

OSAWATOMIE CITY COUNCIL
WORK SESSION / MEETING AGENDA
January 24, 2013
7:00 p.m., Memorial Hall

WORK SESSION

- A. Call to Order
- B. Roll Call
- C. Work Session Items
 - 1. Discussion of Board and Committees
- D. Adjournment of Work Session

REGULAR MEETING – 7:30 p.m.

- E. Call to Order
- F. Roll Call
- G. Approval of Agenda
- H. Council Items
 - 1. Approval of Resolution to Apply for the State Revolving Wastewater Loan
- I. City Manager Updates
- J. Executive Session - none
- K. Adjournment of Regular Meeting



STAFF AGENDA MEMORANDUM

DATE OF MEETING: January 24, 2013

AGENDA ITEM: Advisory Boards

PRESENTER: Don Cawby, City Manager

ISSUE SUMMARY: Again this year, I decided we should review the boards and committees that the City either has or should consider establishing. This year I have more information and also recommendations for each.

Board of Health

Authorized by: City Code 8-101.

Purpose: Guide the activities of the City Health Officer

Structure: City Health Officer (a practicing doctor of medicine) and two members of the Governing Body, all appointed by the Mayor.

Status: This position and board do not exist. I believe these functions are filled by the county and state in most non-metro jurisdictions.

Recommendation: Investigate further, but recommend repealing the statute if this is no longer applicable.

Building Code Board of Appeals

Authorized by: City Code 4-202, which incorporates the 2006 International Building Code. The Board is referred to numerous times in ordinance, but is not created.

Purpose: Serves as an appeals board for any decision of the building inspector; "shall be the final determiner of the scope and meaning of all provisions of the building code which may be unclear, ambiguous, or requiring interpretation" (City Code 4-210); appeals board for any builder's license suspension and are the only body that can revoke a license (City Code 4-220).

Structure: None.

Status: The City currently utilizes the County's Building Code Board of Appeals as its appeals Board.

Recommendation: The City should state somewhere that it officially recognizes the County's Building Code Board of Appeals as its Board or create in ordinance its own Board for this purpose. This is part of a larger issue of contractor licensing that needs to be addressed as a separate issue in the near future.

Golf Course Advisory Committee

Authorized by: Resolution No. 546 (2006).

Purpose: The Committee advises the City Manager on Golf Course operations as requested by the City Manager and to assist in developing recommendations for Council approval.

Structure: The City Manager appoints five (5) members to the Committee from the membership and patrons of the Golf Course and the Mayor shall appoint one Council Member as liaison. The City Manager must present the names to the City Council at the first meeting in January.

Status: The Committee only has two members and three are vacant. Only one appointed member and Council liaison Moon came to the December 2012 meeting.

Recommendation: No written changes necessary. However, I think we need to create more ownership in the golf course by the membership. I am recommending that officers of the men's and women's club become members of the Advisory Committee. These individuals play numerous courses around the region and I think their input is invaluable as we look for ways for the Osawatomie Golf Course to become more competitive in the region. I have selected the following individuals to serve on the committee for 2013: Alan Haag, Rick Anderson, Mike Brewer, John David Cole and one member of the women's club to be named later. The Council will need to appoint/reappoint a council liaison in April, when those terms typically change. I will be asking the Committee to meet quarterly and for them to take a fresh look at the golf course and look at several aspects of the business to see what we can do to dramatically improve non-member play and increase revenue to the course.

Housing Authority

Authorized by: Resolution No. 68, which was passed in 1974.

Purpose: Delegated the power to plan, construct, maintain, operate and manage any housing projects of the City of Osawatomie.

Structure: Five commissioners appointed to four-year terms. Appointments by the Mayor.

Status: The Authority has not met since June of 2011.

Recommendation: No changes. The Authority needs to remain in place in case we have a project which requires the existence of the Authority.

Housing Rehabilitation Advisory Committee

Authorized by: City Code 4-501, adopted by ordinance 3340 in the early 1990s.

Purpose: Serve as an advisory group for community development activities related to housing rehabilitation and serve as an operating board for a Community Development Block Grant project from the State of Kansas.

Structure: Consists of five members, appointed by the Mayor, with the consent of the Governing Body. All members shall be residents of the city and shall serve the duration of the City's Community Development Grant from the Kansas Department of Economic Development.

Status: Inactive.

Recommendation: This is a body that should have been created in resolution under normal circumstances, but was probably required by the State to be in ordinance. I think this is a Committee that can be abolished by repealing the statutes. The goal of discussion on housing issues can be served by a new Economic and Community Development Committee that I am recommending.

Library Board

Authorized by: K.S.A. 12-1222 et al., modified by Resolution No. 617 (2009).

Purpose: To make and adopt rules and regulations for the administration of the Library (other duties listed in K.S.A 12-2225).

Structure: Seven members are appointed by the Mayor with the approval of the City Council.

Status: The Board is currently operating according to statute but under a joint resolution with the City where the City provides for financial management and supervision of all employees of the Public Library. The resolution states that the Library's Director and staff are all employees of the City and the Library Board will only act in an advisory capacity to Library Director. However; in reality, the Library Board still exercises its statutory right to hire and fire the Director and to establish the Director's salary. It is still somewhat unclear as to the governance of the other employees where employment and salaries are concerned.

Recommendation:

The Library Board worked with me last year to re-draft a joint agreement because of concerns by the state and regional library representatives. I was not completely comfortable with the resolution proposed by the Library Board at that time because it seemed to create as many questions as answers. Now that I have operated under this agreement for 18 months, I feel more comfortable with revisiting this issue. I believe we should either craft an agreement which better defines the relationship or consider a complete restructuring of the agreement.

Parks and Recreation Committee

Authorized by: City Code 12-904 (2012).

Purpose: Assist in operation and planning of parks and recreation facilities, making recommendations on the recreation programs to be offered and their operations; making recommendations on capital improvements plans and the annual budget for the Parks and Recreation Department.

Structure: The Mayor appoints, with Council approval, six members of the Committee which serve two-year terms. The City Council must appoint one member of the Council to the Committee, which is a voting position but cannot hold the Chair or Vice-Chair positions.

Status: This Committee has been very active and has helped to grow recreation programs in the city. Attendance is good.

Recommendation: No changes to the Committee. However, I will urge the Committee to take up master planning activities to help with future capital planning and to help decide where pre-engineering or planning funds should be spent.

Planning Commission

Authorized by: K.S.A. 12-741 et seq., City Code 16-101

Purpose: Adopt and maintain a comprehensive plan for the City and also prepare, adopt and maintain zoning and subdivision regulations on all land within the jurisdiction.

Structure: The Planning Commission consists of seven members—five members from the city limits and two from the 3-mile planning area outside the city. Appointment is by Mayor with the consent of the City Council at the first regular meeting of the Governing Body in May. Members are appointed for staggered terms of three years each.

Status: Currently we only appoint five members to the Planning Commission and we have done so at the beginning of the year, and not in May. Also, the Commission is currently meeting on a more regular basis because of the work on revisions to the zoning and subdivision regulations.

Recommendation: We need to pass a modified ordinance to remove the 3-mile zoning appointments. We can keep those appointments in place, but with the County removing our authority in these areas, I suggest the ordinance be modified to remove those positions. I also believe that we should keep the Commission at five members. Finally, I recommend changing the appointment date to occur after January 1, so we can appoint with the other committees as we have been doing. It also shields the Commission from political upheaval that can occur after some elections.

Tourism Committee

Authorized by: Charter Ordinance No. 7 (1997).

Purpose: Make recommendations to the Governing Body concerning programs and expenditures for promotion of conventions and tourism.

Structure: Established in Charter Ordinance as the Convention and Tourism Committee, it has 10 members who must be residents of the city and terms of appointment shall not exceed four years for each member. By statute, the City is required to have a majority of business people and set the method of appointment by resolution. However, the City exempted itself from the statute (K.S.A. 12-1695) by using a charter ordinance, so those provisions do not actually apply. The Charter Ordinance does not specifically say how appointments are to be made.

Status: Currently meets regularly, but there is no formal structure and as best I can tell has basically become an event planning committee for the Freedom Festival and Railroad Days and a few other smaller events at historical sites. Attendance by a quorum is rare.

Recommendation: By ordinance the Committee must have 10 members and all must be residents of the city. I think that in this day and age, and for a city our size, a 10 person standing committee would struggle to have a majority of members engaged. In addition, I think such a large committee is inefficient. Furthermore, this committee has become as much a history committee as it has a tourism committee. I am recommending splitting history preservation issues into a new committee and scaling back the membership of the Tourism Committee. This will have to be done through a new charter ordinance, which I recommend be written to establish the committee size and membership in resolution, to allow the committee to be more easily adapted as the years go on.

Board of Zoning Appeals

Authorized by: K.S.A. 12-759 et seq., City Code 16-105. The Planning Commission is designated to also serve as the City's Board of Zoning Appeals.

Purpose: Conduct appeals of zoning issues, including variances.

Structure: The Planning Commission is designated to also serve as the City's Board of Zoning Appeals.

Status: Same as Planning Commission.

Recommendation: Same as Planning Commission.

Neighborhood Improvement Advisory Committee

Authorized by: Resolution No. 578 (2007)

Purpose: Explore courses of action to increase the appeal of, improve the appearance of, and enhance the quality of life in the established neighborhoods of the City of Osawatomie and to make recommendations to that end. The Committee is to serve at the pleasure of the City Council and engage in projects that the City Council or City Manager may assign to it. The Committee is to be reviewed on an annual basis.

Structure: The resolution provides no specific structure for the Committee. The Committee is to serve at the pleasure of the City Council and engage in projects that the City Council or City Manager may assign to it. The Committee is to be reviewed on an annual basis.

Status: Inactive.

Recommendation: Because this committee is formed by resolution and is inactive, I recommend that the Committee be dissolved. The functions of the Committee could be served by a new Economic and Community Development Committee that I am recommending.

Economic Development Committee

Authorized by: Resolution No. 587 (2007)

Purpose: To retain existing local businesses and to enhance and support new business development within Osawatomie and its growth area, to educate the citizens and business owners of Osawatomie and its growth area to encourage that development, to create a positive attitude toward development within the community, and to assist in the planning for services and amenities needed for growth and economic development.

Structure: The Committee is comprised of nine members. The Mayor appoints five members, with Council approval. Those appointments must include: a representative of USD No. 367, a local business owner who is a member of the Osawatomie Chamber of Commerce, a resident of the Osawatomie Growth Area, and two residents of the City of Osawatomie. Members are appointed to four-year terms and may serve an indefinite number of terms. The Committee's membership is completed by the Miami County Economic Development Director, two Council members to serve as liaisons, and the City Manager.

Status: This committee has met sparingly because of the lack of need.

Recommendation: The Committee's purpose is broad and lends itself to lack of specific direction. One such example is that this committee spent a couple of meetings talking about a community calendar and website updates. If this committee is to continue, its purpose should be as an advisory board to the City Council on economic development issues and to review the City's economic development programs and incentives. I also think it would be wise to include a provision in any resolution, that the committee should not be included in recruiting specific companies unless the City Council specifically asks for assistance in developing an incentive package for a business prospect.

However, I would offer the alternative of creating a new Economic and Community Development Committee. This committee would be given the tasks described in my recommendations above, but also take on the tasks of looking at developing housing development and redevelopment issues that are critical to economic development. Again, the purpose of the committee would be to develop policies, incentives and potential projects that can be advertised and publicized by the City, Miami County and State of Kansas economic development staff.

Public Safety Committee

Authorized by: unknown

Purpose: To act as an advisory board for the police and fire services of the City and to consider matters relating to the safe and expeditious vehicular and pedestrian traffic flow within the jurisdiction of the city.

Structure: The City has appointed two members from each ward, one member at large, a representative from the schools and Osawatomie State Hospital, as well as a council liaison. The Mayor and Chief of Police are shown as ex-officio members

Status: This committee has limited attendance and meets mainly because of the efforts of Council Liaison Moon.

Recommendation: I believe this committee has a purpose and place in our community. However, it needs to be downsized to a manageable group and given some specific tasks. Such tasks should include recommendations on traffic changes, serving as a study board for any criminal or public offense issue the Council would like to refer to the Committee, and working to foster good relations between public safety officials and the community. I will prepare such a resolution for your consideration.

Old Stone Church Committee

Authorized by: Ordinance 3016 (1961); repealed by current code (2008)

Purpose: The original purpose of the Committee was to administer the funds left to the City to renovate the Old Stone Church and then to manage any of the left over proceeds from the project.

Structure: not applicable.

Status: Officially repealed. However, I have been told that City Manager Glendening created a committee to make recommendations on the Church and its needs.

Recommendation: I am recommending the creation of a new Committee, a Historical Preservation Committee that will oversee the maintenance of all of our historic properties. I believe this new committee would be the best committee to review any issues with the Old Stone Church and to plan for its maintenance and repair.

PRIDE Committee

The Kansas PRIDE program is a volunteer, grassroots effort to improve the quality of life in local communities. The goal of PRIDE is to help maximize community and economic development efforts by encouraging all groups to coordinate and work collaboratively for community betterment.

We currently have a PRIDE committee, but our committee really operates more as a beautification and serves some of the roles of a Tree Board. I don't recommend any changes to a group of volunteers that want to push for beautification of our community and work hard at keeping our landscaping watered. Instead, I would recommend that we create a Tree Board that will help push for planting of trees in all areas of our community and helping to manage our tree stock.

COUNCIL ACTION NEEDED: The Council needs to provide feedback on these issues and I will draft the ordinances or resolutions necessary to implement the recommended changes.

STAFF RECOMMENDATION TO COUNCIL: Recommendations as proposed above. Propose the creation of an official Tree Board and a Historic Preservation Committee.

BOARDS, COMMISSIONS & COMMITTEES

December 1, 2012

MEMBER	PHONE		DATE OF APPOINTMENT		TERM EXP.	ADDRESS	EMAIL
	CELL	HOME	ORIGINAL	RE-APT.			
TOURISM COMMITTEE							
4th Thursday, 5:30 p.m., Memorial Hall							
4-year term, 10 members							
Charter Ordinance No. 7 (1997)							
Atwater	Grady		10/8/05	12/10/09	12/31/13	1737 Lockhart Lane	
Barker	Pam		12/14/06	12/9/10	12/31/14	1020 Brown Ave	
Case	Lewis		10/11/07	2/9/12	12/31/15	1009 Main Street	
King	Brian		2/9/12	---	12/31/15	161 15th Street	
Maimer	Ben		2/9/06	1/4/10	12/31/13	220 Main Street	
Miller	Cheryl		12/10/09		12/31/14	436 Parker Ave	
Packard	Julie		11/13/08	11/13/08	12/31/12	837 Main Street	
Perry	Amanda		12/10/09	2/9/12	12/31/15	110 Mill Street	
Wilson	Kimi		10/11/07	12/9/10	12/31/14	910 Brown Ave	
<i>vacant</i>					12/31/12		
Liaison:	Ted Hunter						
Ex Officio:	Mayor						
Outside Committees & Boards							
Osawatomie Chamber of Commerce			Mike Moon		4/12/12		
Miami County Economic Development			Don Cawby				
KMEA Board of Directors		Board Member #1	Don Cawby		3/31/13	Alternate	
		Board Member #2	Karen LaDuex		3/31/14	Alternate	
KMU							
MARC							
League of KS Municipalities		Representative #1	Don Cawby		10/13	Alternate	Mark Govea
		Representative #2	Tamara Maichel		10/13	Alternate	Mike Moon
Marais des Cygnes Basin Advisory Committee			Sherman Cole		6/30/13	Industry/Commerce (CC)	
						http://www.kwo.org/about_us/BACs/BAC_applications/MDC.pdf	
Marais des Cygnes River Water Assurance Board District No. 2							

BOARDS, COMMISSIONS & COMMITTEES

January 1, 2013

MEMBER	PHONE		DATE OF APPOINTMENT		TERM EXP.	ADDRESS	EMAIL
	CELL	HOME	ORIGINAL	RE-APT.			
PUBLIC HOUSING AUTHORITY							
as needed							
4-year term, 5 members							
Resolution No. 68 (1974)							
Maimer	Ben		6/9/11		12/31/12		
Mitzner	Jim		6/9/11		12/31/13		
Ratley	Larry		6/9/11		12/31/14		
Singer	Doug		6/9/11		12/31/15		
Walmann	Jeff		6/9/11		12/31/15		
Liaison:	Ted Hunter						
Ex Officio:	Mayor						
PUBLIC SAFETY ADVISORY BOARD							
1st Tuesday, 5:00 p.m., Memorial Hall - EXCEPT May - August							
Term - none							
Resolution - none							
<u>Ward I</u>							
Bastion	Edwina		10/10/02	xxxxxxx	xxxxxxx	100 Main Street	
<i>vacant</i>				xxxxxxx	xxxxxxx		
<u>Ward II</u>							
Mitzner	Jim		8/12/04	xxxxxxx	xxxxxxx	1516 Main Street	
Pinneo	Charles		9/12/96	xxxxxxx	xxxxxxx	1207 Parker Ave	
<u>Ward III</u>							
Cunningham	Rodney		10/10/02	xxxxxxx	xxxxxxx	1112 Chestnut Ave	
<i>vacant</i>				xxxxxxx	xxxxxxx		
<u>Liaison/Voting Member:</u>							
Hall			12/10/09	xxxxxxx	xxxxxxx		
Schasteen	Pat		2/12/04	xxxxxxx	xxxxxxx	400 Chestnut Ave	
<u>At Large</u>							
Maimer	Ben		10/10/02	xxxxxxx	xxxxxxx	220 Main Street	
Liaison:	Mike Moon						
Ex Officio:	Chief of Police, Mayor, USD 367 rep, OSH rep						

BOARDS, COMMISSIONS & COMMITTEES

January 1, 2013

MEMBER	PHONE		DATE OF APPOINTMENT		TERM EXP.	ADDRESS	EMAIL
	CELL	HOME	ORIGINAL	RE-APT.			
PLANNING COMMISSION							
<i>as requested</i> , Memorial Hall							
3-year term, 5 members (two full-term limit)							
K.S.A. 12-741 et seq., City Code 16-101							
Burgin			2/9/12	---	12/31/14	1301 Main Street	
Gorman **			12/9/10	---	12/31/13	1041 Main Street	
Henderson *			4/14/11	---	12/31/13	1705 Main Street	
Mitzner			2/9/12	---	12/31/14	1516 Main Street	
Packard			4/14/11	---	12/31/12	837 Main Street	
Liaison:	Tamara Michael						
Ex Officio:	City Manager, Building Official, Mayor						
BOARD OF ZONING APPEALS							
<i>as needed</i> , Memorial Hall							
K.S.A. 12-759 et seq., City Code 16-105							
Planning Commission members serve as the BZA							
* Chairperson							
** Vice-Chairperson							

BOARDS, COMMISSIONS & COMMITTEES

Dissolved, Inactive, Etc.

as of 9/8/2011

MEMBER	PHONE	DATE OF APPOINTMENT		TERM EXP.	ADDRESS	EMAIL
		ORIGINAL	RE-APT.			
FINANCE COMMITTEE						
		8/10/06	xxxxxxx	xxxxxxx	1536 Pacific Court	
LaDuex	Karen		xxxxxxx	xxxxxxx	1030 Pacific Ave	
Lewis	Gregg	3/28/06	xxxxxxx	xxxxxxx	1640 Oak Drive	
Moon	Mike	3/28/06	xxxxxxx	xxxxxxx	111 Rohrer	
Stephens	Norma		xxxxxxx	xxxxxxx	1215 Parker Ave	
Liaison:	Tamara Maichel					
Ex Officio:	City Manager					
NEIGHBORHOOD IMPROVEMENT ADVISORY COMMITTEE						
<u>Ward I</u>						
Walker	Doug				212 1st Street	
<u>Ward II</u>						
Roseberry	Tammy				1900 Parker Ave	
<u>Ward III</u>						
Cook	Marilyn				700 Parkview West	
<u>Ward IV</u>						
Jones	Katie				501 Pacific Ave	
Liasion:	Karen LaDuex					
Ex Officio:	Mayor					
OLD STONE CHURCH						
dissolved mmdyy						

BOARDS, COMMISSIONS & COMMITTEES

Dissolved, Inactive, Etc.

as of 9/8/2011

MEMBER	PHONE	DATE OF APPOINTMENT		TERM EXP.	ADDRESS	EMAIL
		ORIGINAL	RE-APT.			
FINANCE COMMITTEE						
			8/10/06	xxxxxxx	xxxxxxx	1536 Pacific Court
LaDuex	Karen			xxxxxxx	xxxxxxx	1030 Pacific Ave
Lewis	Gregg		3/28/06	xxxxxxx	xxxxxxx	1640 Oak Drive
Moon	Mike		3/28/06	xxxxxxx	xxxxxxx	111 Rohrer
Stephens	Norma			xxxxxxx	xxxxxxx	1215 Parker Ave
Liaison:	Tamara Maichel					
Ex Officio:	City Manager					
NEIGHBORHOOD IMPROVEMENT ADVISORY COMMITTEE						
<u>Ward I</u>						
Walker	Doug					212 1st Street
<u>Ward II</u>						
Roseberry	Tammy					1900 Parker Ave
<u>Ward III</u>						
Cook	Marilyn					700 Parkview West
<u>Ward IV</u>						
Jones	Katie					501 Pacific Ave
Liaison:	Karen LaDuex					
Ex Officio:	Mayor					
OLD STONE CHURCH						
dissolved mmdyy						

EPA Project Control Number

CERTIFICATION REGARDING LOBBYING

**CERTIFICATION FOR CONTRACTS, GRANTS,
LOANS AND COOPERATIVE AGREEMENTS**

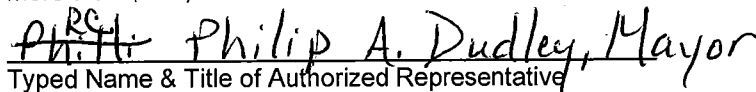
The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.


Typed Name & Title of Authorized Representative

Signature and Date of Authorized Representative



Waste Water Project Number
C20

United States Environmental Protection Agency
Washington, DC 20460

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

The prospective participant certifies to the best of its knowledge and belief that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

Philip A. Dudley, Mayor

Typed Name & Title of Authorized Representative

Signature of Authorized Representative

Date

I am unable to certify to the above statements. My explanation is attached.

EPA Form 5700-49 (11-88)

This form has been adopted for use as a Kansas Water Pollution Control Revolving Fund document

PART II
ASSURANCES

As authorized representative of

City of Osawatomie, Kansas

Name of Municipality

I certify that

City of Osawatomie, Kansas

Name of Municipality

agrees to comply with the laws, regulations, policies and conditions relating to the Kansas Water Pollution Control Revolving Loan Fund funding for this project. I also certify that

City of Osawatomie, Kansas

Name of Municipality

Administrative Requirements

1. Has the legal, institutional, managerial and financial capability to ensure adequate construction, and operation and maintenance (including replacement) of the wastewater treatment works, and has analyzed the local share of the costs of the proposed wastewater treatment facilities, including the financial impact on the residents of the service area.
2. Will give the State, and the Comptroller General of the United States through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the loan; and will maintain project accounts in accordance with or similar to generally accepted government accounting standards defined in the 1988 edition of the Government Accounting, Auditing, and Financial Reporting Manual issued by the Government Finance Office Association in accordance with K.A.R. 28-16-138.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or gives the appearance of personal or organizational conflict of interest.
4. Will ensure that the facilities under its ownership, lease or supervision used to accomplish the project are not listed on EPA=s list of Violating Facilities and will notify the State of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by EPA.
5. Has not violated any Federal, State, or local law pertaining to fraud, bribery, graft or collusion.

Programmatic Requirements

6. Will require the facility to be designed to comply with the AAmerican National Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped@, Number A117-1-196. Will obtain approval by the State of the final design drawings and specifications before the project is advertised for bidding. Will complete the project in accordance with the application, approved facility plan, and approved plans and specifications. Will submit to the State for approval any project changes. Will not enter into construction subagreements or other subagreements until it meets the applicable conditions of K.A.R. 28-16-131 regarding procurement.
7. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed work conforms with the approved plans and specifications per K.A.R. 28-16-55 and Water Quality Policy Memorandum No. 2-78 dated January 18, 1978 and will furnish progress reports and such other information as the State may require.

8. Will operate and maintain the publicly owned treatment works in accordance with the minimum standards as required by the state and local agencies for the maintenance and operation of such facilities; and in accordance with the National Pollutant Discharge Elimination System (NPDES) permit or the Kansas Water Pollution Control (KWPC) permit.

9. Will initiate procurement action for building all significant elements of the project and will diligently pursue completion of the project. Will assure the treatment works for which this application is requesting funds are made operational according to the project schedule within the Loan Agreement.

10. Will pay the applicant=s share of project costs and obtain the necessary non-State project funds.

Statutory Requirements

11. Will comply with the provisions of Executive Order 11988 relating to evaluation of potential effects of any actions in a floodplain and Executive Order 11990 relating to minimizing harm to wetlands.

12. Will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352).

13. Will comply, or have already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs (see 40 CFR Part 4). These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

14. Will comply with the Age Discrimination Act (P.L. 94-135) and the Rehabilitation Act of 1973 (P.L. 93-112).

15. Will assist the State to assure compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), Executive Order 11593, the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.), and the Historic Sites Act.

16. Will comply with Section 13 of the Federal Water Pollution Control Act of 1972 (P.L. 92-500), which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program under the Act.

17. Will comply with all applicable requirements of all other Federal laws, State laws, executive orders, policies and regulations governing this program.

CERTIFICATION

I certify that I am duly authorized representative of the within-named legal entity, and that I have read and understand these requirements and assurances.

City of Osawatomie, Kansas

Philip A. Dudley, Mayor

Name of Legal Entity

Name and Title of Duly Authorized Representative

Signature

Date

Note: A copy of your governing body=s authorization for you to sign this application as official representative must be on file in the applicant=s office. See page 3 of 3 of KWPCRF Application for Loan Assistance.

APPLICATION FOR SRF LOAN ASSISTANCE		New	Amendment		
Project Number	C20-	Application Type	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">x</td> <td></td> </tr> </table>	x	
x					
1. Legal Applicant / Recipient		2. Type of Applicant / Recipient			
Applicant Name	City of Osawatomie	A. City			
Organization Unit		B. County			
Street / PO Box	439 Main Street/PO Box 37	C. Other (Specify)			
City	Osawatomie	Enter Appropriate Letter	A		
County	Miami				
State / Zip code	Kansas 66064				
Contact Person Name	Don Cawby-City Manager				
Telephone Number	Work-913-755-2146 Cell-913-755-1944				
3. Title of applicants project		2012 WWTP Headworks Improvements - Phase I			
4. Type of Project		WasteWater Treatment Plant Improvement			
5. Employer Identification Number		48-6037846			
6. Area of project impact (Names of cities, counties, etc)		City of Osawatomie, KS			
7a. Congressional District / Applicant		2nd			
7b. Congressional District / Project		2nd			
8. Type of change (if Amendment to the Loan)		Increase dollars	\$ -		
		Decrease dollars	\$ -		
9. Proposed Funding					
SRF Loan 9a.	\$	813,200			
Applicant 9b.	\$	-	10. Project Start Date 05/09/13		
CDBG 9c.	\$	-	(Estimated)		
EPA 9d.	\$	-	11. Project Duration 9/1/2013		
EDA 9e.	\$	-	(Months)		
Other 9f.	\$	-	12. Date Submitted		
Total	\$	813,200	(To KDHE)		
13. Requested Loan Repayment Period (Must not be over 20 years)			2033		
14. The applicant certifies that: To the best of my knowledge and belief, data in this pre-application / application is true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is approved		This application was submitted for review in accordance with the KWPCRF Intergovernmental Review Process on: Date			
15.a. Certifying Representative (see Page 3 of 3)		15.b. Signature			
Name	Philip A. Dudley				
Title	Mayor				
Mail completed application to:		If you need assistance please contact:			
Kansas Department of Health and Environment		Brenda Diegel			
Bureau of Water / Attn: Rod Geisler		Administrative / Finance Section, Suite 420			
Municipal Programs Section, Suite 420		1000 SW Jackson Street			
1000 SW Jackson Street		Topeka, KS 66612-1367			
Topeka, KS 66612-1367		785-296-4262 or email bdiegel@kdheks.gov			

RESOLUTION NO. _____

RESOLUTION AUTHORIZING FILING OF APPLICATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR A LOAN UNDER THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND ACT (K.S.A. 1988 SUPP. 65-3321 THROUGH 65-3329).

WHEREAS, under the terms of the Kansas Water Pollution Control Revolving Fund Act (K.S.A. 1988 Supp. 65-3321 through 65-3329), the State of Kansas has authorized the making of the loans to authorized applicants to aid in the construction of specific public projects,

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

SECTION 1. That Philip A. Dudley, Mayor be and he is hereby authorized to execute and file an application on behalf of the City of Osawatome, Kansas with the Kansas Department of Health and Environment for a loan to aid in the construction of 2012 WasteWater Treatment Plant Headworks Improvements – Phase 1.

SECTION 2. That Donald R. Cawby, City Manager be and he is hereby authorized and directed to furnish such information as may be reasonable requested in connection with the application which is herein authorized, to sign all necessary documents on behalf of the applicant, to furnish such assurances as may be required by law or regulation, and to receive payment on behalf of the applicant.

PASSED AND ADOPTED by the Governing Body of the City of Osawatome, Kansas this 24th day of January, 2013, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Philip A. Dudley, Mayor

(SEAL)

ATTEST:

Ann Elmquist, City Clerk