LF (<11 miles) of sewer mains. Once the Sewer Rate study is complete, we will be in a better position to make a recommendation as to what the best path forward is to address the balance of the collections system.

Additionally, the contractor performing the upgrades at the WWTP has mobilized.

Evergy Solar Array Development:

On March 10th, I provided the council with the current redlined draft of the PPA (Resolution 979). This resolution will be back before the council to vote on once the PPA, final cost per MWh, and

the purchase price of the facility can be known. We are planning to have this before the council on September 8th. Additionally, this resolution and the PPA have been included in the council packet for your review.

Levee Certification / Flood Insurance Rate Map Revisions – Status Update:

Now that FEMA has accepted our accreditation materials for a certified levee, the levee is now fully compliant with 44 CFR 65.10. We are currently in the mapping phase of this project. A kickoff meeting has been held. What does the mapping schedule look like going forward?

August 8, 2022	Kickoff Meeting
September 8, 2022	Provide Review Comments to Certification Data
September 30, 2022	Distribute Preliminary Flood Insurance Rate Maps (FIRMs)
November 2022	Begin Community Coordination & Outreach (CCO) meetings
February 2023	End CCO Meetings
Spring 2023	Appeals Period
Winter 2023	Letter of Final Determination
Summer 2024	Final FIRM's established and effective

2022 and 2023 Street Improvements:

Design on 6th Street from Kelly Ave. to Lincoln Ave. as well as Brown Ave. from 7th to 12th continues. We have resubmitted for the Fall round of the KDOT Cost Share Grant program. The good news with the fall application is they will award up to \$1,500,000/project. The bad news is, there is only \$11,000,000 available in the program for the fall round, and I expect there to be a large number of applicants. The mill and overlay project is complete and concrete curbs, gutters and drive way approaches has begun on Brown Avenue.