

OSAWATOMIE CITY COUNCIL  
AGENDA

August 10, 2023

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. August 10, 2023 Agenda
  - B. July 27, 2023 Meeting Minutes
  - C. Pay Application(s)
    - Killough Construction – Brown Ave. Pay App #2 - \$274,906.72
    - Killough Construction – 18<sup>th</sup>/Main St. Terr/Walnut – Pay App #4 - \$967,263.90
  - D. Special Event Permit(s)
    - Third Saturdays (August, September, October)
    - Homecoming Parade for Osawatomie High School
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. Ordinance 3831 – Franchise Fee for Commercial Refuse Customers
  - B. Ordinance 3833 – Extending NRP for 10 Years
  - C. Resolution 1155 – Accepting the Annual Electric Report for the U.S. Dept. of Energy
  - D. Ordinance 3834 – Adopting by Incorporation the 2023 Standard Traffic Ordinance
  - E. Ordinance 3835 – Adopting by Incorporation the 2023 Uniform Public Offense Code
  - F. Resolution 1156 – Requesting Extension for CDBG Grant at WWTP
  - G. Common Consumption Areas – 500 Block of Main and Trailhead - Interest? *(No Action)*
  - H. Offer to Purchase Two Lots in Hickory Valley *(No Action)*
11. Executive Session
  - A. Non-Elected Personnel 75--4319(b)(1)
12. Council Report
13. Mayor's Report
14. City Manager & Staff Report
15. Adjourn

*NEXT REGULAR MEETING – August 24, 2023*

Osawatomie, Kansas. **July 27, 2023.** The Council Meeting was held at Memorial Hall located at 411 11<sup>th</sup> Street. Mayor Nick Hampson called the meeting to order at 6:30 p.m. Council members present were: Schasteen, Macek, Diehm, Dickinson, LaDuex, Bratton, Filipin and Caldwell. City Staff present at the meeting were: City Manager Bret Glendening, City Clerk Tammy Seamands, City Attorney Jeff Deane, Utility Director Terry Upshaw, Public Works Director Michele Silsbee, Assistant to the City Manager Sam Moon and Building Official Keith Myers. Members of the public were: Dennis Blanton, Mitch Walter, Caleb Sampson, Josh Sampson, Michelle Chester, Dustin Brinkerhoff, Brian McCauley and Derek Henness.

**INVOCATION.** – Assistant Pastor Dustin Brinkerhoff, Victory Baptist Church

**CONSENT AGENDA.** Approval of July 27, 2023 Agenda, July 8<sup>th</sup> Council Meeting Minutes, Special Event Permit – Stomp Out Suicide Fundraiser Walk, Register Report 2023-06. **Motion** made by Dickinson, seconded by LaDuex to approve the consent agenda with removal of Ordinance 3831 from the agenda. Yeas: All

#### **COMMENTS FROM THE PUBLIC.**

Dennis Blanton – I addressed the council at the July 8<sup>th</sup> meeting in regards to a street light at East Mill and Retan. After the meeting Mr. Upshaw spoke with me and said that he would get with me later on this issue. The next morning Mr. Upshaw stopped by my house to speak with me and said that it would be addressed. The street light was taken care of by noon on July 19<sup>th</sup>. I want to thank Mr. Upshaw and the electric crew for the work that they did on this.

Pastor Dustin Brinkerhoff – I am the assistant pastor of Victory Baptist Church. We do have a few events coming up. Next week a big group from our church is going to go down to Branson to Sight and Sound. August 19<sup>th</sup> we have a Back-to-School event for all the kids in the community. There will be bounce house, snacks and games outside. August 20<sup>th</sup> is our church's 42<sup>nd</sup> anniversary in town. We are excited to celebrate that.

**PUBLIC HEARINGS.** – None.

#### **PRESENTATIONS, PROCLAMATIONS AND APPOINTMENTS.**

**EAGLE SCOUT SERVICE PROJECT PROPOSAL** – Caleb Sampson is with Scout Troop 106 and presented his idea for an Eagle Scout project at Memorial Hall. His objectives would be to repaint all the wood trim, wood covers, metal bars and exterior doors, replace the front exterior door, clean out the flower beds, put in mulch and stone beds, clean up picnic tables and install benches.

**RESOLUTION 1153 – AUTHORIZING THE REHABILITATION AND IMPROVEMENTS TO THE EXTERIOR AND LANDSCAPING OF MEMORIAL HALL AS AN EAGLE SCOUT SERVICE PROJECT** – **Motion** made by Dickinson, seconded by Caldwell to approve Resolution 1153 – Authorizing the rehabilitation and improvements to the exterior and landscaping of Memorial Hall as and Eagle Scout Service Project as presented. Yeas: All.

## UNFINISHED BUSINESS.

RESOLUTION 1154 – AWARDING 2023 TEMPORARY NOTES TO LOOP CAPITAL MARKETS – Mitch Walter with Gilmore Bell discussed the process leading up to the award of the temporary notes to Loop Capital Markets. The council has previously approved resolutions authorizing the issuance of Temporary Notes for the following projects: The John Brown & South Levee Loop Trail project funded largely by KDOT Transportation Alternative grant dollars; water line replacements along Brown Avenue and 6th Street funded in part by USDA-RD grant and loan, and the 6th Street project which is funded partially with a KDOT Cost Share grant. **Motion** made by LaDuex, seconded by Schasteen to approve Resolution 1154 – Authorizing and directing the issuance, sale and delivery of general obligation temporary notes, series 2023-1, of the City of Osawatomie, Kansas; providing for the levy and collection of an annual tax, if necessary, for the purpose of paying the principal of and interest on said notes agreements to provide for the payment and security thereof; and authorizing certain other documents and actions connected therewith as presented. Yeas: All.

Q&A SESSION FOR 2024 BUDGET – Bret Glendening gave an overview of the state budget form and gave the council an opportunity to ask questions regarding the proposed 2024 budget.

## NEW BUSINESS.

ORDINANCE 3832 – AMENDING SECTION 4-105 AND 4-202 OF CHAPTER IV OF THE CITY CODE– In June of 2022, the city council adopted Ordinance 3811 which incorporated the 2018 IBC and 2017 NEC and replaced the 2006 IBC and 2005 NEC. That ordinance adopted certain appendices deemed beneficial to the city as well as deleted certain sections of those codes that present undue burdens, including additional cost on remodels and new home construction. One of those areas deals with Arc Fault Circuit Interrupters (AFCI's). In section 4-202 (b), Ordinance 3811 deleted the sections pertaining to AFCI's in their entirety. However, when you get down into section 4-202 (c), Ordinance 3811 amended certain "exceptions" into the code which creates a great deal of ambiguity.

Additionally, there is a requirement in the code that states new construction with unfinished basements shall require the basement of the ceiling to be enclosed with ½" sheetrock. We are proposing that this be removed.

The code as adopted also identified several areas of work that were "exempt from permit". These exceptions should have been removed when the code was adopted last summer but were overlooked. Everything that is stricken in Ordinance 3832 has always required permits in the past and we should continue to do so. **Motion** made by Schasteen, seconded by Filipin to approve Ordinance 3832 – Amending Chapter IV buildings and construction, 4-105, 4-202 of the code of the City of Osawatomie, Kansas as presented. Yeas: All.

**PROPOSED CHANGES TO FOOD TRUCK POLICY** – Sam Moon stated that she would like to see the food trucks transitioned from 5<sup>th</sup> & Main to the Main Street Plaza and to make that work they will need to be some tweaks to the food truck policy. If you have any questions or recommendations to these changes, please contact Sam Moon. There was no action taken on this item.

**PENDING MAIN STREET CLOSURE** – Michele Silsbee – Construction of storm sewer as part of the Brown Avenue, 7<sup>th</sup> Street to 12<sup>th</sup> Street reconstruction project will require the temporary closure of Main Street from 7<sup>th</sup> Street to 12<sup>th</sup> Street beginning on August 2<sup>nd</sup>. This closure is expected to last 2 – 3 weeks, weather permitting, and is essential to connect the new storm sewer for Brown Avenue into the existing storm sewer on Main Street. There was no action taken on this item.

**UPCOMING SPECIAL USE PERMITS** – We have a couple of special use permits coming up. The big one is the Everygy Solar Array on the property across from the state hospital. The hearing has not been set for that yet. The goal is to have this to the planning commission in September and to the council in October.

There is a couple of parcels in the 300 block of Walnut that applied six months ago for “Echo housing” also known as a “Mother in Laws quarters”. It is a secondary residential structure located on one parcel. The old zoning regulations you could only have one primary residential structure on a parcel. These zoning regulations you can have two but the second one has to be set in the back yard. The applicant has had their property surveyed and applied for the special use permit. This will be before the planning commission as well.

Next week the planning commission will hold the final public hearing on the “10 acres” project. If the planning commission would approve the final plat, they would then forward that to the council.

There was not action taken on this item.

**EXECUTIVE SESSION** – none.

## **COUNCIL REPORTS**

Karen LaDuex ~ I attended the Landmark celebration of the 100<sup>th</sup> anniversary of Bob Dole’s birth on Saturday. I ran into Chad Tenpenny who is working on our national historical park application. He mentioned to me that Senator Marshall has decided to sign our letter of support for the application. Chad was able to get me a minute with Senator Marshall to thank him personally.

## **MAYOR’S REPORT**

Our former city manager, Mike Scanlon has written an article for the Kansas Government Journal about the Kansas Association of Trail Towns. I encourage you all to read it.

Main Street as we heard will be closed, please urge your constituents to be patient and know that if there were a way to avoid closing Main Street, we would have done it that way.

Staff will always meet with council members and their constituents simultaneously, if need be, to discuss questions or concerns with the budget.

Lastly, I want to thank our building inspector, Keith Myers. You're already making an impact on the community in a positive way. It may be a tough go for a bit, but keep it up and know that the city manager and the council have your back.

**CITY MANAGER & STAFF REPORTS.** – None.

**OTHER DISCUSSION/MOTIONS.**

**Motion** made by Schasteen, seconded by Macek to adjourn. Yeas: All. The mayor declared the meeting adjourned at 07:43 p.m.

/s/ Tammy Seamands  
Tammy Seamands, City Clerk

**KILLOUGH CONSTRUCTION, INC.**  
**P.O. BOX 810**  
**OTTAWA, KANSAS 66067**

**WORK PROGRESS ESTIMATE**

ESTIMATE FOR: OSAWATOMIE

DATE: 07/31/2023

KILLOUGH JOB #: 22304

ESTIMATE #: 5

WORK THROUGH: 07/31/2023

PROJECT: PHASE 2

ITEM #	PHASE	DESCRIPTION	ORIGINAL ESTIMATED QUANTITIES	QTY COMPLETE TO DATE	UNITS	UNIT PRICE	DOLLARS COMPLETE TO DATE	PREVIOUS AMOUNT	NEW AMOUNT
1	164	contractor construction staking	1.00	1.00	lsun	17,700.00	17,700.00	13,275.00	4,425.00
2	401	mobilization	1.00	1.00	lsun	123,005.00	123,005.00	92,253.75	30,751.25
3	163	temp traffic control	1.00	1.00	lsun	6,750.00	6,750.00	5,062.50	1,687.50
4	162	SWPPP	1.00	1.00	lsun	4,908.00	4,908.00	3,681.00	1,227.00
5	162	temp seeding	1.00		lsun	1,500.00			
6	162	seeding fert mulching	1.00		lsun	2,500.00			
7	111	clearing and grubbing	1.00	1.00	lsun	30,520.00	30,520.00	15,280.00	15,280.00
8	161	removal of existing structures	1.00	1.00	lsun	56,005.00	56,005.00	28,002.50	28,002.50
9	165	perm signing	1.00		lsun	7,750.00			
10	112	unclassified excavation	6,937.00	6,937.00	cuyd	21.44	148,729.28	80,400.00	68,329.28
11	112	embankment	83.00	83.00	cuyd	24.00	1,992.00	1,032.00	960.00
12	121	agg base ab-3 6"	2,293.00	2,293.00	sqyd	11.25	25,796.25	12,993.75	12,802.50
13	137	concrete pavement 6" uniform AE	1,645.00	1,645.00	sqyd	62.41	102,864.45		102,864.45
14	137	concrete pavement 8" NRDJ AE	440.00	440.00	sqyd	97.30	42,812.00		42,812.00
15	137	sidewalk construction 4" AE	1,825.00	1,825.00	sqyd	50.38	91,943.50		91,943.50
16	137	sidewalk ramp	74.00	74.00	sqyd	280.59	20,763.66		20,763.66
17	137	grade 3.0 concrete misc.	16.00	16.00	cuyd	1,250.00	20,000.00		20,000.00
18	165	reinforcing steel for steps	388.00	388.00	lbs	3.50	1,358.00		1,358.00
19	165	handrail	56.00		lnft	435.00			
20	142	adjust water valve box	13.00	4.00	each	400.00	1,600.00		1,600.00
21	142	5'x3' setback curb inlet precast	1.00	1.00	each	6,505.00	6,505.00	8,505.00	
22	142	5'x4' setback curb inlet precast	10.00	10.00	each	6,383.00	63,830.00	63,830.00	
23	142	4' std manhole	2.00	2.00	each	5,381.00	10,762.00	10,762.00	
24	142	end section 15" CMP	1.00	1.00	each	765.00	765.00	765.00	
25	142	storm sewer 15" CMP	211.00	211.00	lnft	82.85	17,439.15	17,439.15	
26	142	storm sewer 18" CMP	645.00	645.00	lnft	87.25	56,363.50	56,363.50	
27	142	storm sewer 15" RCP	82.00	82.00	lnft	89.15	7,310.30	7,310.30	
28	142	storm sewer 18" RCP	189.00	189.00	lnft	91.48	17,289.72	17,289.72	
29	142	adjust waterline horizontal	4.00	5.00	each	8,100.00	40,500.00	40,500.00	
30	142	adjust waterline vertical	1.00	1.00	each	8,100.00	8,100.00		
Bid alt no 1									
31	152	HMA commercial grade class A base	2,969.00	2,969.00	tons	103.30	306,697.70		306,697.70
32	152	HMA commercial grade class A surface	848.00		tons	103.30			
33	137	concrete curb and gutter AE 9"	5,756.00	5,756.00	lnft	19.80	112,817.60		112,817.60
34	121	agg base AB-3 6"	9,719.00	9,719.00	sqyd	11.25	109,338.75	84,676.25	44,662.50
add alternate 1 4th and walnut									
35	164	contractor construction staking	1.00	1.00	lsun	1,500.00	1,500.00		1,500.00
36	401	mobilization	1.00	1.00	lsun	9,060.00	9,060.00		9,060.00
37	163	temp traffic control	1.00	1.00	lsun	500.00	500.00		500.00
38	162	SWPPP	1.00	1.00	lsun	650.00	650.00		650.00
39	162	temp seeding	1.00		lsun	500.00			
40	162	seeding fert mulching	1.00		lsun	500.00			
41	111	clearing and grubbing	1.00	1.00	lsun	3,400.00	3,400.00		3,400.00
42	161	removal of existing structures	1.00	1.00	lsun	5,200.00	5,200.00		5,200.00
43	165	perm signing	1.00		lsun	500.00			
44	121	agg base ab-3 6"	319.00	319.00	sqyd	11.25	3,588.75		3,588.75
45	137	concrete pavement 6" uniform AE	94.00	94.00	sqyd	62.41	5,866.54		5,866.54
46	137	concrete pavement 8" NRDJ AE	211.00	211.00	sqyd	97.30	20,530.30		20,530.30
47	137	sidewalk construction	127.00	127.00	sqyd	60.38	6,398.28		6,398.28
48	137	sidewalk ramp	24.00	24.00	sqyd	280.59	6,734.16		6,734.16
49	142	adjust water valve box	2.00		each	400.00			
50	142	manhole adjustment	1.00	1.00	each	1,200.00	1,200.00		1,200.00
51	142	5'x4' setback curb inlet precast	4.00	4.00	each	5,901.00	23,604.00		23,604.00
52	142	storm sewer 24" CMP	206.00	206.00	lnft	103.96	21,415.76		21,415.76
53	142	storm sewer 15" RCP	44.00	44.00	lnft	95.15	4,230.60		4,230.60
54	142	storm sewer 18" RCP	28.00	28.00	lnft	98.48	2,757.44		2,757.44
55	142	adjust waterline vertical	2.00		each	8,100.00			
bid alt no 1: Add alt 1									
56	152	HMA commercial grade class A base	91.00		sqyd	103.30			
57	152	HMA commercial grade class A surface	28.00		tons	103.30			
58	137	concrete curb and gutter AE 9"	439.00	439.00	tons	21.60	9,482.40		9,482.40
59	121	agg base AB-3 6"	386.00	386.00	sqyd	11.25	4,342.50		4,342.50
change order #1									
60	115	interax geogrid (with freight)	15.00	15.00	roll	1,770.00	26,550.00	26,550.00	
61	115	extra labor/equipment to install geogrid	1.00	1.00	lsun	1,100.00	1,100.00	1,100.00	
62	121	extra AB-3 for subgrade	983.00	764.17	sqyd	11.25	8,596.91	8,596.91	

Short pay by  
\$20,000 per Brian  
Killough

CONTRACT EARNED TO DATE	1,620,973.48	581,748.33	1,039,225.15
RETAINAGE	6.00%	81,048.67	
AMOUNT DUE TO DATE		1,539,824.81	
LESS PREVIOUS APPLICATIONS		552,660.91	
AMOUNT DUE THIS ESTIMATE		987,263.90	

**KILLOUGH CONSTRUCTION, INC.**  
**P.O. BOX 810**  
**OTTAWA, KANSAS 66067**

**WORK PROGRESS ESTIMATE**

ESTIMATE FOR: CITY OF OSAWATOMIE

DATE: 07/31/2023

KILLOUGH JOB #: 22328

ESTIMATE #: 2

WORK THROUGH: 07/31/2023

PROJECT: PHASE 3

ITEM #	PHASE	DESCRIPTION	ORIGINAL ESTIMATED QUANTITIES	QTY COMPLETE TO DATE	UNITS	UNIT PRICE	DOLLARS COMPLETE TO DATE	PREVIOUS AMOUNT	NEW AMOUNT
1	164	contractor construction staking	1.00	0.25	lsum	21,745.00	5,436.25	5,436.25	
2	401	mobilization	1.00		lsum	124,785.00			
3	163	traffic control	1.00	0.25	lsum	16,550.00	4,137.50		4,137.50
4	162	SWPPP	1.00		lsum	5,000.00			
5	162	temp seeding	1.00		lsum	3,000.00			
6	162	seeding fert and mulching	1.00		lsum	5,000.00			
7	111	clearing and grubbing	1.00	0.35	lsum	40,560.00	14,196.00	14,196.00	
8	161	removal of existing structures	1.00		lsum	13,140.00			
9	112	common excavation	5,362.00		cuyd	23.25			
10	114	rock excavation	2,044.00		cuyd	28.00			
11	113	comp of earthwork MR-90	260.00		cuyd	4.00			
12	121	agg base AB-3 6"	3,989.00		sqyd	11.50			
13	137	concrete pavement 6" AE	2,295.00		sqyd	69.39			
14	137	concrete pavement 8" AE	1,440.00		sqyd	95.29			
15	137	concrete pavement 8" AE NRDJ	198.00		sqyd	95.29			
16	137	sidewalk construction 4" AE	3,029.00		sqyd	52.50			
17	137	sidewalk ramp	173.00		sqyd	294.78			
18	137	concret grade 3.0 AE	9.70		cuyd	1,250.00			
19	137	reinforcing steel grade 60	570.00		lbs	3.75			
20	165	handrail metal-galvanized	20.00		lnft	400.00			
21	142	inlet curb set back 5x4	22.00		each	7,200.00			
22	142	inlet curb setback 10 x 4	1.00		each	9,220.00			
23	142	inlet manhole 4'	2.00		each	2,835.00			
24	142	inlet manhole 5'	4.00		each	3,855.00			
25	142	storm sewer 15" ACSP	540.00		lnft	66.69			
26	142	storm sewer 18" ACSP	334.00		lnft	71.36			
27	142	Storm sewer 24" ACSP	213.00		lnft	80.00			
28	142	storm sewer 30" ACSP	790.00		lnft	90.70			
29	142	storm sewer 36" ASCP	169.00		lnft	103.75			
30	142	storm sewer 15" RCP	1,056.00		lnft	77.66			
31	142	storm sewer 18" RCP	31.00		lnft	81.44			
32	142	storm sewer 24" RCP	222.00		lnft	86.07			
33	142	storm sewer 30" RCP	62.00		lnft	112.33			
34	142	storm sewer 36" RCP	114.00		lnft	135.67			
35	142	end section 30" ASCP	1.00		each	1,675.00			
36	142	end section 36" ASCP	1.00		each	2,240.00			
37	137	flowable fill low strength	373.80		cuyd	150.00			
38	122	rip rap light stone	31.00		sqyd	45.00			
39	142	sanitary sewer cleanout	4.00		each	560.00			
40	142	sanitary sewer lateral 4" PVC	235.00		lnft	65.00			
41	142	sanitary sewer lateral 6" PVC	55.00		lnft	75.00			
42	154	pavement marking multi white 6"	480.00		lnft	2.00			
43	154	pavement marking multi white 24"	13.00		lnft	30.00			
44	154	pavemtn markin symb white RR xing	1.00		each	500.00			

45	165	sign flat sheet HP	76.69		sqft	24.00			
46	165	sign post 1-3/4" perf sq tube	160.00		lnft	40.00			
47	165	sign post footing 1-3/4" perf sq tube	16.00		each	30.00			
48	142	adjust water line vertical	2.00	2.00	each	5,300.00	10,600.00		10,600.00
49	142	12" c-900 in place	1,746.00	1,746.00	lnft	117.00	204,282.00	4,680.00	199,602.00
50	142	10" c-900 in place	80.00	80.00	lnft	132.00	10,560.00		10,560.00
51	142	8" C-900 in place	45.00	45.00	lnft	72.00	3,240.00		3,240.00
52	142	6" c-900 in place	1,200.00	1,200.00	lnft	67.00	80,400.00	80,400.00	
53	142	2" RJ waterline directional bore	63.00	58.00	lnft	62.00	3,596.00		3,596.00
54	142	3/4" service line in place	879.00		lnft	47.00			
55	142	3/4" service line directional bore	1,150.00		lnft	44.00			
56	142	5/8" standard service assembly W/O meter	75.00		each	1,300.00			
57	142	2" tap	1.00	1.00	each	1,650.00	1,650.00		1,650.00
58	142	12" gate valve w/box	6.00	6.00	each	4,200.00	25,200.00	4,200.00	21,000.00
59	142	10" gate valve with box	2.00	2.00	each	3,500.00	7,000.00		7,000.00
60	142	8" gate valve w/box	2.00	2.00	each	2,470.00	4,940.00		4,940.00
61	142	6" gate valve w box	2.00	2.00	each	1,800.00	3,600.00	3,600.00	
62	142	2" gate valve w box	1.00	1.00	each	1,225.00	1,225.00		1,225.00
63	142	connect to existing waterline	6.00	2.00	each	1,860.00	3,720.00		3,720.00
64	142	5 1/4" fire hydrant setting	5.00	5.00	each	7,590.00	37,950.00	22,770.00	15,180.00
65	142	remove and replace surfacing (flow fill)	145.00	30.00	cuyd	225.00	6,750.00	3,825.00	2,925.00
<b>BID ALT NO. 1</b>									
1	152	HMA Commercial grade Class A base	2,900.00		tons	88.75			
2	152	HMA commercial grade class A surface	829.00		tons	88.75			
3	137	curb and gutter comb AE 9" toe	6,339.00		lnft	19.42			
4	121	agg base AB-3 6"	9,732.00		sqyd	11.50			
5	113	compaction AA MR-5-5	498.00		cuyd	6.00			

CONTRACT EARNED TO DATE	428,482.75	139,107.25	289,375.50
RETAINAGE	5.00%	21,424.14	
AMOUNT DUE TO DATE		407,058.61	
LESS PREVIOUS APPLICATIONS		132,151.89	
AMOUNT DUE THIS ESTIMATE		274,906.72	





**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

2. EVENT CONTACT INFORMATION INCLUDING PHONE NO., ADDRESS, AND EMAIL

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

4. ROAD CLOSURES      YES      NO  
LOCATION AND TIMING OF BARRICADES

5. LOCATION OR ADDRESS OF SPECIAL EVENT

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 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 \_\_\_\_\_  
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: \_\_\_\_\_



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

## SPECIAL EVENTS PERMIT APPLICATION

Department Use Only

Date Filed: \_\_\_\_\_

Event Deposit

Date Paid: \_\_\_\_\_

\$50 Permit Fee

Date Paid: \_\_\_\_\_

\$25 State Permit

Date Paid: \_\_\_\_\_

1. NAME OF APPLICANT AND/OR ORGANIZATION:

**Osawatomie High School/Patty Henness**

2. CONTACT PHONE # AND EMAIL (OPTIONAL):

**913-755-2191 henness@usd367.org**

3. TYPE OF SPECIAL EVENT APPLICANT IS APPLYING FOR:

Community homecoming parade

4. MAILING ADDRESS OF APPLICANT/ORGANIZATION:

1200 Trojan Drive  
Osawatomie, KS 66064

5. ADDRESS/LOCATION OF SPECIAL EVENT:

Parade line-up: Osawatomie Middle School  
Parade route: 5th & Main - West on Main -  
Right on 11th to Lynn Dickey Field

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

Wednesday, September 20, 2023

Line up 5:30 pm - Parade begins at 6 pm - ending approx 6:30 pm

7. ENTRY TO EVENT: FEE YES ☐ NO ☒

PUBLIC ☒ OR PRIVATE ☐

8. STREET CLOSURE: YES ☒ NO ☐

IF YES, TIME OF CLOSURE REQUIRED:

9. # OF EXPECTED

ATTENDINGS:

600

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. IS THERE LIABILITY INSURANCE COVERAGE FOR THE EVENT: YES ☒ NO ☐

IF YES, NAME OF INSURANCE COMPANY, AGENT AND AMOUNT OF COVERAGE: \_\_\_\_\_

Accord/Elliott Group - Jay Hastert - \$2,000,000

### 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 Patty Henness

DATE 8-1-2023

PERMIT APPLICATION: APPROVED \_\_\_\_\_

DENIED \_\_\_\_\_

DECISION BY: \_\_\_\_\_

DATE OF DECISION: \_\_\_\_\_

COMMENTS: \_\_\_\_\_



USD3670-01

BHAGER

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/1/2023

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).

<b>PRODUCER</b> Elliott Group 304 Baptiste Drive, Suite 102 Paola, KS 66071	<b>CONTACT NAME:</b> Becky Hager <b>PHONE (A/C, No, Ext):</b> (913) 294-2110 <b>E-MAIL ADDRESS:</b> Becky@elliottinsurancegroup.com <b>FAX (A/C, No):</b> (913) 294-2128
<b>INSURED</b>  USD #367 Osawatomie 1200 Trojan Drive Osawatomie, KS 66064	<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> EMC Property & Casualty 25186 <b>INSURER B:</b> Employers Mutual Casualty (EMC) Company 21415 <b>INSURER C:</b> RAS - Risk Administration Services, Inc <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>

## 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 SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		1D62853	1/1/2023	1/1/2024	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
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: General Aggregate					
B	AUTOMOBILE LIABILITY					
	<input checked="" type="checkbox"/> ANY AUTO		1E62853	1/1/2023	1/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	OWNED AUTOS ONLY SCHEDULED AUTOS					
	HIRED AUTOS ONLY NON-OWNED AUTOS ONLY					
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR					
	EXCESS LIAB CLAIMS-MADE		1J62853	1/1/2023	1/1/2024	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
	DED <input checked="" type="checkbox"/> RETENTION \$ 10,000					
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	WC020-0054671-2023A	1/1/2023	1/1/2024	<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
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				

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



<b>ACTION ITEM SUMMARY</b>	Item Number:	10.A.
	Date:	August 1, 2023
City Manager	From:	Bret Glendening

**RE:** Ordinance 3831 – Amending Chapter XV Section 5-523

**RECOMMENDATION:** That the City Council approve Ordinance 3831

**DETAILS:** In August of 2020, the council adopted Ordinance 3784 establishing a solid waste utility. Shortly thereafter, the city entered into a contract with Waste Management to provide solid waste collection services throughout the city. Residential properties are assessed on the property taxes and waste management bills commercial customers.

Contractually, the intent was for WM to collect a franchise fee on the commercial customers they bill, but that language was inadvertently left out of the contract and they have not been collecting it. This ordinance incorporates authorizing language to incorporate the franchise fees on both residential and non-residential properties alike, and allows WM to collect the fee on behalf of the city and remit that fee. It also subjects the solid waste service provider to audits.

Related Statute / City Ordinances	Res. 785, 823; Ordinance 3784, 3800
Line Item Code/Description	N/A
Available Budget:	N/A

**ORDINANCE NO. 3831**

**AN ORDINANCE AMENDING CHAPTER XV. ARTICLE 5. SOLID WASTE UTILITY OF THE CODE OF THE CITY OF OSAWATOMIE, KANSAS**

**WHEREAS**, on August 13, 2020 the Osawatomie City Council adopted the Ordinance 3784 establishing a Solid Waste Utility; and

**WHEREAS**, the City of Osawatomie entered into an agreement with Waste Management for the provision of solid waste collection services beginning on January 1, 2021 and continuing for five (5) years thereafter; and

**WHEREAS**, the city desires to amend the City Code to clarify that franchise fees are applicable to both residential and non-residential properties alike.

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

**SECTION ONE:** Section 15-523 of the Osawatomie City Code is amended to read as follows:

**15-523. Schedule of fees and charges.**

The charges to be assessed and paid by the property owner for the collection, transportation and disposal of solid waste and recyclable materials shall be as fixed from time to time in the city's schedule of fees and include the appropriate franchise fee and administrative service charge. *Such franchise fee shall not exceed five percent (5%) of the customer's monthly charge as established between Contractor and the City. Such charge shall be collected monthly and remitted to the city quarterly. The charge shall also be applicable to all residential and non-residential properties within the corporate limits of the City of Osawatomie and shall be subject to audit upon the request of the Director.*

**EFFECTIVE DATE.** This Ordinance shall take effect upon its publication in the Miami County Republic.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Kansas, this 10<sup>th</sup> day of August, 2023.

**APPROVED AND SIGNED** by the Mayor.

---

Nick Hampson,  
Mayor

(SEAL)

ATTEST:

---

Tammy Seamands,  
City Clerk



<b>ACTION ITEM SUMMARY</b>	Item Number:	10.B.
	Date:	August 1, 2023
City Manager	From:	Bret Glendening

**RE:** Ordinance 3833 – Reauthorizing and extending the NRP for 10 years

**RECOMMENDATION:** That the City Council approve Ordinance 3833

**DETAILS:** The Osawatomie Neighborhood Revitalization Plan was approved in December 2008 with a 10-year sunset clause. It would have expired at the end of 2019. The plan offers an incremental tax rebate for new construction with a minimum increase of \$15,000 in appraised value.

All property within city limits is eligible for the program except the property in Parkview East, Parkview West, Hickory Valley, Slayman Heights, Northland and South of the Pottawatomie Creek Levee System. In the event of a transfer of ownership of a parcel during the eligible rebate period, such parcel and the new owner thereof shall remain eligible to apply for the rebate. Rebates shall be made payable only after the application is made and approved. Rebates approved for payment shall be made within 30 days of the June 5th distribution.

According to Kansas Statutes, the plan may be extended by the Council, as is, at a regular council meeting. If the Council desires to make any amendments to the plan, the Council must conduct a public hearing and publish notice of public hearing at least once for two consecutive weeks prior to. Any extension or amendments made to the Neighborhood Revitalization Program must be made by the passage of a new ordinance.

For the last 4 years, the council has authorized 1-year extensions of the program. Extending the program for 10 years does not preclude us from revisiting that plan and making amendments to it at any time during that 10-year period.

Related Statute / City Ordinances	Ord. 3659 (and four others from 2019 to 2022).
Line Item Code/Description	N/A
Available Budget:	N/A



CITY OF OSAWATOMIE

## FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

**Ordinance No. 3833:** AN ORDINANCE EXTENDING THE CURRENT NEIGHBORHOOD REVITALIZATION PLAN FOR A PERIOD OF TEN YEARS FROM AND AFTER JANUARY 1, 2024

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

(Published in the Miami County Republic, August 16, 2023)

### **Summary of Ordinance No. 3833**

August 10, 2023 the City of Osawatomie, adopted Ordinance No. 3833, which extends the current Neighborhood Revitalization Program for ten years from and after January 1, 2024. A complete copy of this ordinance is available at [www.osawatomieks.org](http://www.osawatomieks.org) or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Jeffery W. Deane, J.D., City Attorney

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: August 10, 2023

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Jeffery W. Deane J.D., City Attorney

## **ORDINANCE NO. 3833**

### **AN ORDINANCE EXTENDING THE CURRENT NEIGHBORHOOD REVITALIZATION PLAN FOR A PERIOD OF TEN YEARS FROM AND AFTER JANUARY 1, 2024**

WHEREAS, On December 11<sup>th</sup>, 2008, the City of Osawatomie adopted Ordinance 3659 which incorporated by reference, a new Neighborhood Revitalization Plan (NRP) designed to continue to incentivize reinvestment in existing commercial and residential properties and encourage new residential construction on infill lots; and

WHEREAS, that plan was scheduled to expire on December 31, 2019; and

WHEREAS, the city council has since 2019, annually adopted one-year extensions to the NRP with the intention of revisiting the plan in its entirety and perhaps rewriting the entire plan; and

WHEREAS, the most recent one-year extension of the NRP was approved on December 8, 2022; and

WHEREAS, extending the NRP is an option available to the city council and is authorized in paragraph 12, subsection a., of the Revitalization Plan and the city council is not limited by the length of time that the plan can be extended; and

WHEREAS, it is the desire of the Governing Body of the City of Osawatomie, Kansas to reauthorize the plan for an additional ten (10) years, with no changes to the plan.

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

**SECTION ONE:** The City of Osawatomie designates the real property as described in the 2008 Neighborhood Revitalization Program as the Neighborhood Revitalization Area and finds that while the plan is working as evidenced by the number of new homes that have been constructed and the number of older homes that have been renovated, a number of findings from the 2008 Neighborhood Revitalization Program still persist that warrant the extension of that Neighborhood Revitalization Plan.

**SECTION TWO:** The City of Osawatomie does hereby extend the Neighborhood Revitalization Plan first adopted by Ordinance 3659 on December 11, 2008 as provided in K.S.A. 12-17,114 et seq., for a period of ten (10) years from and after January 1, 2024.

**SECTION THREE:** This ordinance shall take effect and be in force from and after its passage, approval, and 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 10<sup>th</sup> day of August 2023.

**APPROVED AND SIGNED** by the Mayor.

---

Nick Hampson,  
Mayor

(SEAL)

ATTEST:

---

Tammy Seamands  
City Clerk



<b>ACTION ITEM SUMMARY</b>	Item Number:	10.C
	Date:	August 2, 2023
Director of Utilities	From:	Terry Upshaw

**RE: RESOLUTION NO. 1155** – A Resolution accepting the 2022 Annual Electrical Report as presented by staff.

**RECOMMENDATION:** City Staff recommends that Council approve Resolution 1155 – 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. 1155**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF  
OSAWATOMIE ACCEPTING THE 2022 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 10<sup>th</sup> day of August, 2023, a majority voting in favor of.

**APPROVED** and signed by the Mayor.

---

Nick Hampson, Mayor

(SEAL)

ATTEST:

---

Tammy Seamands, City Clerk

# **2022 Annual Report of the Electric System**

**City of Osawatomie, Kansas**

**Presented to the City Council**

**August 10<sup>th</sup> 2023**



## **2022 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 4.0 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 three 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 2022, 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 provided for an upgrade to the 7<sup>th</sup> Street Substation and, the construction of a new 9<sup>th</sup> 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.

### **Generation Project Budget**

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

## **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>
2022	16,200	35,882,641	30,614,267
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

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>
2022	8.5	0	4.095	48.1
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

## **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.

<b>Available Capacity</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
On-site Generation	11.6	17.6	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
<b>Subtotal</b>	<b>15.9</b>	<b>21.9</b>	<b>21.9</b>	<b>21.9</b>	<b>21.9</b>	<b>21.9</b>

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. The City is actively looking to enter into another PPA to replace all or a part of this source.

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—Osawatomie, 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 Evergy. The EMP1 arrangement does not involve a minimum purchase amount or price.

Solar Array- The City signed a Power Purchase Agreement with Evergy on September 15 2022 to purchase energy produced by the proposed single axis tracking system with a nameplate rating of 6.435 MWDC. This array is scheduled to begin construction in October of 2023, with an online date of November 2024. This will increase Osawatomie’s available capacity from 21.9 to approximately 28.3 MW.



2021			2022		
SOURCE	KWH	TOTAL COST	SOURCE	KWH	TOTAL COST
GRDA	21,906,000	\$1,036,455.35	GRDA	22,968,000	\$1,429,711.14
SPA	919,737	\$32,625.98	SPA	754,875	\$31,070.55
WAPA	2,802,925	\$89,955.87	WAPA	2,802,925	\$90,747.09
EMP1	-	\$9,575.47	EMP1	-	(\$43,076.98)
SPP CHARGES	34,520,300	\$2,620,260.26	SPP CHARGES	35,880,400	\$1,898,660.90
SPP CREDITS	25,628,617	(\$1,672,429.79)	SPP CREDITS	26,532,559	(\$1,314,196.64)
SPP Resettlements	-	(\$65,144.56)	SPP Resettlements	-	(\$188,247.00)
TRANSMISSION	-	\$186,921.78	TRANSMISSION	-	\$229,388.28
<b>TOTAL</b>	<b>34,520,345</b>	<b>\$2,241,220.36</b>	<b>TOTAL</b>	<b>35,882,641</b>	<b>\$2,134,057.34</b>

### **Cost of Electricity by Source**

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.

### **Largest Electric Utility Customers**

The following table lists the top 10 largest users of the System for 2022

<b><u>Customer</u></b>	<b><u>Product or Service</u></b>	<b><u>Purchased kWh</u></b>	<b><u>Billing</u></b>	<b><u>Percentage of Total System Charges</u></b>
USD #367	School District	2,853,083	\$ 401,913	9.31%
Life Care	Nursing Home	1,436,409	157,821	4.69%
City of Osawatomie	Government Utilities	1,434,906	175,348	4.68%
Caseys General x 2	2 Convenience Stores	779,971	89,033	2.54%
TRI-KO	Community Service Provider	373,997	49,524	1.22%
Vintage Park	Assisted Living	287,222	33,143	.9 %
Sonic Drive-in	Restaurant	224,494	25,245	.7%
Crystal/Justin Metcalf	Long/Short Term rental rooms	217,442	44,195	.7%
UPRR	Transportation	194,327	27,522	.6%
Dollar Tree stores	Discount Store	159,344	19,587	.5%
<b>Subtotal</b>		<b>7,961,193</b>	<b>\$1,026,337</b>	<b>26%</b>

## **Sales**

The following table indicates the sales by type of customer for 2021 and 2022.

<b><u>Type</u></b>	<b><u>2021 Sales</u></b>	<b><u>Active Meters</u></b>	<b><u>2022 Sales</u></b>	<b><u>Active Meters</u></b>
Residential	\$2,297,599	1,773	\$2,620,823	1,764
Commercial	1,240,437	192	1,164,240	196
Industrial	18,168	2	11,821	2
City	<u>84,669</u>	<u>60</u>	<u>165,135</u>	<u>58</u>
Total	\$ 3,834,140	2,027	\$3,962,022	2,020
Total kWh	29,546,809		30,614,267	

## **Historical Customers**

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

<b><u>Year</u></b>	<b><u>Customers</u></b>
2022	2,020
2021	2,027
2020	2,053
2019	2,097
2018	2,074
2017	2,097
2016	2,085

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 2022, 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:  

$$((P + G + O) / (K + C)) \times L - (B) = \text{Adjustment}$$
  
 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 kWh of the delivered City generation power.  
 L = The current City losses determined annually  $((\text{Purchased Power} + \text{City Generation}) - \text{City Billed}) / \text{City Billed}$ .  
 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 include 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.

## **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 Evergy. The city has not purchased the rights to those existing services at this time. The certificated area is surrounded by areas certificated to Evergy.

## **2022 Annual Rate Comparisons to Evergy**

<b><u>Customer Examples</u></b>	<b><u>Osawatomie</u></b>			<b><u>Evergy</u></b>		
	<b><u>kWh</u></b>	<b><u>Total Cost</u></b>	<b><u>\$/kWh</u></b>	<b><u>Total Cost</u></b>	<b><u>\$/kWh</u></b>	<b><u>% Diff</u></b>
Residential (non-demand)	864	\$ 105	\$ 0.122	\$106	\$ 0.123	1.32%
Small General Service (non-demand)	1,500	182	0.122	117	0.079	43.0%
Medium General Service (demand)	100,000	8,271	0.083	4,907	0.049	51.0%

## 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, 2022:

<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	\$4,480,000	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>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Revenues	\$ 3,941,249	\$ 3,748,846	\$ 3,653,841	\$ 4,980,860	\$4,416,631
Operation & Maintenance Expense (1)	<u>3,053,363</u>	<u>2,539,762</u>	<u>2,225,028</u>	<u>3,745,489</u>	<u>3,454,629</u>
Net Income	887,886	1,209,084	1,428,813	1,235,371	1,235,371
Debt Service	\$ 435,725	\$ 432,501	\$ 434,100	\$ 435,353	\$353,126
Debt Service Coverage	2.04x	2.80x	3.29x	2.83x	3.49x

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

	<u>2023</u>	<u>2024</u>
Revenues	\$4,263,155	\$4,415,067
Operation & Maintenance Expense	3,080,952	3,153,778
Net Income	\$1,182,203	\$1,261,289
Debt Service	\$ 431,525	\$ 431,525
Debt Service Coverage	2.74x	2.92x

- (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





<b>ACTION ITEM SUMMARY</b>	Item Number:	10.D. & 10.E.
	Date:	August 3, 2023
City Manager	From:	Bret Glendening

**RE:** Ordinance 3834 & 3835

**RECOMMENDATION:** That the City Council approve Ordinances 3834 and 3835 Adopting the Standard Traffic Ordinance and the Uniform Public Offense Code respectively.

**DETAILS:** The *Standard Traffic Ordinance (STO)* for Kansas Cities and the *Uniform Public Offense Code (UPOC)* for Kansas Cities have been published by the League of Kansas Municipalities for decades. They are designed to provide a comprehensive traffic code (STO) and criminal code (UPOC) for Kansas Cities.

The STO, in large part, parallels the state traffic act, just as the UPOC parallels the state criminal code. They do not take effect in a city until the governing body has passed and published an ordinance incorporating each of them by reference. The incorporating ordinances do not change the current modifications to the STO and UPOC which are already in the City Code. The Council may make additional changes in the future as long as it does not conflict with state statute.

For public record purposes, there must be at least three official copies of each on file with the City Clerk. We also make sure that enforcing officers each have a copy.

According to publisher, LKM, the following represents changes in the STO from the 2022 edition to the 2023 edition: See attached list.

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



## **2023 Changes to the Standard Traffic Ordinance and Uniform Public Offense Code**

### **Changes to the 50<sup>th</sup> Edition of the STO**

Section 163. Additional Lighting Equipment. allows motor vehicles to be equipped with any type of ground effect lighting, except the lights cannot be any shade of red, flash, or be visible. Previously, motor vehicles could be equipped only with neon ground effect lighting.

Section 179. Spilling Loads on Highways Prohibited. Removed exempts trucks, tractors, and trailers hauling cotton bales from this provision when certain requirements are met.

Section 194. Driving While License Canceled, Suspended or Revoked; Penalty. removes the mandatory term of confinement for first- and second-time offenders driving on a suspended license if the offender's license was suspended because of a failure to pay a fine or failure to appear. The bill also requires a minimum fine of \$100 for a violation.

### **Changes in the 39<sup>th</sup> Edition of UPOC**

Section 1.1. Definitions.

The League added definitions for airbag, counterfeit supplemental restraint system component, nonfunctional airbag, and supplemental restraint system that apply to the new offense concerning counterfeit airbags found in HB 2147, Section 2. The League amended the definition of wildlife based on changes in HB 2332, Section 23. The League also discovered some definitions that needed to be added or amended. Definitions for hard cider, maliciously, and sexually explicit conduct were added. Definitions for temporary permit and wine were amended. The definitions for health care facility and health care provider moved to Section 6.7., because they apply specifically to criminal trespass and the new offense concerning battery against a health care provider contains a different definition for health care providers.

Section 3.2.3. Battery Against a Health Care Provider.

This is a new offense approved by the Legislature in SB 174, Section 1, making it a Class A nonperson violation to commit a battery against a healthcare provider while the provider is performing their job duties.

Section 3.6. Unlawful Restraint.

A League member requested the League mirror state law and amend this provision to exempt all law enforcement of the state and any political subdivision of the state from this offense. Previously, the exemption in the UPOC applied only to city law enforcement. The League amended the provision based on this request.

### Section 3.8. Violation of Protection from Abuse Order.

While reviewing SB 217, which included amendments to statutes concerning protection orders, the League noticed K.S.A. 60-3107 does not contain the word “or” between battery and domestic battery. The League deleted the word “or” from this part of the provision to match state law.

### Section 3.13. Stalking.

SB 217, Section 1 amended the definition of course of conduct to include “utilizing any electronic tracking system or acquiring tracking information to determine the targeted person’s location, movement or travel patterns.” The bill also changed the format of the definition for immediate family.

### Section 5.5. Watercraft; Lifesaving Devices Requires, Section 10.5. Unlawful Discharge of a Firearm, and Section 11.3. Commercialization of Wildlife.

The League updated these sections to reflect the Kansas Department of Wildlife, Parks and Tourism name change to the Kansas Department of Wildlife and Parks. Also, section 5.5 was updated to reflect that the offense is a Class C nonperson violation.

### Section 5.6. Purchase or Possession of Cigarettes or Tobacco Products by a Minor.

HB 2269, Section 3, raises the minimum age from 18 to 21 to purchase, attempt to purchase, possess, or attempt to possess cigarettes, electronic cigarettes, or tobacco products.

### Section 6.7. Criminal Trespass.

The League moved the definitions for health care facility and health care provider from the definitions section to this section, because they specifically apply to this offense and, with the addition of the battery against a health care provider offense, the UPOC now contains two different health care provider definitions.

### Section 6.22. Criminal Hunting.

HB 2332, Section 19 clarifies that convictions of this offense are nonperson violations.

### Section 6.27. Counterfeit Airbag Violation.

This is a new offense approved by the Legislature in HB 2147, Section 2, making it a Class A nonperson violation to “knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install or reinstall a device intended to replace a supplemental restraint system component . . .”

### Section 7.2. Interference with Law Enforcement.

SB 174, Section 5, added language to this offense to include: “Knowingly fleeing from a law enforcement officer, other than fleeing by operation of a motor vehicle, when the law

enforcement has: (A) Reason to stop the person under K.S.A. 22-2402, and amendments thereto; and (B) given the person visual or audible signal to stop.”

Section 10.30. Operating an Aircraft Under the Influence.

The League updated this provision to provide that this offense is a Class A violation.

Section 11.11. Cruelty to Animals.

The League amended subsection (a)(4) to mirror state law. The subsection now states, “Knowingly but not maliciously killing or injuring any animal.” Maliciously was added to the definitions section of the UPOC to reflect this change.

## ORDINANCE NO. 3834

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OSAWATOMIE, KANSAS; INCORPORATING BY REFERENCE THE “STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES” EDITION OF 2023, 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.

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

**SECTION ONE: CODE AMENDED.** Sections 14-101 to 14-103 of the City of Osawatomie Municipal Code is hereby amended to read as follows:

**14-101. INCORPORATING STANDARD TRAFFIC ORDINANCE.** There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Osawatomie, Kansas, that certain standard traffic ordinance known as the “Standard Traffic Ordinance for Kansas Cities,” Edition of 2023, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. One copy of said Standard Traffic Ordinance shall be marked or stamped “Official Copy as Incorporated by the Code of the City of Osawatomie,” with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this Ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with the enforcement of the Ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

**14-102. SAME; AMENDMENTS.** Section 33 of the Standard Traffic Ordinance as adopted is amended to read as follows:

### **Sec. 33 Maximum Speed Limits**

(a) Except as provided in subsection (b) and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557, and amendments thereto, the limits specified in this subsection or established as authorized by law shall be maximum lawful speeds, and no person shall operate a vehicle at a speed in excess of such maximum limits:

- (1) In any business district, 20 miles per hours;
- (2) In any urban district, 30 miles per hour;
- (3) On any separated multilane highway, as designated and posted by the secretary of transportation 70 miles per hour;

- (4) On any county or township highway, 55 miles per hour; and
- (5) On all other highways, 65 miles per hour.

(b) No person shall drive a school bus to or from school, or interschool or intra-school functions or activities, at a speed in excess of the maximum speed limits provided in subsection (a), except that the board of education of any school district may establish by board policy lower maximum speed limits for the operation of such district's school buses. The provisions of this subsection relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities. (K.S.A. Supp. 8-1558)

(c) The maximum speed limits in this section may be altered as authorized in K.S.A 8-1559 and K.S.A 8-1560, and amendments thereto.

(d) The Governing Body having determined upon the basis of a traffic investigation that the speed limits permitted under state law and Section 33 of the Standard Traffic ordinance are less than reasonable and safe on some streets and are more than reasonable and safe on other streets, and does determine and declare that the speed limit (except when a special hazard exists that requires lower speed for compliance with Section 32) on the streets hereinafter set forth be the limits specified in this section, and no person shall drive a vehicle at a speed in excess of such maximum limits:

- (1) Speed not in excess of 20 miles per hour shall be lawful on the following streets:
  - (A) Main Street between 15th Street and 18th Street.
  - (B) Lockhart Lane between Main Street and Parker Avenue.
  - (C) 14th Street between Parker Avenue and north end of 14th Street.
  - (D) 15th Street between Parker Avenue and north end of 15th Street.
  - (E) Charles Street.

**14-103. SAME; AMENDMENTS.** Section 93 of the Standard Traffic Ordinance as adopted is amended to read as follows:

**Sec. 93. Parking Disabled and Other Vehicles.**

(a) No person shall park or store any farm machinery, trailer or semi-trailer of any kind, or parts of the same, or any dead, damaged or disabled motor vehicle or farm machinery, trailer or semi-trailer of any kind, in the roadway of any highway, or between the property line or sidewalk and the curb line of any street. No person shall park or store any operable motor vehicle between the property line or sidewalk and the curb line of any street except on a designated driveway.

(b) A person shall not use the public highway to abandon vehicles or use the highway to leave vehicles unattended in such a manner as to interfere with public highway operations. When a person leaves a motor vehicle on a public highway or other property open to use by the public, the city having jurisdiction of such highway or other property open to use by the public, after 48 hours or when the motor vehicle interferes with public highway operations, may remove and impound the motor vehicle. (K.S.A. 8-1102)

**SECTION TWO: EXISTING SECTIONS OF CODE REPEALED.** Sections 14-101 to 14-103 of the Code of the City of Osawatomie, Kansas are hereby repealed.

**SECTION THREE: EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its publication in the official City Newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Kansas, this 10<sup>th</sup> day of August, 2023.

APPROVED AND SIGNED by the Mayor.

(SEAL)

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Nick Hampson, Mayor

ATTEST:

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Tammy Seamands, City Clerk



## FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

**Ordinance No. 3834:** AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF OSAWATOMIE, KANSAS; INCORPORATING BY REFERENCE THE “**STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES**” EDITION OF 2023, 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.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

(Published in the Miami County Republic, August 16, 2022) It

### **Summary of Ordinance No. 3834**

On August 10, 2023 the City of Osawatomie, adopted Ordinance No. 3834, which incorporates by reference the 2023 Edition of the Standard Traffic Ordinance for Kansas Cities. A complete copy of this ordinance is available at [www.Osawatomieks.org](http://www.Osawatomieks.org) or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Jeffrey W. Deane, J.D., City Attorney.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: August, 10 2023

Jeffrey W. Deane  
Jeffrey W. Deane, J.D.  
City Attorney

## **ORDINANCE NO. 3835**

AN ORDINANCE 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 2023; AMENDING AND REPEALING CHAPTER 11, ARTICLE 2, SECTION 201 OF THE CITY OF OSAWATOMIE MUNICIPAL CODE; AND REPEALING EXISTING PROVISIONS.

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

SECTION ONE: CODE AMENDED. Section 11-201 of the City of Osawatomie Municipal Code is hereby amended to read as follows:

11-201. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Osawatomie, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2023, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts or portions as are hereafter omitted, deleted, modified or changed. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by the Code of the City of Osawatomie, Kansas," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this section, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION TWO: EXISTING SECTION OF CODE REPEALED. Chapter 11, Article 2, Section 201 of the City of Osawatomie Municipal Code as adopted prior to the passage of this Ordinance is hereby repealed.

SECTION THREE: Chapter 11, Article 2, Section 202 of the City of Osawatomie Municipal Code is hereby amended to read as follows:

**11-202 SAME; AMENDMENTS.** Section 10.6 of the Uniform Public Offense Code of the City of Osawatomie is hereby amended to read as follows:

### **Sec. 10.6. Air Gun, Air Rifle, Bow and Arrow, Slingshot, BB Gun or Paintball Gun.**

The unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paintball gun is the shooting, discharging or operating of any air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun, within the city, except (1) within the confines of a building or other structure from which the projectiles cannot escape; or (2) a paintball gun or airsoft gun discharging paintballs at speeds of 300 feet per second or less or airsoft pellets at speeds of 360 feet per second or less when in use at a lawfully operating and City-licensed paintball or airsoft park and when



such paintball gun or airsoft gun is operated in compliance with the rules and regulations posted at such a City-licensed park. Unlawful operation of an air gun, air rifle, bow and arrow, slingshot, BB gun or paint ball gun is a Class C violation.

**SECTION FOUR: EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its publication in the official City Newspaper.

**PASSED AND APPROVED** by the Governing Body of the City of Osawatomie, Kansas, this 10<sup>th</sup> day of August, 2023.

**APPROVED AND SIGNED** by the Mayor.

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Nick Hampson, Mayor

(SEAL)

ATTEST:

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Tammy Seamands, City Clerk



## FORM OF SUMMARY FOR PUBLICATION OF ORDINANCE

**Ordinance No. 3835:** AN ORDINANCE 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 2023; AMENDING AND REPEALING CHAPTER 11, ARTICLE 2, SECTION 201 OF THE CITY OF OSAWATOMIE MUNICIPAL CODE; AND REPEALING EXISTING PROVISIONS.

Pursuant to the general laws of the State, a general summary of the subject matter contained in this ordinance shall be published in the official City newspaper in substantially the following form:

(Published in the Miami County Republic, August 16, 2023) 1t

### **Summary of Ordinance No. 3835**

On August 10, 2023, the City of Osawatomie, adopted Ordinance No. 3835, which incorporates by reference the 2023 Edition of the Uniform Public Offense Code for Kansas Cities. A complete copy of this ordinance is available at [www.Osawatomieks.org](http://www.Osawatomieks.org) or at City Hall, 439 Main St., Osawatomie, Kansas. This summary certified by Jeffrey W. Deane, J.D., City Attorney

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: August 10, 2023

Jeffrey W. Deane, J.D.  
Jeffrey W. Deane, J.D., City Attorney



<b>ACTION ITEM SUMMARY</b>	Item Number:	10.F.
	Date:	August 4, 2023
City Manager	From:	Bret Glendening

**RE:** Authorizing Mayor to Sign Request for Extension of Time to CDBG

**RECOMMENDATION:** That the City Council approve Resolution 1156.

**DETAILS:**

All projects that are funded with CDBG monies must be completed within the initial time frame as described in the application for the grant as well as that grant's agreement. Due to the ongoing and previously discussed delays to equipment deliveries (see Change Order #1 to this project) our project which is currently scheduled for completion on 2/28, will not be completed by this date.

In previous staff reports, I have mentioned that these delays will require an additional change order for additional time at the end of the project. Please note that this is **NOT** a change order. It is only a request to one of the funding agencies to extend the window of time we have in order to request reimbursement from the CDBG program that is administered by the Kansas Department of Commerce.

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

**RESOLUTION NO. 1156**

**A RESOLUTION AUTHORIZING A REQUEST TO THE COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM REQUESTING AN EXTENSION  
OF TIME TO COMPLETE THE WASTEWATER TREATMENT PLANT  
PROJECT FOR THE CITY OF OSAWATOMIE**

**WHEREAS**, the City of Osawatomie, Kansas, owns and operates wastewater collections and treatment facilities; and

**WHEREAS**, the City of Osawatomie is currently under a consent decree from the Kansas Department of Health and Environment to make improvements to the wastewater treatment plant to improve the effluent being discharged into the Marais Des Cygnes River; and

**WHEREAS**, the city has entered into an agreement effective April 4, 2022 with Crossland Heavy Contractors to perform the work; and

**WHEREAS**, the city issued a Notice to Proceed (NTP) to Crossland Heavy Contractors on April 11, 2022; and

**WHEREAS**, the ferric tank that is a part of the design is damaged to a point that it needs to be replaced and a replacement tank cannot be obtained until late September.

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1.** The Governing Body of the City of Osawatomie, Kansas, hereby authorizes the mayor to sign the request for an extension of time to the CDBG program.

**Section 2.** The Governing Body also authorizes staff to complete any other administrative documents directly related to this request for an extension of time.

**PASSED AND ADOPTED** by the Governing Body of the City of Osawatomie, Kansas this 10<sup>th</sup> day of August, 2023, a majority being in favor thereof.

**APPROVED AND SIGNED** by the Mayor.

(SEAL)

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Nick Hampson, Mayor

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Tammy Seamands, City Clerk

## CONTRACT AMENDMENT/REQUEST #1

August 10, 2023

Ginny Eardley  
Kansas Department of Commerce  
1000 SW Jackson St  
Suite 100  
Topeka, KS 66612

RE: CDBG WWTP Improvements 21-PF-027 Time Extension Request

Ms. Eardley,

The City of Osawatomie, Kansas is requesting an additional 6-month time extension for our CDBG Wastewater Treatment Plant improvements project No. 21-PF-027.

Unfortunately, construction was delayed due to a defect in the water sterilization tank. The defect could not be repaired and needs replaced. The refabrication of the tank has caused the delay. Please see the attached letter from the project engineer explaining the delay in more detail. The city has been assured by the contractor that the project will be completed by the newly requested completion date of 2/29/24.

Thank you for your consideration.

Nick Hampson, Mayor  
Osawatomie, Kansas

# Handbook for Common Consumption Area Permits

Division of Alcoholic Beverage Control  
Kansas Department of Revenue 109 SW 9th Street  
Mills Building, 5th Floor Topeka, Kansas 66612

Phone: 785-296-7015 / Fax: 785-296-7185

Website: [www.ksrevenue.gov/abcindex.html](http://www.ksrevenue.gov/abcindex.html)

Email: [Kdor\\_abc.email@ks.gov](mailto:Kdor_abc.email@ks.gov)

Please report errors, omissions or suggestions for improvement to this handbook to the Division of Alcoholic Beverage Control by telephone at 785-296-7015, by fax at 785-296-7185 or by email to [Kdor\\_abc.email@ks.gov](mailto:Kdor_abc.email@ks.gov).

Changes made to this handbook since the previous revision(s) have been highlighted with a light blue background.

## Table of Contents

- [Definition](#)
- [Application Process and Fees](#)
- [Authorized Activities](#)
- [Prohibited Activities](#)
- [Liability for Violations](#)

## Definition

A "common consumption area" is a defined indoor or outdoor area not otherwise licensed where the possession and consumption of alcoholic liquor and cereal malt beverage (CMB) is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or other apparent line of demarcation. Every common consumption area shall have signs conspicuously posted identifying the boundaries of such area, and such signs must be in a size and manner to provide notice to persons entering or leaving the area. [Subsection (g) of K.S.A. 41-2659, as amended by Section 7 of 2023 House Bill 2059]

## Application Process and Fees

Prior to application for a common consumption area permit, the city or county in which the common consumption area is to be located must pass an ordinance or resolution "creating" the common consumption area and designating its boundaries. Any specific rules or guidelines applicable to the common consumption area shall be included in the ordinance or resolution. The ordinance or resolution *may* require that any public street or roadway within the common consumption area be blocked from motorized traffic during any hours in which alcoholic liquor and CMB is consumed. However, this is not required. [Subsection (a)(1) of K.S.A. 41-2659, as amended by Section 7 of 2023 House Bill 2059]

Permits may be issued to the following:

- The city or county in which the common consumption area will be located
- An individual who is a resident of Kansas and has been approved by the city or county
- An organization that has its principal place of business in Kansas and has been approved by the city or county

[Subsection (b) of K.S.A. 41-2659]

All applications must be submitted online at <http://ksabconline.gov>.

A copy of the city or county ordinance or resolution creating the common consumption area to be covered by the permit must be submitted to ABC Licensing with the application for a Common Consumption Area Permit. [Subsection (c)(1) of K.S.A. 41-2659]

The permit is valid for up to one year from the date it is issued by ABC and can be renewed annually. The annual fee for the permit is \$100, and is nonrefundable. [Subsections (c)(2) and (c)(3) of K.S.A. 41-2659]



## Authorized Activities

Once a Common Consumption Area permit has been issued by ABC, alcoholic liquor and CMB may be possessed and consumed within the common consumption area designated by the permit. The boundaries of the common consumption area must be clearly marked with a physical barrier or other apparent line of demarcation. [Subsection (g) of K.S.A. 41-2659, and Subsection (b) of K.S.A. 41-719]

A licensee located within or immediately adjacent to a common consumption area may elect to participate in the common consumption area by allowing its legal patrons to remove alcoholic liquor and CMB purchased on the licensed premises into the common consumption area. In order to do this, the licensee must request and receive permission from ABC by submitting the ABC-838 form found on <https://ksrevenue.gov/abcforms.html>. [Subsections (d) and (e) of K.S.A. 41-2659]

If a licensee has requested and received permission to participate in a common consumption area, such licensee may sell, offer for sale and serve alcoholic liquor and CMB from one non-contiguous service area within the common consumption area. The licensee must receive permission from the common consumption area permit holder to do so, and shall prominently display a copy of its liquor license and the approval of the common consumption area permit holder at all times at such non-contiguous service area. [Subsection (e)(2) of K.S.A. 41-2659]

If a licensee has been approved by ABC to participate in a common consumption area, any alcoholic liquor and CMB removed from its licensed premises must be placed into or served in a container that displays that licensee's trade name or logo, or other unique identifying mark. [Subsection (e)(1) of K.S.A. 41-2659] Licensees participating in a common consumption area shall post a copy of any documentation received from ABC approving such participation on the licensed premises at all times.

## Prohibited Activities

Common Consumption Area permits are for possession and consumption of alcoholic liquor and CMB only. No sales of alcoholic liquor and CMB may occur on premises covered by a common consumption area permit, unless the sales are conducted by a licensed caterer in accordance with all requirements for a catered event, a separate temporary permit has been issued for that specific area, or a drinking establishment has been authorized by the permit holder to operate a non-contiguous service area in accordance with K.S.A. 41-2659(e)(2). [ABC interpretation and application of K.S.A. 41-104 and 41-2659]

No person shall remove any open container of alcoholic liquor or CMB from within the boundaries of a common consumption area. [Subsection (f) (2) of K.S.A. 41-2659]

## Liability for Violations

A Common Consumption Area permit holder shall comply with all terms and conditions outlined in the city or county ordinance or resolution. These may include, but are not limited to, restrictions upon the hours in which possession and consumption are allowed, smoking restrictions, prohibitions on glass containers, etc.

Common Consumption Area permit holders are liable for any and all violations that occur within the defined boundaries of the common consumption area subject to the permit. A permit holder shall not be liable for violations involving the sale and consumption of alcoholic liquor and CMB that occur on the licensed premises of participating licensees. [Subsection (f)(2) of K.S.A. 41-2659]

The director may suspend, involuntarily cancel or revoke a common consumption area permit if the permit holder violates the provisions of an order lawfully issued by the director. [Subsection (b) of K.S.A. 41-2611, as amended by Section 21 of 2021 House Bill 2137]

Revised 07/2023

### LIQUOR TAX OR LIQUOR BOND QUESTIONS?

Contact the Miscellaneous Tax Segment at 785-368-8222, Option #5 then option #4 or send email to [KDOR\\_Miscellaneous.Tax@KS.GOV](mailto:KDOR_Miscellaneous.Tax@KS.GOV)



Alcoholic Beverage Control  
109 SW 9<sup>th</sup> Street, 5<sup>th</sup> Floor  
PO Box 3506  
Topeka KS 66601-3506



Phone: 785-296-7015  
Fax: 785-296-7185  
kdor\_abc.licensing@ks.gov  
[www.ksrevenue.gov/abc.html](http://www.ksrevenue.gov/abc.html)

## **COMMON CONSUMPTION AREA PERMIT APPLICATION AND AGREEMENT INSTRUCTIONS**

### **WHO CAN APPLY FOR THIS PERMIT?**

Any Kansas resident, city, county or entity.

### **WHAT CAN I DO WITH THIS PERMIT?**

A permitted Common Consumption Area allows for possession and consumption of alcoholic liquor in accordance with the ordinance or resolution.

### **REQUIREMENTS TO OBTAIN A KANSAS COMMON CONSUMPTION AREA PERMIT**

- A. Common Consumption Area Permit Application and Agreement (ABC-836).
- B. \$100.00 Common Consumption Area Permit Fee.
- C. A copy of the ordinance or resolution authorizing the Common Consumption Area.

### **INSTRUCTIONS TO COMPLETE THE COMMON CONSUMPTION AREA PERMIT APPLICATION AND AGREEMENT (ABC-836):**

1. Permit Type
  - a. New Permit. Check the "New Permit" box if you do not have a Kansas Common Consumption Area Permit or if your Kansas Common Consumption Area Permit has been expired for more than 30 days.
  - b. Renew Permit. Check the "Renew Permit" box to renew your current Kansas Common Consumption Area Permit.
2. Section 1. Complete the Application Information.
3. Section 2. Complete the Common Consumption Area Information.
4. Section 3. Draw a complete diagram of the premises for which you are seeking permit approval or attach your drawing to the ABC-836 form, provided it is not larger than 8½" X 11".
  - a. The area you are seeking permit approval for must comply with the ordinance or resolution.
  - b. The diagram must include the physical barriers or line of demarcation of the Common Consumption Area boundary.
5. Sign and date the Common Consumption Area Permit Application and Agreement form, print your name and title.
6. Complete the attached Common Consumption Area Permit Voucher.
  - a. New Permit. Check the "New Permit" box, enter the name as it appears on the Common Consumption Area Permit Application and Agreement and check the box to indicate your \$100 Permit Fee is attached.
  - b. To Renew Permit. Check the "Renew Permit" box, enter your Common Consumption Area Name, Common Consumption Area Permit Number and check the box to indicate your \$100 Permit Fee is attached.
7. Make your check payable to the "Kansas Department of Revenue".
8. Return the original completed Common Consumption Area Permit Agreement, a copy of the ordinance or resolution, the Request to Participate in a Common Consumption Area (ABC-838) and \$100 Common Consumption Area Permit Fee to the ABC Licensing Unit.

All approved Common Consumption Area Permits are posted to the ABC Active Liquor Licensee Database on the ABC website. To view your permit information, go to: <http://www.kdor.ks.gov/apps/liquorlicensee/Active.aspx>

You may direct your questions to the Licensing Unit at 785-296-7015 or e-mail to [KDOR\\_ABC.Licensing@ks.gov](mailto:KDOR_ABC.Licensing@ks.gov)

Alcoholic Beverage Control  
109 SW 9<sup>th</sup> Street, 5<sup>th</sup> Floor  
PO Box 3506  
Topeka KS 66601-3506



Phone: 785-296-7015  
Fax: 785-296-7185  
kdor\_abc.licensing@ks.gov  
[www.ksrevenue.gov/abc.html](http://www.ksrevenue.gov/abc.html)

### COMMON CONSUMPTION AREA PERMIT APPLICATION AND AGREEMENT

☐ New Permit ☐ Renew Permit

SECTION 1 – APPLICATION INFORMATION:				
Entity Type: <input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Organization <input type="checkbox"/> Partnership <input type="checkbox"/> Other: _____				
Organization Name or Individual Applicant Name			FEIN/SSN	
Applicant Contact Person		Phone Number	E-mail Address	
Applicant Mailing Address		City	County	State Zip Code
Individual Only – Home Street Address		City	County	State Zip Code
<b>KS</b>				
SECTION 2 – COMMON CONSUMPTION AREA INFORMATION:				
<input type="checkbox"/> I have attached a copy of the ordinance or resolution.				
Common Consumption Area DBA Name				
Common Consumption Area Location Address		City	County	State Zip Code
<b>KS</b>				

The above named applicant or organization, does hereby make application for a Common Consumption Area Permit to allow possession and consumption of alcoholic beverages in the designated area. In making this application, the above named Common Consumption Area Permit holder agrees that:

- a. It is liable for violations that occur within the boundaries of the Common Consumption Area. However, licensees within a Common Consumption Area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor that occurs on the licensee's premises.
- b. It will not allow any person to remove any open container of alcoholic liquor from the boundaries of the Common Consumption Area.
- c. It will abide by all the provisions of the Kansas Liquor Control Act and the Rules and Regulations promulgated thereunder.
- d. It will abide by all the provisions of the ordinance or resolution.
- e. It will display the Common Consumption Area Permit on the permitted premises.

Alcoholic Beverage Control  
109 SW 9<sup>th</sup> Street, 5<sup>th</sup> Floor  
PO Box 3506  
Topeka KS 66601-3506



Phone: 785-296-7015  
Fax: 785-296-7185  
kdor\_abc.licensing@ks.gov  
[www.ksrevenue.gov/abc.html](http://www.ksrevenue.gov/abc.html)

**SECTION 3 – COMMON CONSUMPTION AREA DIAGRAM:**

Check the appropriate box then in the space below, in ink, draw a sketch of the boundaries for the proposed permitted area where alcoholic liquor will be possessed and consumed. **Architectural drawings are not accepted.**

Check one: ☐ Diagram drawn ☐ 8½" X 11" drawing attached



Under penalties of perjury, I declare the information contained in this document a true, accurate and complete disclosure of information.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

ABC OFFICE USE ONLY:

☐ \$100 Permit Fee Received Date \_\_\_\_\_ by \_\_\_\_\_



Alcoholic Beverage Control  
109 SW 9<sup>th</sup> Street, 5<sup>th</sup> Floor  
PO Box 3506  
Topeka KS 66601-3506



Phone: 785-296-7015  
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kdor\_abc.licensing@ks.gov  
[www.ksrevenue.gov/abc.html](http://www.ksrevenue.gov/abc.html)

## **REQUEST TO PARTICIPATE IN COMMON CONSUMPTION AREA**

### **WHO IS REQUIRED TO COMPLETE THIS FORM?**

On-Premise licensees and temporary permit holders immediately adjacent to or located within a permitted Common Consumption Area who wish to participate in the Common Consumption Area.

### **INSTRUCTIONS TO COMPLETE THE REQUEST TO PARTICIPATE IN COMMON CONSUMPTION AREA (ABC-838):**

Complete this form and return to the address or fax number above or e-mail to KDOR\_ABC.Licensing@ks.gov. Once approved, the licensee may allow patrons to remove alcoholic liquor purchased from the licensee into the premise described by ordinance or resolution for the Common Consumption Area.

#### **SECTION 1 – LICENSEE INFORMATION:**

Licensee DBA Name	License Number	Common Consumption Area Permit Number
Requestor Name	E-mail Address	
Business Phone Number	Cell Phone Number	

#### **SECTION 2 – DIAGRAM:**

In the space below, in ink, draw a sketch of the licensed premise and the Common Consumption Area being requested to participate in or attach your drawing, provided it is not larger than 8½" X 11". The diagram must include the boundaries of the Common Consumption Area. **Architectural drawings are not accepted.**

Check one: ☐ Diagram drawn ☐ 8½" X 11" drawing attached



The above named licensee, does hereby request to participate in a Common Consumption Area. In making this request, the above licensee understands that:

- They will comply with the ordinance or resolution established for the Common Consumption Area.
- All alcoholic beverages removed from the licensee's licensed premise must be in a container that displays the licensee's trade name, logo or other identifying mark that is unique to the licensee.
- They are liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor that occur on the licensee's licensed premise.
- If they choose to cancel their participation in a Common Consumption Area, they must submit a request in writing to the ABC to withdraw their participation.
- They will keep the approved copy of this form (ABC-838) on the licensed premise.
- They will ensure the Common Consumption Area Permit is active prior to allowing patrons to remove alcoholic liquor from the licensed premise into the Common Consumption Area.

Under penalties of perjury, I declare the information contained in this document a true, accurate and complete disclosure of information.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Title

<input type="checkbox"/> Request Approved <input type="checkbox"/> Request Denied Reason Denied:	Signature of ABC Official	Date
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Ordinance No. 991

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR WITHIN ITS BOUNDARIES.

WHEREAS, K.S.A. 41-2659 allows cities to establish a common consumption area and to authorize the possession and consumption of alcoholic liquor within such common consumption area; and

WHEREAS, the City of Cottonwood Falls (“City”) is the owner of the land on Broadway Street south of Friend Street, north of the Chase County Courthouse on Pearl Street and associated city rights-of-way (“Southernmost block of Broadway Street”).

WHEREAS, the City desires to establish a common consumption area, as further defined herein, to allow the possession and consumption of alcoholic beverages within the Southernmost block of Broadway Street and associated public rights-of-way, subject to certain rules and regulations.

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

**SECTION ONE:** In accordance with K.S.A. 41-2659, and amendments thereto, the Governing Body hereby establishes the Broadway Street common consumption area (the “Broadway Street CCA”) consisting of certain outdoor areas located within the Southernmost block of Broadway Street and associated city rights-of-way, as designated on the map, attached hereto as Exhibit A and incorporated herein by reference, excluding any and all areas which otherwise become subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act. The boundaries of the Broadway Street CCA shall be clearly marked using a physical barrier or any apparent line of demarcation.

**SECTION TWO:** The Governing Body hereby authorized the possession and consumption of alcoholic liquor in the Broadway Street CCA during a special event or civic event which requires a special event permit from the City; provided, however, that a common consumption area permit (“Permit”) for the Broadway Street CCA has been issued to the City by the State of Kansas, Director of the Division of Alcoholic Beverage Control (“Director”) in accordance with K.S.A. 41-2659, and amendments thereto. Any public street that lies within the Broadway Street CCA designated for the special event shall be blocked from motorized traffic during the hours in which alcoholic liquor is consumed. The possession and consumption of alcoholic liquor within the Broadway Street CCA is only permitted between the hours of 9:00 AM and 12:00 AM, midnight, Sunday through Saturday.

**SECTION THREE:** All alcoholic liquor removed from a licensed premise authorized to participate in the Broadway Street CCA shall be served in a container that displays the licensee’s trade name or logo or other identifying mark that is unique to the licensee.

**SECTION FOUR:** The possession or consumption of alcoholic liquor purchased outside of the Broadway Street CCA shall not be permitted inside the boundaries of the Broadway Street CCA.

**SECTION FIVE:** No open container of alcoholic liquor, purchased within the Broadway Street CCA, shall be removed from the boundaries of the Broadway Street CCA.

**SECTION SIX:** Unlawful conduct shall not be permitted within the boundaries of the Broadway Street CCA and any person engaging in such unlawful conduct shall be subject to removal from the Broadway Street CCA.

**SECTION SEVEN:** All licensees approved by the ABC to participate in the Broadway Street CCA shall at all times comply with any and all federal, state, and City laws or regulations pertaining to the purchase and sale of alcoholic liquor.

**SECTION EIGHT:** The Governing Body hereby authorizes the City Administrator or their designee to take all reasonably necessary actions, including, but not limited to, the execution of all documents and instruments, to obtain a Permit for the Broadway Street CCA on behalf of the City.

**SECTION NINE:** Subject to receipt of the Permit as described in Section Two, the Governing Body hereby authorizes the City Administrator or their designee to establish rules and regulations pertaining to the use of the Broadway Street CCA and activities therein. A copy of the rules and regulations shall be available at the office of the City Clerk during regular business hours and on the website maintained by the City. Any violation of such rules and regulations, any official City signage, state law or regulations, or the oral direction of any City employee or authorized volunteer shall be grounds for expulsion from the Broadway Street CCA and criminal sanctions or any other remedy available under local, state, or federal laws.

**SECTION TEN:** Effective Date: This Ordinance shall become effective upon passage and publication in the official City newspaper as provided by State law.

PASSED and APPROVED by the Governing Body this 3<sup>rd</sup> day of April, 2023.

---

William Sisson, Mayor

Attest:

---

Brianna Larkin, City Clerk

## **ORDINANCE NO. 4434**

**AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, ESTABLISHING A COMMON CONSUMPTION AREA THAT INCLUDES CERTAIN SPECIFIC BLOCKS WITHIN THE CITY, AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR OR CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA AT PRESCRIBED TIMES.**

WHEREAS, the Code of Ordinances, City of Independence, Kansas, shall be amended to establish a Common Consumption Area for special events, pursuant to K.S.A. 41-2659.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS.

### **SECTION 1: Common Consumption Area**

That the Code of Ordinances, City of Independence, Kansas, shall be amended in compliance with K.S.A. 41-2659, as amended, to establish a Common Consumption Area authorizing purchase, possession and consumption of alcoholic liquor or cereal malt beverage within the following area:

A tract of land within the City limits of Independence, Montgomery County, Kansas, shown generally on attached Exhibit "A," and more particularly described as follows:

Beginning at the intersection of the east side of 8th Street and the south side of Chestnut Street, thence east along said south side of Chestnut Street to the west side of 6th Street, thence south along said west side of 6th Street to the south side of Myrtle Street, thence east along said south side of Myrtle Street to the West side of 5th Street, thence south along said west side of 5th Street to the north side of Maple Street, thence west along said north side of Maple Street to the east side of 9th Street, thence north along said east side of 9th Street to the south side of Myrtle Street, thence east along said

south side of Myrtle Street to the east side of 8th Street, thence north along said east side of 8th Street to the point of beginning.

The purchase, possession and consumption of alcoholic liquor or cereal malt beverage during within the Common Consumption Area shall only be allowed between the hours of 4:00 p.m. and 10:00 p.m., Monday through Thursday, and between the hours of 10:00 a.m. and 12:00 a.m. Friday and Saturday.

## **SECTION 2: Notice, Application and Permit**

- (a) The City shall immediately notify the Director of the Division of Alcoholic Beverage Control ("Director") of the establishment of the Common Consumption Area by submitting a copy of the Ordinance along with notice.
- (b) An application for a Common Consumption Area Permit shall be subject to the following:
  - 1. The City, a person who is a Kansas resident, or an organization that has its principal place of business in Kansas, may apply to obtain a Common Consumption Permit from the Director subject to approval by the City and in accordance with rules and regulations adopted by the Secretary of the Department of Revenue.
  - 2. A copy of this Ordinance shall accompany any application for a Common Consumption Area Permit.
  - 3. Each application shall be accompanied by a non-refundable permit fee of \$100.00, collected by the Director and remitted to the Kansas State Treasurer.
  - 4. The Common Consumption Area Permit shall be issued for a period of not to exceed one year.
  - 5. The Common Consumption Area Permit shall not be transferable or assignable.
- (c) Any licensee immediately adjacent to, or located within, a Common Consumption Area may request that the licensee's licensed premises participate in the Common Consumption Area for the duration of



the Common Consumption area permit. Such a request shall be made upon forms prescribed by the Director.

- (d) Any licensee who has requested and received permission to participate in the Common Consumption Area may allow its patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the area described by the Common Consumption Area permit; provided, however, in no event shall any beverage so removed be in any container capable of holding more than sixteen (16) fluid ounces. No alcoholic beverage or cereal malt beverage removed from a licensed premises shall be in a glass container or any container that otherwise represents a potential danger to the public as determined by law enforcement officials.
- (e) All alcoholic liquor and cereal malt beverage removed from a licensed premises shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.
- (f) In addition to their licensed premises, any licensee who has requested and received permission to participate in the Common Consumption Area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the Common Consumption Area, as designated and approved by the Common Consumption Area Permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the Common Consumption Area Permit holder at its non-contiguous service area.

### SECTION 3. PURCHASES WITHIN COMMON CONSUMPTION AREA

No open container of alcoholic liquor or cereal malt beverage purchased within the Common Consumption Area shall be removed from the boundaries of the Common Consumption Area, and appropriate and conspicuous signage shall be established provided notice of the boundaries of the Common Consumption Area. In addition to the above, and notwithstanding anything to the contrary, in no event shall alcoholic liquor or cereal malt beverages be permitted:

- (a) in parking lots;
- (b) in any business which prohibits alcoholic liquor or cereal malt beverages originating from other establishments; and

- (c) on city streets, except in city-established cross walks, and except during events approved by the governing body subject to conditions set forth by the governing body.

#### SECTION 4. PURCHASES OUTSIDE COMMON CONSUMPTION AREA

Alcoholic liquor or cereal malt beverage purchased outside the boundaries of the Common Consumption Area shall not be consumed or permitted inside the boundaries of the Common Consumption Area.

#### SECTION 5. LICENSEES

All licensees approved by the Director to participate in the Common Consumption Area shall at all times comply with any and all federal and state law and City ordinances governing and/or regulating the purchase, sale, and consumption of alcoholic liquor and cereal malt beverage.

#### SECTION 6.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

#### SECTION 7.

This ordinance shall take effect and be in force from and after passage and publication in the official city newspaper.

PASSED and APPROVED by the Governing body this 19<sup>th</sup> day of July, 2023.



CITY OF INDEPENDENCE, KANSAS

By: Louis Ysusi  
Louis Ysusi, Mayor

ATTEST:

David W. Schwenker  
David W. Schwenker, City Clerk

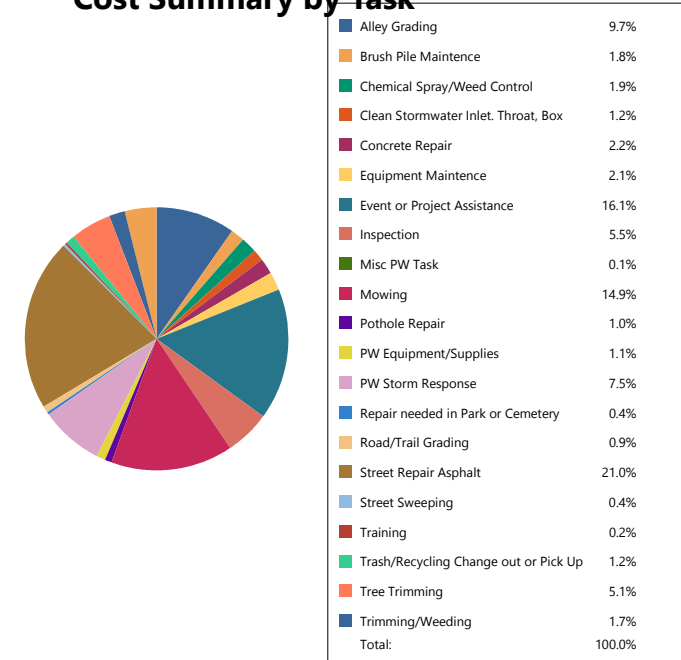
Osawatomie KS

Cost Summary By Task

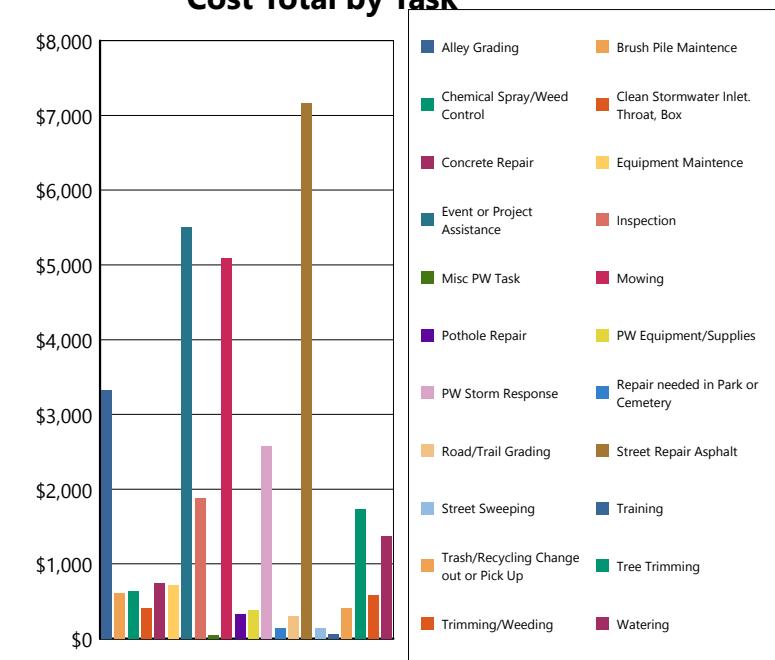
Reporting Dates July 2023

Task	Activities	Labor Hours	Labor Cost	Eqp Cost	Mat Cost	Con Cost	Total Cost
Alley Grading	4	29.00	\$602.35	\$2,187.17	\$531.04	\$0.00	\$3,320.56
Brush Pile Maintenance	6	8.00	\$203.84	\$408.60	\$0.00	\$0.00	\$612.44
Chemical Spray/Weed Control	5	18.00	\$402.72	\$240.79	\$0.00	\$0.00	\$643.52
Clean Stormwater Inlet. Throat, Box	2	7.00	\$136.11	\$272.06	\$0.00	\$0.00	\$408.17
Concrete Repair	3	18.00	\$412.67	\$158.41	\$166.75	\$0.00	\$737.83
Equipment Maintenance	8	24.00	\$532.77	\$187.28	\$0.00	\$0.00	\$720.05
Event or Project Assistance	7	159.00	\$4,037.25	\$1,463.13	\$0.00	\$0.00	\$5,500.38
Inspection	20	51.00	\$1,174.50	\$707.72	\$0.00	\$0.00	\$1,882.22
Misc PW Task	1	1.00	\$19.10	\$22.99	\$0.00	\$0.00	\$42.09
Mowing	20	116.00	\$2,143.54	\$2,949.27	\$0.00	\$0.00	\$5,092.81
Pothole Repair	1	8.00	\$156.32	\$0.00	\$172.50	\$0.00	\$328.82
PW Equipment/Supplies	3	6.00	\$119.83	\$259.38	\$0.00	\$0.00	\$379.21
PW Storm Response	4	36.00	\$870.35	\$1,701.85	\$0.00	\$0.00	\$2,572.20
Repair needed in Park or Cemetery	1	3.00	\$57.48	\$79.24	\$0.00	\$0.00	\$136.72
Road/Trail Grading	2	5.00	\$127.40	\$175.08	\$0.00	\$0.00	\$302.48
Street Repair Asphalt	12	75.00	\$1,621.37	\$4,882.68	\$665.00	\$0.00	\$7,169.05
Street Sweeping	1	2.00	\$37.74	\$100.00	\$0.00	\$0.00	\$137.74
Training	1	3.00	\$60.58	\$0.00	\$0.00	\$0.00	\$60.58
Trash/Recycling Change out or Pick Up	9	14.00	\$271.79	\$137.96	\$0.00	\$0.00	\$409.75
Tree Trimming	7	33.00	\$663.38	\$1,067.98	\$0.00	\$0.00	\$1,731.36
Trimming/Weeding	3	15.00	\$306.36	\$277.84	\$0.00	\$0.00	\$584.20
Watering	12	43.00	\$773.32	\$594.86	\$0.00	\$0.00	\$1,368.18
Tasks:	22	132	674.00	\$17,874.29	\$1,535.29	\$0.00	\$34,140.36
			\$14,730.77				

Cost Summary by Task



Cost Total by Task



# Osawatomie KS

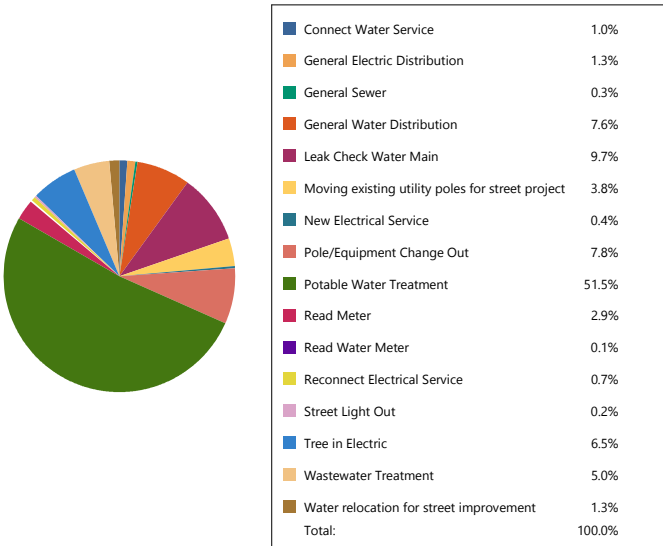
## Cost Summary By Task

Reporting Dates July 2023

Task	Activities	Labor Hours	Labor Cost	Eqp Cost	Mat Cost	Con Cost	Total Cost
Connect Water Service	1	10.00	\$220.70	\$595.00	\$161.11	\$0.00	\$976.81
General Electric Distribution	7	21.00	\$671.20	\$565.00	\$0.00	\$0.00	\$1,236.20
General Sewer	2	8.00	\$176.56	\$70.00	\$0.00	\$0.00	\$246.56
General Water Distribution	17	103.00	\$2,350.84	\$3,264.92	\$1,634.00	\$0.00	\$7,249.76
Leak Check Water Main	3	96.00	\$2,765.04	\$4,057.46	\$2,438.00	\$0.00	\$9,260.50
Moving existing utility poles for street p	4	40.00	\$1,165.04	\$1,400.95	\$1,038.73	\$0.00	\$3,604.72
New Electrical Service	1	4.00	\$135.32	\$200.00	\$32.58	\$0.00	\$367.90
Pole/Equipment Change Out	3	36.00	\$1,217.88	\$1,267.30	\$5,015.26	\$0.00	\$7,500.44
Potable Water Treatment	31	616.00	\$11,305.60	\$0.00	\$38,056.61	\$0.00	\$49,362.21
Read Meter	23	63.00	\$1,531.31	\$1,245.50	\$0.00	\$0.00	\$2,776.81
Read Water Meter	1	2.00	\$47.72	\$42.00	\$0.00	\$0.00	\$89.72
Reconnect Electrical Service	5	11.00	\$298.32	\$260.00	\$86.80	\$0.00	\$645.12
Street Light Out	2	2.00	\$61.19	\$65.00	\$90.56	\$0.00	\$216.75
Tree in Electric	6	79.00	\$2,069.56	\$4,190.00	\$0.00	\$0.00	\$6,259.56
Wastewater Treatment	31	192.00	\$4,762.56	\$0.00	\$0.00	\$0.00	\$4,762.56
Water relocation for street improvemen	2	14.00	\$356.02	\$860.00	\$50.28	\$0.00	\$1,266.30

Tasks:	16	139	1,297.00	\$18,083.13	\$48,603.93	\$0.00	\$95,821.92
			\$29,134.86				

Cost Summary by Task



Cost Total by Task

